

RICHLAND COUNTY

Rules & Resolutions Committee and Ethics Board

November 3, 2021

NOTICE OF MEETING

Please be advised that the Richland County Rules and Resolutions Committee and Ethics Board will convene at 10:00 a.m., Thursday, November 4th, 2021 in the County Board Room at 181 W. Seminary Street and via videoconference and teleconference using the following information:

WebEx Videoconference:

<https://richlandcounty.my.webex.com/richlandcounty.my/j.php?MTID=m555c2d640c3762fcf7c7e24b4674b172>

Meeting number: 2555 004 8794, Password: richland

WebEx Teleconference: WebEx teleconference phone number: 408-418-9388, Access code: 2555 004 8794##

If you have any trouble accessing the meeting, please contact MIS Director Barbara Scott at 608-649-5922 (phone) or barbara.scott@co.richland.wi.us (email), or Rules & Resolutions Committee Chair Shaun Murphy-Lopez at 608-462-3715 (phone/text) or shaun.murphy@co.richland.wi.us (email).

Agenda:

1. Call to order
2. Proof of notification
3. Agenda approval
4. Previous meeting minutes*
5. 75th Anniversary of Soltwedel's Store*
6. Native American Heritage Month*
7. Ethics ordinance*
8. Richland County Branding*
9. Strategic plan (chapters 1 and 2) *
10. Proposed changes to Committee on Committees*
11. Roles and responsibilities of the County Board Chair and Vice Chair*
12. Future agenda items
13. Adjournment

*Meeting materials for items marked with an asterisk may be found at <https://www.co.richland.wi.us/ethicsboardminutes.shtml>.

CC: Committee Members, County Board, Department Heads, Richland Observer, WRCO, Valley Sentinel, Courthouse Bulletin Board

A quorum may be present from other Committees, Boards, or Commissions. No committee, board or commission will exercise any responsibilities, authority or duties except for the Rule and Resolutions Committee and Ethics Board.

RULES AND RESOLUTIONS COMMITTEE AND ETHICS BOARD
October 7, 2021

The Rules and Resolutions Committee and Ethics Board met on Thursday, October 7th, 2021, in person and virtually at 10:02 a.m. in the County Board Room at the Richland County Courthouse.

Committee members present included: Kerry Severson, Donald Seep, Chad Cosgrove, Shaun Murphy-Lopez and Melissa Luck remotely.

Also present was: Jasen Glasbrenner remotely, Mike Windle, County Attorney and Clinton Langreck, County Administrator, Marty Brewer remotely with Cheryl Dull, County Administrator Assistant taking minutes.

1. **Call to Order** - Committee Chair Murphy-Lopez called the meeting to order at 10:01 am.
2. **Proof of Notification** - Chair Murphy-Lopez confirmed the meeting had been properly noticed.
3. **Agenda Approval** - Moved by Cosgrove to approve the agenda, seconded by Severson. All voting aye, motion carried.
4. **Previous Meeting Minutes** - Moved by Seep to approve the minutes for the September 1st meeting of the Rules and Resolutions Committee and Ethics Board, second by Severson. All voting aye, motion carried.
5. **Changes to the County Committee Structure Document and Rules of the Board** - Clint Langreck presented suggested changes as:
 - 1) Recommend a resolution to the County Board to replace existing Committee Structure Document language regarding Committee on committees (as presented/with amendments), and recommend resolution to the Richland County Board.
 - 2) Recommend resolution to the County Board to amend the Rule 6 of the County Board regarding committee on committee and filling vacant positions (as presented/ with amendments) and recommend resolution to the Richland County Board. (*See Attachment*)

Melissa Luck questioned if the changes to Rule 6 would remove being able to address lack of attendance to meetings. Clint stated he felt it was addressed in another article concerning removal from a committee. Shaun expressed concerns about getting applicants with removing posting in the paper. Moved by Shaun postpone action until the November meeting, seconded by Cosgrove. Motion carried.
6. **Changes to the County committee, boards, and commissions organization** - Clint Langreck reviewed the recommended changes. (*See Attachment*). Recommended to adopt the proposed restructuring of county committees, boards and commissions as depicted on the roster document (as presented, with amendments), and to make necessary changes to the committee structure document to reflect these changes, and to recommend resolution to the Richland County Board to adopt these changes effective with the beginning of the 2022-2024 County Board Session.

Clint Langreck reviewed recommended changes to Standing Committees (*See Attachment*), proposed Boards and Commissions. (*See Attachment*), Sub committees (*See Attachment*), Seated committees (*See Attachment*), Elected Bodies (*See Attachment*), Supervisor Interest Survey (*See Attachment*), Supervisor Interest Survey (*See Attachment*) and Supervisor Appointment Matrix (*See Attachment*).

Seep recommended that the Veterans Committee be left at 5 with 2 people being from the public and a Commission of 3 with 2 being from the committee.

Shaun Murphy-Lopez questioned who is appointing Vice Chair and Secretary due to problems getting minutes to the County Clerk as directed. Shaun also had concerns about the timeline of surveys that will be sent to the supervisors.

Kerry Severson recommends eliminating the secretary and make a chair pro tempore structure.

Chad Cosgrove concurred on the secretary issue. He requested clarification of appointments to board or commissions by state statutes on who does appointments.

Clint explained the difference between the different surrounding counties.

Attorney Mike Windle interpretation of the State Statutes is the same and will review the ordinance for language when it is prepared. He added, statutorily the administrator already has the authority to do appointments.

Severson, Murphy-Lopez and Seep recommended that request to be committee chair be submitted with a resume' or be asked to speak to the board about their experience, interests and abilities they bring to the job. Luck agreed with this.

Severson asked the history of this change and why are we at this position. Clint explained his concern on upcoming budgets and changes in the timing of committee creation.

Murphy-Lopez recommends a presentation to county board prior to any changes.

Moved by Murphy-Lopez to present this recommendation to County Board for review, 2nd by Seep with discussion. Severson recommending the administrator send out an email to all county board members to review the documents prior to the County Board meeting.

Motion to amend by Severson to only be a discussion item on the County Board agenda, seconded by Seep to amend the motion. All voting yah. Amended motion carries.

Moved by Shaun Murphy-Lopez postpone action until the November meeting, seconded by Chad Cosgrove. Motion carried.

7. **Discussion and possible action regarding a county flag** - Continued discussion and possible action regarding the development of a flag for Richland County. Shaun Murphy-Lopez is recommending we accept and file the research. Derek Kalish had contacted Vic Vlasak and found it lead back to Sandra Kramer. Sandra reached out to Derek & Clint with the history of the flag in great detail. Shaun contacted Fred Clary for more history but didn't acquire any more information than what was provided. Shaun contacted surrounding communities to see what they have if anything for a flag. Lone Rock and Viola have designed welcome signs. Shaun was able to obtain 3 case studies that have been provided to Clint and MIS which are now uploaded to the website. Shaun continued to explain in detail how other communities have done it. Jasen Glasbrenner shared Power Point slides on what he has been working on for the City of Richland Center, presenting logos from surrounding Counties and how it carries across departments for continuity. Moved by Seep to receive and file the report concerning the county flag, seconded by Severson. All voting aye, motion carried.
8. **Discussion and possible action regarding the Ethics Ordinance** - Continued discussion and possible action regarding amendments to the Richland County Ethics Ordinance. Shaun Murphy-Lopez did an overview of what he discovered in his research of the Ethics Ordinance, State Statutes and reviewing other counties ordinances. (*See Attachment*) Shaun felt the Counties Ethics Ordinance is very out of dated and public officials can and maybe should be included in the Ethics Ordinance. Informational only, not action taken.
9. **Future Agenda Items** - Don Seep – County's Bonding and who is covered. Melissa Luck – Have WCCA Andrew Phillips either speak to us or she could present and do an overview of information she received. Chad Cosgrove – none. Kerry Severson – Use of a County vehicle for personal purposes.
10. **Adjournment** - Next meeting will be November, 4th 2021 at 10:00 am. Moved by Seep to adjourn at 12:03 pm, seconded by Cosgrove. All voting aye, motion carried.

Minutes respectfully submitted by

Cheryl Dull

Assistant to the County Administrator

Richland County Rules and Resolutions Committee & Ethics Board

Agenda Item Cover

Agenda Item Name: 75th Anniversary of Soltwedel's Store

Department	County Board	Presented By:	Shaun Murphy-Lopez
Date of Meeting:	11/4/21	Action Needed:	Resolution
Disclosure:	Open Session	Authority:	Committee Structure, Section D
Date submitted:	11/3/21	Referred by:	None

Recommendation and/or action language:

Recommend a motion, to present a resolution to the County Board celebrating the 75th anniversary of Soltwedel's Store in Cazenovia.

Background:

Soltwedel's Store in Cazenovia recently celebrated their 75th anniversary of business. The following resolution is included for the committee's consideration.

RESOLUTION NO. 21 - _____

A Resolution Celebrating the 75th Anniversary of Soltwedel's Store.

WHEREAS a community celebration was held in Cazenovia on October 16th to honor the 75th anniversary of Soltwedel's Store in 1946, and

WHEREAS a large number of people gathered to honor this milestone, with live music by the Cazenovia German Band, and

WHEREAS John Soltwedel has been operating the general store since 1988, and

WHEREAS John's parents Paul and Irene owned and operated the store between 1946 and 1988, with help from John and his siblings, and

WHEREAS Soltwedel's Store provides the Cazenovia area with groceries and other retail goods, and

WHEREAS Soltwedel's Store is a throwback to the booming era of Richland County's small villages, and

WHEREAS small businesses like Soltwedel's provide sales and property tax revenue to fund local police protection, road maintenance, social safety net programs, and schools.

NOW THEREFORE BE IT RESOLVED the County Board expresses its appreciation to Mr. Soltwedel and his family for their dedication to the people of Cazenovia and Richland County, and

BE IT FURTHER RESOLVED the County Board encourages residents and visitors to continue to support businesses like Soltwedel's Store, and

BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this Resolution to Mr. Soltwedel, and

Richland County Rules and Resolutions Committee & Ethics Board

Agenda Item Cover

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its passage and publication.

Attachments and References:

Financial Review:

(please check one)

<input type="checkbox"/>	In adopted budget	Fund Number	
<input type="checkbox"/>	Apportionment needed	Requested Fund Number	
<input type="checkbox"/>	Other funding Source		
<input checked="" type="checkbox"/>	No financial impact		

Approval:

Review:

Department Head

Administrator, or Elected Office (if applicable)

Richland County Rules and Resolutions Committee & Ethics Board

Agenda Item Cover

Agenda Item Name: Native American Heritage Month

Department	n/a (County Board)	Presented By:	Shaun Murphy-Lopez
Date of Meeting:	11/4/21	Action Needed:	Resolution
Disclosure:	Open Session	Authority:	Committee Structure, Section D
Date submitted:	11/3/21	Referred by:	None

Recommendation and/or action language:

Recommend a motion, to present a resolution to the County Board celebrating Native American Heritage Month.

Background:

Attached are two documents. Attachment A comes from the Ho-Chunk Nation, illustrating where tribal members live across the state, as well as legislative districts for their government. Attachment B is guide to Wisconsin's First Nations, showing the state's tribes and their current lands.

Regarding Native American Heritage Month, the following comes from the website <https://nativeamericanheritagemonth.gov/about/>:

What started at the turn of the century as an effort to gain a day of recognition for the significant contributions the first Americans made to the establishment and growth of the U.S., has resulted in a whole month being designated for that purpose.

One of the very proponents of an American Indian Day was Dr. Arthur C. Parker, a Seneca Indian, who was the director of the Museum of Arts and Science in Rochester, N.Y. He persuaded the Boy Scouts of America to set aside a day for the "First Americans" and for three years they adopted such a day. In 1915, the annual Congress of the American Indian Association meeting in Lawrence, Kans., formally approved a plan concerning American Indian Day. It directed its president, Rev. Sherman Coolidge, an Arapahoe, to call upon the country to observe such a day. Coolidge issued a proclamation on Sept. 28, 1915, which declared the second Saturday of each May as an American Indian Day and contained the first formal appeal for recognition of Indians as citizens.

The year before this proclamation was issued, Red Fox James, a Blackfoot Indian, rode horseback from state to state seeking approval for a day to honor Indians. On December 14, 1915, he presented the endorsements of 24 state governments at the White House. There is no record, however, of such a national day being proclaimed.

The first American Indian Day in a state was declared on the second Saturday in May 1916 by the governor of New York. Several states celebrate the fourth Friday in September. In Illinois, for example, legislators enacted such a day in 1919. Presently, several states have designated Columbus Day as Native American Day, but it continues to be a day we observe without any recognition as a national legal holiday.

In 1990 President George H. W. Bush approved a joint resolution designating November 1990 "National American Indian Heritage Month." Similar proclamations, under variants on the name (including "Native American Heritage Month" and "National American Indian and Alaska Native Heritage Month") have been issued each year since 1994.

Richland County Rules and Resolutions Committee & Ethics Board

Agenda Item Cover

A Resolution Celebrating Native American Heritage Month

WHEREAS Native American Heritage Month has been celebrated across the country since the 1990, when President George H.W. Bush signed a joint resolution recognizing November as National American Indian Heritage Month, and

WHEREAS people of Native descent make up 1.2% of Richland County's residents, with 211 out of 17,304 residents identifying as Native in the 2020 Census, and

WHEREAS people of Native descent are critical to the economy, culture, and history of Richland County, and,

WHEREAS the most well-known Native site in Richland County is Sacred Hills (Xee Waka Cak), also known as Frank's Hill, which are burial mounds including representations of local wildlife.

NOW THEREFORE BE IT RESOLVED by the Richland County Board of Supervisors that the County Board hereby celebrates Native American Heritage Month, and

BE IT FURTHER RESOLVED that the County Board encourages residents to learn about and embrace the historical and cultural contributions of Native Americans in Richland County, and

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its passage and publication.

Attachments and References:

Attachment A: Ho-Chunk Population Map
Attachment B: Wisconsin First Nations Map

Financial Review:

(please check one)

<input type="checkbox"/>	In adopted budget	Fund Number	
<input type="checkbox"/>	Apportionment needed	Requested Fund Number	
<input type="checkbox"/>	Other funding Source		
<input checked="" type="checkbox"/>	No financial impact		

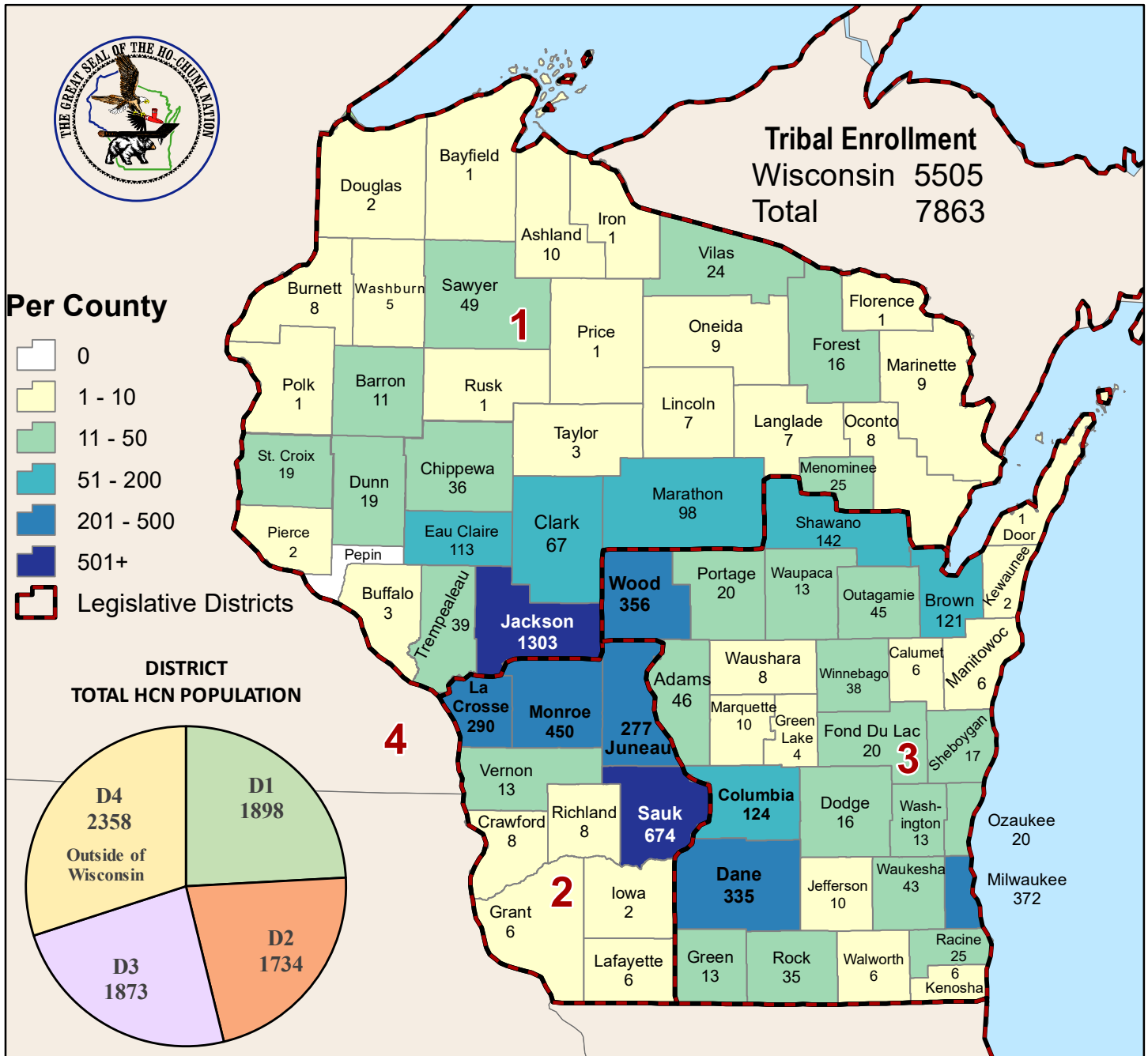
Approval:

Review:

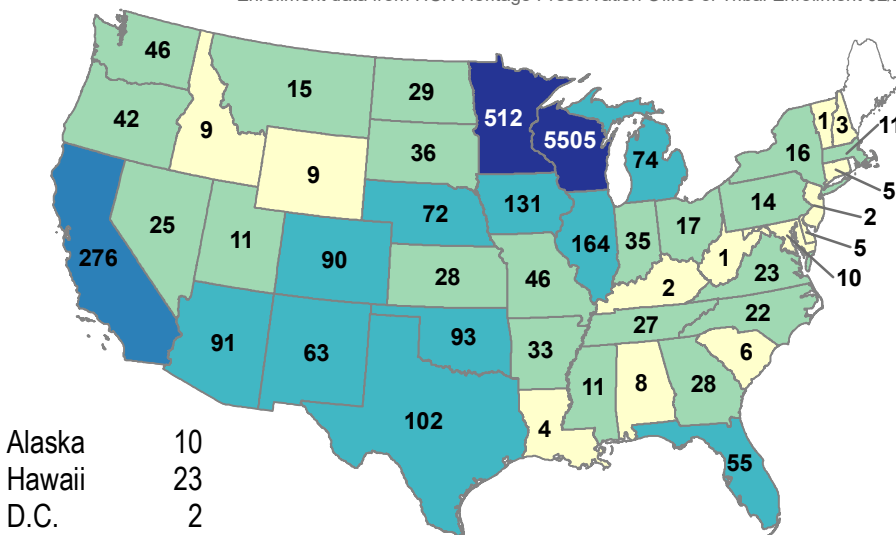
Department Head

Administrator, or Elected Office (if applicable)

Ho-Chunk Nation Enrollment, February 2020



Enrollment data from HCN Heritage Preservation Office of Tribal Enrollment 02/20.



Alaska 10
 Hawaii 23
 D.C. 2
 International 20

HCN GIS 3/5/2020 SCN

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 Enrollment\01_EnrollmentMaps_bydate\2020\February

President
Marlon WhiteEagle

District	Legislators
1	Karena Thundercloud (V.P.) George Stacy Hinu Helgesen Smith (Secretary)
2	Conroy Greendeer Jr. Kristin White Eagle Stephanie Begay
3	Sarah Lemieux Lawrence Walker Jr. Darren Brinegar
4	Kathleen Lone Tree-Whiterabbit Paul Fox Robert TwoBears Matthew Mullen

WISCONSIN FIRST NATIONS

American Indian Studies in Wisconsin



BAD RIVER BAND OF LAKE SUPERIOR CHIPPEWA

- population within state: 6,945
 - population on tribal lands: 932
 - reservation size: 124,655 acres
 - seat of government: Odanah
- In 2003, they bought back almost 24,000 acres of their original reservation. The tribe did so to preserve the land and protect it from being developed.



BROTHERTOWN NATION

- population within state: 1,200
 - population on tribal lands: not applicable
 - reservation size: landless
 - seat of government: Fond du Lac
- The Eeyamquittowauconneck is the only First Nation of Wisconsin without federal or state recognition. The seven feathers on their flag represent the six tribes from seven communities who banded together to become the Brothertown.



FOREST COUNTY POTAWATOMI

- population within state: 1,400
 - population on tribal lands: 584
 - trust lands size: 12,000 acres
 - seat of government: Stone Lake
- This tribe calls themselves "Keepers of the Fire." The Potawatomi care for the environment; they were the first American Indian nation to use wind power to create all of their nation's electricity.



HO-CHUNK NATION

- population within state: 6,563
 - population on tribal lands: 1,411
 - trust lands size: 8,863 acres
 - seat of government: Black River Falls
- This nation calls itself Hochungra, which means "People of the Big Voice." To help protect their language, the nation created a special program in 2006 to teach others how to speak Ho-Chunk.



LAC COURTE OREILLES BAND OF LAKE SUPERIOR CHIPPEWA

- population within state: 7,275
 - population on tribal lands: 2,247
 - reservation size: 76,465 acres
 - seat of government: Hayward
- The band lived in a settlement called Pahquahwong. The French called the settlement Lac Courte Oreilles, or "Lake of Short Ears," as their ears were not stretched like other Ojibwe who wore heavy earrings.



LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA

- population within state: 3,415
 - population on tribal lands: 1,761
 - reservation size: 86,600 acres
 - seat of government: Lac du Flambeau
- This Ojibwe nation is known for spearing fish at night by the light of birchbark torches. French fur traders who watched this ritual called the village Lac du Flambeau, or "Lake of the Torches."



MENOMINEE INDIAN TRIBE OF WISCONSIN

- population within state: 8,720
 - population on tribal lands: 3,401
 - reservation size: 235,524 acres
 - seat of government: Keshena
- The forest is very important to the Menominee. They work hard to preserve it. The Menominee Forest can be seen from space.



ONEIDA NATION

- population within state: 12,101
 - population on tribal lands: 4,473
 - reservation size: 65,400 acres
 - seat of government: Oneida
- The Oneida Tribal School was built in the shape of a turtle representing Sky Woman and the Oneida creation story. In the story, Sky Woman placed dirt on a turtle's back and things began to grow, creating Earth.



RED CLIFF BAND OF LAKE SUPERIOR CHIPPEWA

- population within state: 5,312
 - population on tribal lands: 4,473
 - reservation size: 14,541 acres
 - seat of government: Red Cliff
- In 2012, the band created Frog Bay Tribal National Park, the first tribal national park in the U.S. This park is a 90-acre forest along the Lake Superior shoreline.



SOKAOGON CHIPPEWA COMMUNITY (MOLE LAKE BAND)

- population within state: 1,026
 - population on tribal lands: 452
 - reservation size: 5,356 acres
 - seat of government: Mole Lake
- The nation was known as the "Lost Band" when the maps showing where their reservation would be were lost in the mid-1800s. Land was finally purchased for the tribe's reservation in 1934.



ST. CROIX CHIPPEWA INDIANS OF WISCONSIN

- population within state: 825
 - population on tribal lands: 591
 - reservation size: 4,689 acres
 - seat of government: Webster
- The band moved south from Madeline Island and discovered that the St. Croix River area offered many valuable resources like wild rice. During the 1700s, they started making this area their home.



STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICAN INDIANS

- population within state: 1,126
 - population on tribal lands: 438
 - reservation size: 24,773 acres
 - seat of government: Bowler
- The "Many Trails" graphic in the seal's center signifies the tribe's many moves west to Wisconsin that left numerous trails to retrace for the band's history. It symbolizes endurance, strength, and hope.

Sources: Wisconsin State Tribal Relations Initiative. *Tribes of Wisconsin Reference Book*. Retrieved April 2018, from wtribes.wi.gov and Loew, Patty. (2015). *Native People of Wisconsin*. Madison, Wis.: Wisconsin Historical Society Press.

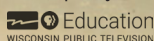


WISCONSINFIRSTNATIONS.ORG



WISCONSIN DEPARTMENT OF
PUBLIC INSTRUCTION

developed by



School of Education
UNIVERSITY OF WISCONSIN-MADISON

CURRENT RESERVATIONS AND TRIBAL LANDS

LAKE
SUPERIOR

MICHIGAN

MINNESOTA

LAKE MICHIGAN

ILLINOIS

LEGEND

- Tribal Lands and Communities
- Tribal Seat of Government
- State Capital
- City Name
- COUNTY

0 40
Miles

Created in partnership with the
University of Wisconsin Cartography Lab, 2018.

IOWA

Red Cliff Ojibwe Reservation
Red Cliff
Washburn
Bayfield
Ashland
Hurley
Odanah
Bad River Ojibwe Reservation
Bad River Ojibwe Reservation

Hayward
Webster
Siren
Shell Lake
St. Croix Ojibwe Reservations
Lac Courte Oreilles Ojibwe Reservation

Lac du Flambeau Ojibwe Reservation
Lac du Flambeau
Eagle River
Mole Lake Ojibwe Reservation
Mole Lake

Forest County Potawatomi Trust Lands
Stone Lake

Menominee Reservation
Menominee
Keshena

Stockbridge-Munsee Reservation
Bowler

Ojibwa Reservation
Ojibwa
Appleton

Ho-Chunk Trust Lands
Neillsville

Black River Falls
Black River Falls

Fond du Lac
Fond du Lac

Forest County Potawatomi Trust Lands
Forest County Potawatomi Trust Lands

Forest County Potawatomi Trust Lands
Forest County Potawatomi Trust Lands



find this and other resources at
WISCONSINFIRSTNATIONS.ORG

Richland County Rules and Resolutions Committee & Ethics Board

Agenda Item Cover

Agenda Item Name: Discussion and possible action regarding the ethics ordinance

Department	County Board	Presented By:	Shaun Murphy-Lopez
Date of Meeting:	11/4/21	Action Needed:	Motion
Disclosure:	Open Session	Authority:	Committee Structure, Letter G
Date submitted:	11/3/21	Referred by:	n/a

Recommendation and/or action language: Motion to direct Corporation Counsel to incorporate the following changes to an amendment of Ordinance No. 06-28 (as amended in Ordinance No. 07-7 and 10-8). The motion may include:

1. Proper reference to state statute 19.59 (1) which sets forth the minimum code of ethics for public officials.
2. The addition of public officials, including county board supervisors, constitutional officers, and the county administrator, as defined in Wisconsin State Statute 19.42 (7w) and allowed in Statute 19.59 (1m).
3. The addition of members of the immediate family of positions, as defined in Statute 19.42 (7) and allowed in Statute 19.59 (2).
4. The addition of candidates for public office, as defined in Statute 19.42 (3s) and allowed in Statute 19.59 (2).
5. A requirement that public officials, county employees, and/or candidates for public office be required to file a statement of economic interests, as defined in Statute 19.44 and allowed in Statute 19.59 (3)(a).
6. A provision directing the county clerk to omit the name of any candidate from an election ballot who fails to disclose their economic interests, as allowed in Statute 19.59 (3)(b).
7. A provision directing the county treasurer to withhold the payment of salaries or expenses from any public official or employee of the county who fails to disclose their economic interests, as allowed in Statute 19.59 (3)(c).
8. Changing the definition of a substantial gift from \$100 to a different amount.
9. That a violation of the ordinance does not require the removal of public officials or employees from their position.

Background:

At the May and September meetings, the Rules and Resolutions Committee & Ethics Board reviewed the County's current ethics ordinance (see Attachment A) and guidance from the Wisconsin Counties Association on ethics, as well as ethics ordinances from three neighboring counties (Crawford, Iowa, and Sauk). Administrator Langreck suggested that the committee generate a list of favored changes to the ethics ordinance, before asking Corporation Counsel to draft an amendment and review applicable state statutes.

This section corresponds to the numbers set forth in the section above. Relevant Wisconsin state statutes from Chapter 19 are included as Attachment B.

1. Wisconsin Statute 19.59 (1) addresses the code of ethics for local government officials, employees, and candidates. Specifically, 19.59 says:

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- a. “No local public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated.”
- b. “No person may offer or give to a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the local public official’s vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the local public official.”
- c. “Except as otherwise provided in par. (d), no local public official may:
 - i. Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.
 - ii. Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official’s immediate family either separately or together, or an organization with which the official is associated.”
- d. “Paragraph (c) does not prohibit a local public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a local public official from taking official action with respect to any proposal to modify a county or municipal ordinance.”

Richland County’s Ethics Ordinance already includes a reference to Statute 19.59, but does not specifically reference section (1).

2. Statute 19.59 (1m) allows a county to enact an ethics ordinance, and it also allows this ordinance to apply not only to employees but also to public officials. Public officials are defined in Statute 19.42 (7w) to include “an elective office of a local governmental unit . . . a county administrator . . . and an appointive office or position of a local governmental unit in which an individual serves for a specified term . . .”
3. Statute 19.59 (1m) allows the ordinance to apply to “members of the immediate family of individuals who hold positions . . .” Immediate family is defined in Statute 19.42 (7) as “(a) An individual’s spouse; and (b) An individual’s relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.”
4. Statute 19.59 (1m) allows the ordinance to apply to “. . . candidates for positions to which the ordinance applies.” Candidates are defined in Statute 19.42 (3s) as “any individual who files nomination papers and a declaration of candidacy under s. 8.21 or who is nominated at a caucus under s. 8.05 (1) for the purpose of appearing on the ballot for election as a local public official or any individual who is nominated for the purpose of appearing on the ballot for election as a local public official through the write-in process or by appointment to fill a vacancy in nomination and who files a declaration of candidacy under s. 8.21.”

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5. Statute 19.59 (3)(a) allows the ordinance to include, “a requirement for local public officials, other employees of the county or municipality and candidates for local public office to identify any of the economic interests specified in s. 19.44.” Statute 19.44 includes employers, investments, real estate, commercial clients, and creditors.
6. Statute 19.59 (3)(b) allows the ordinance to include “A provision directing the county or municipal clerk or board of election commissioners to omit the name of any candidate from an election ballot who fails to disclose his or her economic interests in accordance with the requirements of the ordinance.”
7. Statute 19.59 (3)(c) allows the ordinance to include “A provision directing the county or municipal treasurer to withhold the payment of salaries or expenses from any local public official or other employee of the county or municipality who fails to disclose his or her economic interests in accordance with the requirements of the ordinance.”
8. Richland County’s current ordinance defines a substantial gift as “any item, items, or service which have an estimated market value of \$100 or more.” The Wisconsin County Official’s Handbook (see Attachment C) says that the Wisconsin Elections Commission has interpreted parallel Statute 19.45 (3), saying that “It would be unreasonable to expect a gift of not more than \$25 to influence an individual’s judgment.”
9. One concern brought to the committee’s attention at the last meeting was a possible conflict between any amendments to the County’s current ethics ordinance and Statute 17.09, which addresses the removal of elective county officers (i.e. clerk, treasurer, surveyor, and supervisor). An attorney general opinion summary states, “Removal is governed by s. 17.16 and contemplates a determination of cause by the board. An ordinance making a violation *ipso facto* cause for removal impermissibly circumvents that procedure.”

The County’s ethics ordinance currently appears to be in compliance with this opinion. Statute 19.59 (3)(f) allows for, “A provision prescribing a forfeiture for violation of the ordinance in an amount not exceeding \$1,000 for each offense. A minimum forfeiture not exceeding \$100 for each offense may also be prescribed.” While Statute 19.59 does not directly address removals, Statute 19.59 (4) says, “This section may not be construed to limit the authority of a county, city, village or town to regulate the conduct of its officials and employees to the extent that it has authority to regulate that conduct under the constitution or other laws.”

Attachment D includes ethics ordinances for Crawford, Iowa, and Sauk Counties. These ordinances may be reviewed by the committee to determine favored components to include in an amendment to Richland County’s ethics ordinance.

Attachments and References:

Attachment A: Richland County Ethics Ordinance	Attachment B: Wisconsin Statutes Chapter 19
Attachment C: Wisconsin Counties Association Handbook	Attachment D: Crawford, Iowa, Sauk County Ethics Ordinances

Richland County Rules and Resolutions Committee & Ethics Board

Agenda Item Cover

Financial Review:

(please check one)

<input type="checkbox"/>	In adopted budget	Fund Number	
<input type="checkbox"/>	Apportionment needed	Requested Fund Number	
<input type="checkbox"/>	Other funding Source		
<input checked="" type="checkbox"/>	No financial impact		

Approval:

Review:

Department Head

Administrator, or Elected Office (if applicable)

ORDINANCE NO. 06-28

An Ordinance Establishing A Code Of Ethics For County Employees And Creating An Ethics Board.

The Richland County Board of Supervisors does ordain as follows:

1. The authority for this Ordinance is Wisconsin Statutes, sections 19.59 (1m) through (6).
2. As used in this Ordinance, "County employee" means any County employee, unionized or non-unionized, who works either full-time for the County, one-half time for the County or who is eligible for the State of Wisconsin's retirement program and who is also eligible to participate in the County's group health insurance program, excluding the following positions which are subject to the ethics regulations set forth in Wisconsin Statutes, sections 19.59 (a) through (d):
 - (a) County Board Supervisors;
 - (b) All other elected County officials;
 - (c) The County Highway Commissioner;
 - (d) The Corporation Counsel.
3. No County employee shall:
 - (a) Use or attempt to use his or her position to secure any preferential or unlawful rights or advantages for himself or herself or others.
 - (b) Have a financial or other personal interest which is in conflict with the proper discharge of his or her duties.
 - (c) Disclose or use confidential information concerning Richland County to promote a private financial interest.
 - (d) Accept any substantial gift, in any form, from a person who has business dealings with Richland County.
4. The section of the Committee Structure Resolution under the heading "ETHICS COMMITTEE" is amended to read as follows:

"ETHICS BOARD"

 - A. 5 members
 - B. Members shall be County Board Supervisors nominated by the Committee on Committees and appointed by the County Board Chair subject to approval by the County Board.
 - C. Duties and procedures are as set forth in An Ordinance Establishing A Code of Ethics For County Employees And Creating An Ethics Board which was adopted by the County Board at its October 31, 2006 session.
5. The Ethics Board shall have the following powers and duties:
 - (a) Receive, review and investigate complaints regarding alleged violations of this Ordinance. The Board may conduct hearings.
 - (b) Decide, after hearing, whether the Ordinance has been violated and determine the penalty for the violation or violations.
 - (c) Issue advisory opinions, with the assistance of the Corporation Counsel. The identity of the requestor for an advisory opinion shall not be made public without the consent of the requestor nor shall an advisory opinion be made public without the consent of the requestor. However, a summary of an advisory opinion which does not disclose the identity of the individuals involved in the opinion may be made public.
6. Penalties for violations of this Ordinance, which shall be determined by the Ethics Board, include:
 - (a) Withholding of the payment of salary or expenses from the violator, and/or
 - (b) A forfeiture of not less than \$100.00 or more than \$1,000.00 for each violation of the Ordinance, plus Court costs.
7. Violations of this Ordinance shall be prosecuted by the Corporation Counsel at the direction of the Ethics Board.
8. The following procedures are hereby established for the operation of the Ethics Board:
 - (a) All complaints of the ethics violations must be in writing and must contain the following information:
 - i. The name of the alleged offender;
 - ii. The approximate date of the alleged offense, if applicable;
 - iii. The nature of the alleged offense;
 - iv. Any supporting facts known to the complaining party;
 - v. The date on which the complaint is being submitted.

- (b) While persons filing complaints of ethics violations are encouraged to identify themselves in the complaint, anonymous complaints will be accepted.
 - (c) Complaints shall be filed with or mailed to the County Clerk, who shall send copies of the complaint to the Ethics Board within 5 days of receiving the complaint.
 - (d) The County Clerk shall make copies of the County's ethics complaint form available to all Department heads; the County Clerk shall distribute a copy of the form as well as a copy of this Ordinance and a copy of the Handbook Personnel Policies to each new County employee whose position is covered by the Handbook, as well as to any other County employee who requests a copy of the ethics complaint form.
 - (e) The County's ethics complaint form is only suggested and ethics complaints which comply with this Ordinance but which are not on the form shall still be considered by the Ethics Board.
 - (f) After a complaint has been received by the Ethics Board, the Board shall:
 - i. Hold its first meeting on the complaint not later than 30 days from its receipt of the complaint; this first meeting shall be a closed session with the Corporation Counsel; the Board shall then decide whether to investigate the complaint further or drop the matter;
 - ii. If the Board decides to investigate the complaint further, it shall hear from the alleged violator; this hearing shall be in compliance with the requirements of the Open Meetings Law.
 - iii. If, after having investigated the matter and having heard from the alleged violator, the Ethics Board shall decide if this Ordinance has been violated and the appropriate penalty to assess against the violator or violators. The matter shall then be referred to the Corporation Counsel for prosecution, if necessary. In appropriate cases, the Board shall report possible violations of the criminal law to the District Attorney.
 - (g) Nothing in these procedures shall prevent the Ethics Board from investigating a possible violation of this Ordinance by a motion made by a member of the Board and adopted by the Ethics Board.
9. Resolution No. 82-105, which was adopted by the County Board on December 14, 1982 and Resolution No. 88-70, which was adopted by the County Board on September 27, 1988, are hereby repealed.
10. This Ordinance shall be in full force and effect immediately upon its passage and publication.

Dated: October 31, 2006
Passed: October 31, 2006
Published: November 16, 2006

ORDINANCE OFFERED BY THE RULES AND
RESOLUTIONS COMMITTEE

Ann M. Greenheck, Chairman
Richland County Board of Supervisors

ATTEST:
Victor V. Vlasak
Richland County Clerk

	FOR	AGAINST
Fred Clary	X	
Daniel J. Carroll	X	
Larry D. Wyman	X	
Glenn L. Ferguson	X	
Warren C. Pfeil	X	

ORDINANCE NO. 07-7

An Ordinance Amending The County's Code Of Ethics Ordinance.

The Richland County Board of Supervisors does hereby ordain as follows:

1. Ordinance No. 2006-28, which was adopted by the County Board on October 31, 2006 and which is entitled An Ordinance Establishing A Code Of Ethics For County Employees And Creating An Ethics Board, is hereby amended as follows:
2. New section 3 is created as follows:
3. As used in this Ordinance, "any substantial gift" means any item, items or service which have an estimated market value of \$100 or more."
3. Paragraphs (a) and (b) of section 8 are amended by adding the following underlined words and deleting the following crossed-out words:
8. The following procedures are hereby established for the operation of the Ethics Board:
 - (a) All complaints of the ethics violations must be in writing and must contain the following information:
 - i. The name of the alleged offender;
 - ii. The approximate date of the alleged offense, if applicable;
 - iii. the nature of the alleged offense;
 - iv. Any supporting facts known to the complaining party;
 - v. The date on which the complaint is being submitted.
 - vi. The name of the person filing the complaint.

~~(b)--While persons filing complaints of ethics violations are encouraged to identify themselves in the complaint, anonymous complaints will be accepted.~~

- 4. Paragraphs (c) through (g) of section 8 are relettered as (b) through (f).
- 5. Sections 3 through 10 are hereby renumbered 4 through 11.
- 6. This Ordinance shall be effective immediately upon its passage and publication.

Dated: March 20, 2007	ORDINANCE OFFERED BY THE ETHICS BOARD	
Passed: March 20, 2007		
Published: March 29, 2007		FOR AGAINST
Ann M. Greenheck, Chairman	David J. Daughenbaugh	X
Richland County Board of Superviors	Bette M. Cook	X
	Warren C. Pfeil	X
ATTEST:	Jeanetta Kirkpatrick	X
Victor V. Vlasak	Daniel J. Carroll	X
Richland County Clerk		

ORDINANCE NO. 10-8

An Ordinance Amending Ordinance No. 06-28 Relating To Establishing A Code Of Ethics For County Employees.

The Richland County Board of Supervisors does hereby ordain as follows:

- 1. Ordinance No. 06-28 which was adopted by the Richland County Board of Supervisors on October 31, 2006 and which is entitled "An Ordinance Establishing A Code Of Ethics For County Employees And Creating An Ethics Board", as amended to date, is hereby further amended as follows:

"Rules and Resolutions Committee And Ethics Board" is substituted for "Ethics Board" and "Ethics Committee" throughout the Ordinance, except the title to the Ordinance shall remain the same.

- 2. BE IT FURTHER ORDAINED that this Ordinance shall be effective immediately upon its passage and publication.

Dated: June 15, 2010	ORDINANCE OFFERED BY THE RULES AND	
Passed: June 15, 2010	RESOLUTIONS COMMITTEE AND ETHICS BOARD	
Published: June 24, 2010		FOR AGAINST
Ann M. Greenheck, Chairman	Larry D. Wyman	X
Richland County Board of Supervisors	Betty M. Cook	X
	Warren C. Pfeil	X
ATTEST:	Lawrence Sowle	X
Victor V. Vlasak		
Richland County Clerk		

CHAPTER 19

GENERAL DUTIES OF PUBLIC OFFICIALS

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- 19.02 Actions by individuals.
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- 19.04 Other actions on same bond.
- 19.05 Execution; lien of judgment.
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- 19.69 Computer matching.
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- 19.83 Meetings of governmental bodies.
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- 19.851 Closed sessions by ethics or elections commission.
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- 19.87 Legislative meetings.
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- 19.97 Enforcement.
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SUBCHAPTER I

OFFICIAL OATHS AND BONDS

19.01 Oaths and bonds. (1) FORM OF OATH. Every official oath required by [article IV, section 28](#), of the constitution or by any statute shall be in writing, subscribed and sworn to and except as provided otherwise by s. [757.02](#) and [SCR 40.15](#), shall be in substantially the following form:

STATE OF WISCONSIN,

County of

I, the undersigned, who have been elected (or appointed) to the office of, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So help me God.

....

Subscribed and sworn to before me this day of, (year)

....(Signature)....

(1m) FORM OF ORAL OATH. If it is desired to administer the official oath orally in addition to the written oath prescribed above, it shall be in substantially the following form:

I,, swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and

will faithfully and impartially discharge the duties of the office of to the best of my ability. So help me God.

(2) FORM OF BOND. (a) Every official bond required of any public officer shall be in substantially the following form:

We, the undersigned, jointly and severally, undertake and agree that, who has been elected (or appointed) to the office of, will faithfully discharge the duties of the office according to law, and will pay to the parties entitled to receive the same, such damages, not exceeding in the aggregate dollars, as may be suffered by them in consequence of the failure of to discharge the duties of the office.

Dated, (year)

....(Principal)....,

....(Surety)....,

(b) Any further or additional official bond lawfully required of any public officer shall be in the same form and it shall not affect or impair any official bond previously given by the officer for the same or any other official term. Where such bond is in excess of the sum of \$25,000, the officer may give 2 or more bonds.

(2m) EFFECT OF GIVING BOND. Any bond purportedly given as an official bond by a public officer, of whom an official bond is required, shall be deemed to be an official bond and shall be deemed as to both principal and surety to contain all the conditions and provisions required in sub. (2), regardless of its form or word-

the request is denied by the authority having custody of the record or part of the record.

(1n) NOTICE OF CLAIM. Sections 893.80 and 893.82 do not apply to actions commenced under this section.

(2) COSTS, FEES AND DAMAGES. (a) Except as provided in this paragraph, the court shall award reasonable attorney fees, damages of not less than \$100, and other actual costs to the requester if the requester prevails in whole or in substantial part in any action filed under sub. (1) relating to access to a record or part of a record under s. 19.35 (1) (a). If the requester is a committed or incarcerated person, the requester is not entitled to any minimum amount of damages, but the court may award damages. Costs and fees shall be paid by the authority affected or the unit of government of which it is a part, or by the unit of government by which the legal custodian under s. 19.33 is employed and may not become a personal liability of any public official.

(b) In any action filed under sub. (1) relating to access to a record or part of a record under s. 19.35 (1) (am), if the court finds that the authority acted in a willful or intentional manner, the court shall award the individual actual damages sustained by the individual as a consequence of the failure.

(3) PUNITIVE DAMAGES. If a court finds that an authority or legal custodian under s. 19.33 has arbitrarily and capriciously denied or delayed response to a request or charged excessive fees, the court may award punitive damages to the requester.

(4) PENALTY. Any authority which or legal custodian under s. 19.33 who arbitrarily and capriciously denies or delays response to a request or charges excessive fees may be required to forfeit not more than \$1,000. Forfeitures under this section shall be enforced by action on behalf of the state by the attorney general or by the district attorney of any county where a violation occurs. In actions brought by the attorney general, the court shall award any forfeiture recovered together with reasonable costs to the state; and in actions brought by the district attorney, the court shall award any forfeiture recovered together with reasonable costs to the county.

History: 1981 c. 335, 391; 1991 a. 269 s. 43d; 1995 a. 158; 1997 a. 94.

A party seeking fees under sub. (2) must show that the prosecution of an action could reasonably be regarded as necessary to obtain the information and that a “causal nexus” exists between that action and the agency’s surrender of the information. *State ex rel. Vaughan v. Faust*, 143 Wis. 2d 868, 422 N.W.2d 898 (Ct. App. 1988).

If an agency exercises due diligence but is unable to respond timely to a records request, the plaintiff must show that a mandamus action was necessary to secure the records release to qualify for award of fees and costs under sub. (2). *Racine Education Association v. Racine Board of Education*, 145 Wis. 2d 518, 427 N.W.2d 414 (Ct. App. 1988).

Assuming sub. (1) (a) applies before mandamus is issued, the trial court retains discretion to refuse counsel’s participation in an *in camera* inspection. *Milwaukee Journal v. Call*, 153 Wis. 2d 313, 450 N.W.2d 515 (Ct. App. 1989).

If the trial court has an incomplete knowledge of the contents of the public records sought, it must conduct an *in camera* inspection to determine what may be disclosed following a custodian’s refusal. *State ex rel. Morke v. Donnelly*, 155 Wis. 2d 521, 455 N.W.2d 893 (1990).

A *pro se* litigant is not entitled to attorney fees. *State ex rel. Young v. Shaw*, 165 Wis. 2d 276, 477 N.W.2d 340 (Ct. App. 1991).

A favorable judgment or order is not a necessary condition precedent for finding that a party prevailed against an agency under sub. (2). A causal nexus must be shown between the prosecution of the mandamus action and the release of the requested information. *Eau Claire Press Co. v. Gordon*, 176 Wis. 2d 154, 499 N.W.2d 918 (Ct. App. 1993).

Actions brought under the open meetings and open records laws are exempt from the notice provisions of s. 893.80 (1), 1993 stats. *Auchinleck v. Town of LaGrange*, 200 Wis. 2d 585, 547 N.W.2d 587 (1996), 94–2809.

An inmate’s right to mandamus under this section is subject to s. 801.02 (7), which requires exhaustion of administrative remedies before an action may be commenced. *Moore v. Stahowiak*, 212 Wis. 2d 744, 569 N.W.2d 711 (Ct. App. 1997), 96–2547.

When requests are complex, municipalities should be afforded reasonable latitude in time for their responses. An authority should not be subjected to the burden and expense of a premature public records lawsuit while it is attempting in good faith to respond, or to determine how to respond, to a request. What constitutes a reasonable time for a response by an authority depends on the nature of the request, the staff and other resources available to the authority to process the request, the extent of the request, and other related considerations. *WIREdata, Inc. v. Village of Sussex*, 2008 WI 69, 310 Wis. 2d 397, 751 N.W.2d 736, 05–1473.

The legislature did not intend to allow a record requester to control or appeal a mandamus action brought by the attorney general under sub. (1) (b). Sub. (1) outlines two distinct courses of action when a records request is denied, dictates distinct courses of action, and prescribes different remedies for each course. Nothing suggests that a requester is hiring the attorney general as a sort of private counsel to proceed with the case, or that the requester would be a named plaintiff in the case with the attorney

general appearing as counsel of record when proceeding under sub. (1) (b). *State v. Zien*, 2008 WI App 153, 314 Wis. 2d 340, 761 N.W.2d 15, 07–1930.

This section unambiguously limits punitive damages claims under sub. (3) to mandamus actions. The mandamus court decides whether there is a violation and, if so, whether it caused actual damages. Then, the mandamus court may consider whether punitive damages should be awarded under sub. (3). *The Capital Times Company v. Doyle*, 2011 WI App 137, 337 Wis. 2d 544, 607 N.W.2d 666, 10–1687.

Under the broad terms of s. 51.30 (7), the confidentiality requirements created under s. 51.30 generally apply to “treatment records” in criminal not guilty by reason of insanity cases. All conditional release plans in NGI cases are, by statutory definition, treatment records. They are “created in the course of providing services to individuals for mental illness,” and thus should be deemed confidential. An order of placement in an NGI case is not a “treatment record.” *La Crosse Tribune v. Circuit Court for La Crosse County*, 2012 WI App 42, 340 Wis. 2d 663, 814 N.W.2d 867, 10–3120.

The plaintiff newspaper argued that s. 19.88 (3), of the open meetings law, which requires “the motions and roll call votes of each meeting of a governmental body shall be recorded, preserved and open to public inspection,” in turn, required the defendant commission to record and disclose the information the newspaper requested under the open records law. The newspaper could not seek relief under the public records law for the commission’s alleged violation of the open meetings law and could not recover reasonable attorney fees, damages, and other actual costs under sub. (2) for an alleged violation of the open meetings law. *The Journal Times v. City of Racine Board of Police and Fire Commissioners*, 2015 WI 56, 362 Wis. 2d 577, 866 N.W.2d 563, 13–1715.

A record custodian should not automatically be subject to potential liability under sub. (2) (a) for actively providing information, which it is not required to do in response to a public records request, to a requester when no record exists. While it might be a better course to inform a requester that no record exists, the language of the public records law does not specifically require such a response. *The Journal Times v. City of Racine Board of Police and Fire Commissioners*, 2015 WI 56, 362 Wis. 2d 577, 866 N.W.2d 563, 13–1715.

Actual damages are the liability of the agency. Punitive damages and forfeitures can be the liability of either the agency or the legal custodian, or both. Section 895.46 (1) (a) probably provides indemnification for punitive damages assessed against a custodian, but not for forfeitures. 72 Atty. Gen. 99.

19.39 Interpretation by attorney general. Any person may request advice from the attorney general as to the applicability of this subchapter under any circumstances. The attorney general may respond to such a request.

History: 1981 c. 335.

SUBCHAPTER III

CODE OF ETHICS FOR PUBLIC OFFICIALS AND EMPLOYEES

19.41 Declaration of policy. (1) It is declared that high moral and ethical standards among state public officials and state employees are essential to the conduct of free government; that the legislature believes that a code of ethics for the guidance of state public officials and state employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the people of this state in their state public officials and state employees.

(2) It is the intent of the legislature that in its operations the commission shall protect to the fullest extent possible the rights of individuals affected.

History: 1973 c. 90; Stats. 1973 s. 11.01; 1973 c. 334 s. 33; Stats. 1973 s. 19.41; 1977 c. 277; 2015 a. 118 s. 266 (10).

19.42 Definitions. In this subchapter:

(1) “Anything of value” means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the state, fees and expenses which are permitted and reported under s. 19.56, political contributions which are reported under ch. 11, or hospitality extended for a purpose unrelated to state business by a person other than an organization.

(2) “Associated,” when used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a director, officer, or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10 percent of the outstanding equity or of which an individual or a member of his or her immediate family is an authorized representative or agent.

(3m) “Candidate,” except as otherwise provided, has the meaning given in s. 11.0101 (1).

(3s) “Candidate for local public office” means any individual who files nomination papers and a declaration of candidacy under s. 8.21 or who is nominated at a caucus under s. 8.05 (1) for the purpose of appearing on the ballot for election as a local public official or any individual who is nominated for the purpose of appearing on the ballot for election as a local public official through the write-in process or by appointment to fill a vacancy in nomination and who files a declaration of candidacy under s. 8.21.

(4) “Candidate for state public office” means any individual who files nomination papers and a declaration of candidacy under s. 8.21 or who is nominated at a caucus under s. 8.05 (1) for the purpose of appearing on the ballot for election as a state public official or any individual who is nominated for the purpose of appearing on the ballot for election as a state public official through the write-in process or by appointment to fill a vacancy in nomination and who files a declaration of candidacy under s. 8.21.

(4g) “Clearly identified,” when used in reference to a communication containing a reference to a person, means one of the following:

- (a) The person’s name appears.
- (b) A photograph or drawing of the person appears.
- (c) The identity of the person is apparent by unambiguous reference.

(4p) “Commission” means the ethics commission.

(4r) “Communication” means a message transmitted by means of a printed advertisement, billboard, handbill, sample ballot, radio or television advertisement, telephone call, or any medium that may be utilized for the purpose of disseminating or broadcasting a message, but not including a poll conducted solely for the purpose of identifying or collecting data concerning the attitudes or preferences of electors.

(5) “Department” means the legislature, the University of Wisconsin System, any authority or public corporation created and regulated by an act of the legislature and any office, department, independent agency or legislative service agency created under ch. 13, 14 or 15, any technical college district or any constitutional office other than a judicial office. In the case of a district attorney, “department” means the department of administration unless the context otherwise requires.

(5m) “Elective office” means an office regularly filled by vote of the people.

(6) “Gift” means the payment or receipt of anything of value without valuable consideration.

(7) “Immediate family” means:

- (a) An individual’s spouse; and
- (b) An individual’s relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.

(7m) “Income” has the meaning given under section 61 of the internal revenue code.

(7s) “Internal revenue code” has the meanings given under s. 71.01 (6).

(7u) “Local governmental unit” means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing.

(7w) “Local public office” means any of the following offices, except an office specified in sub. (13):

- (a) An elective office of a local governmental unit.
- (b) A county administrator or administrative coordinator or a city or village manager.
- (c) An appointive office or position of a local governmental unit in which an individual serves for a specified term, except a

position limited to the exercise of ministerial action or a position filled by an independent contractor.

(cm) The position of member of the board of directors of a local exposition district under subch. II of ch. 229 not serving for a specified term.

(d) An appointive office or position of a local government which is filled by the governing body of the local government or the executive or administrative head of the local government and in which the incumbent serves at the pleasure of the appointing authority, except a clerical position, a position limited to the exercise of ministerial action or a position filled by an independent contractor.

(e) The position of member of the Milwaukee County mental health board as created under s. 51.41 (1d).

(7x) “Local public official” means an individual holding a local public office.

(8) “Ministerial action” means an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the individual’s own judgment as to the propriety of the action being taken.

(9) “Nominee” means any individual who is nominated by the governor for appointment to a state public office and whose nomination requires the advice and consent of the senate.

(10) “Official required to file” means:

- (a) A member or employee of the elections commission.
- (ab) A member or employee of the ethics commission.
- (b) A member of a technical college district board or district director of a technical college, or any individual occupying the position of assistant, associate or deputy district director of a technical college.
- (c) A state public official identified under s. 20.923 except an official holding a state public office identified under s. 20.923 (6) (h).
- (d) A state public official whose appointment to state public office requires the advice and consent of the senate, except a member of the board of directors of the Bradley Center Sports and Entertainment Corporation created under ch. 232.
- (e) An individual appointed by the governor or the state superintendent of public instruction pursuant to s. 17.20 (2) other than a trustee of any private higher educational institution receiving state appropriations.

(f) An auditor for the legislative audit bureau.

(g) The chief clerk and sergeant at arms of each house of the legislature.

(h) The members and employees of the Wisconsin Housing and Economic Development Authority, except clerical employees.

(i) A municipal judge.

(j) A member or the executive director of the judicial commission.

(k) A division administrator of an office created under ch. 14 or a department or independent agency created or continued under ch. 15.

(L) The executive director, executive assistant to the executive director, internal auditor, chief investment officer, chief financial officer, chief legal counsel, chief risk officer and investment directors of the investment board.

(n) The chief executive officer and members of the board of directors of the University of Wisconsin Hospitals and Clinics Authority.

(o) The chief executive officer and members of the board of directors of the Fox River Navigational System Authority.

(q) The executive director and members of the board of directors of the Wisconsin Aerospace Authority.

(r) The employees and members of the board of directors of the Lower Fox River Remediation Authority.

(sm) The employees of the Wisconsin Economic Development Corporation and the members of the board of directors of the Wisconsin Economic Development Corporation employed in the private sector who are appointed by the speaker of the assembly and the senate majority leader.

(11) “Organization” means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic.

(11m) “Political party” means a political organization under whose name individuals who seek elective public office appear on the ballot at any election or any national, state, or local unit or affiliate of that organization.

(12) “Security” has the meaning given under s. 551.102 (28), except that the term does not include a certificate of deposit or a deposit in a savings and loan association, savings bank, credit union or similar association organized under the laws of any state.

(13) “State public office” means:

(a) All positions to which individuals are regularly appointed by the governor, except the position of trustee of any private higher educational institution receiving state appropriations and the position of member of the district board of a local professional baseball park district created under subch. III of ch. 229 and the position of member of the district board of a local cultural arts district created under subch. V of ch. 229.

(b) The positions of associate and assistant vice presidents of the University of Wisconsin System.

(c) All positions identified under s. 20.923 (2), (4), (6) (f) to (h), (7), and (8) to (10), except clerical positions.

(cm) The president and vice presidents of the University of Wisconsin System and the chancellors and vice chancellors of all University of Wisconsin institutions, the University of Wisconsin Colleges, and the University of Wisconsin–Extension.

(e) The chief clerk and sergeant at arms of each house of the legislature or a full-time, permanent employee occupying the position of auditor for the legislative audit bureau.

(f) A member of a technical college district board or district director of a technical college, or any position designated as assistant, associate or deputy district director of a technical college.

(g) The members and employees of the Wisconsin Housing and Economic Development Authority, except clerical employees.

(h) A municipal judge.

(i) A member or the executive director of the judicial commission.

(j) A division administrator of an office created under ch. 14 or a department or independent agency created or continued under ch. 15.

(k) The executive director, executive assistant to the executive director, internal auditor, chief investment officer, chief financial officer, chief legal counsel, chief risk officer and investment directors of the investment board.

(m) The chief executive officer and members of the board of directors of the University of Wisconsin Hospitals and Clinics Authority.

(n) The chief executive officer and members of the board of directors of the Fox River Navigational System Authority.

(om) The employees of the Wisconsin Economic Development Corporation and the members of the board of directors of the Wisconsin Economic Development Corporation employed in the private sector who are appointed by the speaker of the assembly and the senate majority leader.

(p) All members of the elections commission and all members of the ethics commission.

(14) “State public official” means any individual holding a state public office.

History: 1973 c. 90; Stats. 1973 s. 11.02; 1973 c. 333; 1973 c. 334 ss. 33, 57; Stats. 1973 s. 19.42; 1977 c. 29, 223, 277; 1977 c. 447 ss. 35, 209; 1979 c. 34, 177, 221; 1981 c. 20, 269, 349, 391; 1983 a. 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 166

ss. 1 to 4, 16; 1983 a. 484, 538; 1985 a. 26; 1985 a. 29 s. 3202 (46); 1985 a. 304; 1987 a. 72, 119; 1987 a. 312 s. 17; 1987 a. 340, 365, 399, 403; 1989 a. 31, 338; 1991 a. 39, 189, 221, 269; 1993 a. 16, 263, 399; 1995 a. 27, 56, 274; 1997 a. 27; 1997 a. 237 ss. 19m, 722q; 1997 a. 298; 1999 a. 42, 65; 2001 a. 16, 104, 109; 2003 a. 39; 2005 a. 335; 2007 a. 1, 20, 196; 2009 a. 28; 2011 a. 7, 10, 32, 229; 2013 a. 20 ss. 193o, 193q, 2365m, 9448; 2013 a. 203; 2015 a. 117, 118, 196, 261.

Cross-reference: See also s. ETH 16.02, Wis. adm. code.

Law Revision Committee Note, 1983: This bill establishes consistency in the usage of the terms “person”, “individual” and “organization” in the code of ethics for state public officials. The term “person” is the broadest of these terms, and refers to any legal entity. The use of the term “person” in the bill is consistent with the definition of the word in s. 990.01 (26), stats., which provides that “person” includes all partnerships, associations and bodies politic or corporate”. The term “organization” is narrower, and is defined in s. 19.42 (11), stats., as “any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic”. “Individual”, although not specifically defined in the current statutes or in this bill, is used consistently in this bill to refer to natural persons.

The term “income” is used several times in the code of ethics for state public officials. This bill clarifies the current definition of income by providing a specific cross-reference to the internal revenue code and by providing that the definition refers to the most recent version of the internal revenue code which has been adopted by the legislature for state income tax purposes.

When person holds 2 government positions, one included in and the other exempted from the definition of state public official, the applicability of subch. III depends upon the capacity in which the person acted. 64 Atty. Gen. 143.

19.43 Financial disclosure. (1) Each individual who in January of any year is an official required to file shall file with the commission no later than April 30 of that year a statement of economic interests meeting each of the requirements of s. 19.44 (1). The information contained on the statement shall be current as of December 31 of the preceding year.

(2) An official required to file shall file with the commission a statement of economic interests meeting each of the requirements of s. 19.44 (1) no later than 21 days following the date he or she assumes office if the official has not previously filed a statement of economic interests with the commission during that year. The information on the statement shall be current as per the date he or she assumes office.

(3) A nominee shall file with the commission a statement of economic interests meeting each of the requirements of s. 19.44 (1) within 21 days of being nominated unless the nominee has previously filed a statement of economic interests with the commission during that year. The information on the statement shall be current as per the date he or she was nominated. Following the receipt of a nominee’s statement of economic interests, the commission shall forward copies of such statement to the members of the committee of the senate to which the nomination is referred.

(4) A candidate for state public office shall file with the commission a statement of economic interests meeting each of the requirements of s. 19.44 (1) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers for the office which the candidate seeks, or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers or a declaration of candidacy under s. 8.05 (1) (j), 8.10 (2) (a), 8.15 (1), or 8.20 (8) (a); no later than 4:30 p.m. on the 5th day after notification of nomination is mailed or personally delivered to the candidate by the municipal clerk in the case of a candidate who is nominated at a caucus; or no later than 4:30 p.m. on the 3rd day after notification of nomination is mailed or personally delivered to the candidate by the appropriate official or agency in the case of a write-in candidate or candidate who is appointed to fill a vacancy in nomination under s. 8.35 (2) (a). The information contained on the statement shall be current as of December 31 of the year preceding the filing deadline. Before certifying the name of any candidate for state public office under s. 7.08 (2) (a), the elections commission, municipal clerk, or board of election commissioners shall ascertain whether that candidate has complied with this subsection. If not, the elections commission, municipal clerk, or board of election commissioners may not certify the candidate’s name for ballot placement.

(5) Each member of the investment board and each employee of the investment board who is a state public official shall complete and file with the commission a quarterly report of economic transactions no later than the last day of the month following the

(c) A state public official may receive and retain from the state or on behalf of the state transportation, lodging, meals, food or beverage, or reimbursement therefor or payment or reimbursement of actual and reasonable costs that the official can show by clear and convincing evidence were incurred or received on behalf of the state of Wisconsin and primarily for the benefit of the state and not primarily for the private benefit of the official or any other person.

(d) A state public official may receive and retain from a political committee under ch. 11 transportation, lodging, meals, food or beverage, or reimbursement therefor or payment or reimbursement of costs permitted and reported in accordance with ch. 11.

(e) A state public official who is an officer or employee of the Wisconsin Economic Development Corporation may solicit, receive and retain on behalf of the state anything of value for the purpose of any of the following:

1. The sponsorship by the Wisconsin Economic Development Corporation of a trip to a foreign country primarily to promote trade between that country and this state that the Wisconsin Economic Development Corporation can demonstrate through clear and convincing evidence is primarily for the benefit of this state.

2. Hosting individuals in order to promote business, economic development, tourism or conferences sponsored by multi-state, national or international associations of governments or governmental officials.

(em) A state public official who is an officer or employee of the department of tourism may solicit, receive and retain on behalf of the state anything of value for the purpose of hosting individuals in order to promote tourism.

(f) A state public official or a local public official may receive and retain from the Wisconsin Economic Development Corporation anything of value which the Wisconsin Economic Development Corporation is authorized to provide under par. (e) and may receive and retain from the department of tourism anything of value which the department of tourism is authorized to provide under par. (em).

(4) If a state public official receives a payment not authorized by this subchapter, in cash or otherwise, for a published work or a talk or meeting, the official may not retain it. If practicable, the official shall deposit it with the department or municipality with which he or she is associated or, in the case of a justice or judge of a court of record, with the director of state courts. If that is not practicable, the official shall return it or its equivalent to the payor or convey it to the state or to a charitable organization other than one with which he or she is associated.

History: 1977 c. 277; 1983 a. 61, 538; 1985 a. 203; 1989 a. 31, 338; 1991 a. 39; 1995 a. 27 ss. 455 to 457, 9116 (5); 2011 a. 32; 2015 a. 118 s. 266 (10); 2017 a. 112.

The interaction of s. 19.56 with the prohibition against furnishing anything of pecuniary value to state officials under s. 13.625 is discussed. 80 Atty. Gen. 205.

19.57 Conferences, visits and economic development activities. The Wisconsin Economic Development Corporation shall file a report with the commission no later than April 30 annually, specifying the source and amount of anything of value received by the Wisconsin Economic Development Corporation during the preceding calendar year for a purpose specified in s. 19.56 (3) (e), and the program or activity in connection with which the thing is received, together with the location and date of that program or activity.

History: 1991 a. 39; 1995 a. 27 s. 9116 (5); 2011 a. 32; 2015 a. 118 s. 266 (10).

19.575 Tourism activities. The department of tourism shall file a report with the commission no later than April 30 annually, specifying the source and amount of anything of value received by the department of tourism during the preceding calendar year for a purpose specified in s. 19.56 (3) (em) and the program or activity in connection with which the thing is received, together with the location and date of that program or activity.

History: 1995 a. 27; 2015 a. 118 s. 266 (10).

19.579 Civil penalties. (1) Except as provided in sub. (2), any person who violates this subchapter may be required to forfeit not more than \$500 for each violation of s. 19.43, 19.44, or 19.56 (2) or not more than \$5,000 for each violation of any other provision of this subchapter. If the court determines that the accused has realized economic gain as a result of the violation, the court may, in addition, order the accused to forfeit the amount gained as a result of the violation. In addition, if the court determines that a state public official has violated s. 19.45 (13), the court may order the official to forfeit an amount equal to the amount or value of any political contribution, service, or other thing of value that was wrongfully obtained. If the court determines that a state public official has violated s. 19.45 (13) and no political contribution, service, or other thing of value was obtained, the court may order the official to forfeit an amount equal to the maximum contribution authorized under s. 11.1101 (1) for the office held or sought by the official, whichever amount is greater. The attorney general, when so requested by the commission, shall institute proceedings to recover any forfeiture incurred under this section which is not paid by the person against whom it is assessed.

(2) Any person who violates s. 19.45 (13) may be required to forfeit not more than \$5,000.

History: 2003 a. 39; 2007 a. 1 ss. 121, 130, 131; 2015 a. 117; 2015 a. 118 s. 266 (10).

19.58 Criminal penalties. (1) (a) Any person who intentionally violates any provision of this subchapter except s. 19.45 (13) or 19.59 (1) (br), or a code of ethics adopted or established under s. 19.45 (11) (a) or (b), shall be fined not less than \$100 nor more than \$5,000 or imprisoned not more than one year in the county jail or both.

(b) Any person who intentionally violates s. 19.45 (13) or 19.59 (1) (br) is guilty of a Class I felony.

(2) The penalties under sub. (1) do not limit the power of either house of the legislature to discipline its own members or to impeach a public official, or limit the power of a department to discipline its state public officials or employees.

(3) In this section “intentionally” has the meaning given under s. 939.23.

(4) A person who violates s. 19.50 may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

History: 1973 c. 90; Stats. 1973 s. 11.10; 1973 c. 334 ss. 33, 57, 58; Stats. 1973 s. 19.50; 1975 c. 200; 1977 c. 277 ss. 34, 37; Stats. 1977 s. 19.58; 2003 a. 39; 2015 a. 118.

19.59 Codes of ethics for local government officials, employees and candidates. (1) (a) No local public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. A violation of this paragraph includes the acceptance of free or discounted admissions to a professional baseball or football game by a member of the district board of a local professional baseball park district created under subch. III of ch. 229 or a local professional football stadium district created under subch. IV of ch. 229. This paragraph does not prohibit a local public official from using the title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required by ch. 11. This paragraph does not prohibit a local public official from obtaining anything of value from the Wisconsin Economic Development Corporation or the department of tourism, as provided under s. 19.56 (3) (f).

(b) No person may offer or give to a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the local public official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the local public official. This paragraph does not prohibit a local public official from engaging in outside employment.

(br) No local public official or candidate for local public office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of, or upon condition that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any committee registered under ch. 11, or any person making a communication that contains a reference to a clearly identified local public official holding an elective office or to a candidate for local public office.

(c) Except as otherwise provided in par. (d), no local public official may:

1. Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.

2. Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

(d) Paragraph (c) does not prohibit a local public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a local public official from taking official action with respect to any proposal to modify a county or municipal ordinance.

(f) Paragraphs (a) to (c) do not apply to the members of a local committee appointed under s. 289.33 (7) (a) to negotiate with the owner or operator of, or applicant for a license to operate, a solid waste disposal or hazardous waste facility under s. 289.33, with respect to any matter contained or proposed to be contained in a written agreement between a municipality and the owner, operator or applicant or in an arbitration award or proposed award that is applicable to those parties.

(g) 1. In this paragraph:

a. "District" means a local professional baseball park district created under subch. III of ch. 229 or a local professional football stadium district created under subch. IV of ch. 229.

b. "District board member" means a member of the district board of a district.

2. No district board member may accept or retain any transportation, lodging, meals, food or beverage, or reimbursement therefor, except in accordance with this paragraph.

3. A district board member may receive and retain reimbursement or payment of actual and reasonable expenses for a published work or for the presentation of a talk or participation in a meeting related to processes, proposals and issues affecting a district if the payment or reimbursement is paid or arranged by the organizer of the event or the publisher of the work.

4. A district board member may receive and retain anything of value if the activity or occasion for which it is given is unrelated to the member's use of the time, facilities, services or supplies of the district not generally available to all residents of the district and the member can show by clear and convincing evidence that the payment or reimbursement was unrelated to and did not arise from the recipient's holding or having held a public office and was paid for a purpose unrelated to the purposes specified in subd. 3.

5. A district board member may receive and retain from the district or on behalf of the district transportation, lodging, meals, food or beverage, or reimbursement therefor or payment or reimbursement of actual and reasonable costs that the member can show by clear and convincing evidence were incurred or received on behalf of the district and primarily for the benefit of the district and not primarily for the private benefit of the member or any other person.

6. No district board member may intentionally use or disclose information gained in the course of or by reason of his or her official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family, or for any other person, if the information has not been communicated to the public or is not public information.

7. No district board member may use or attempt to use the position held by the member to influence or gain unlawful benefits, advantages or privileges personally or for others.

8. No district board member, member of a district board member's immediate family, nor any organization with which the district board member or a member of the district board member's immediate family owns or controls at least 10 percent of the outstanding equity, voting rights, or outstanding indebtedness may enter into any contract or lease involving a payment or payments of more than \$3,000 within a 12-month period, in whole or in part derived from district funds unless the district board member has first made written disclosure of the nature and extent of such relationship or interest to the commission and to the district. Any contract or lease entered into in violation of this subdivision may be voided by the district in an action commenced within 3 years of the date on which the commission, or the district, knew or should have known that a violation of this subdivision had occurred. This subdivision does not affect the application of s. 946.13.

9. No former district board member, for 12 months following the date on which he or she ceases to be a district board member, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employee of the district with which he or she was associated as a district board member within 12 months prior to the date on which he or she ceased to be a district board member.

10. No former district board member, for 12 months following the date on which he or she ceases to be a district board member, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employee of a district with which he or she was associated as a district board member in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding which was under the former member's responsibility as a district board member within 12 months prior to the date on which he or she ceased to be a member.

11. No former district board member may, for compensation, act on behalf of any party other than the district with which he or she was associated as a district board member in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding in which the former member participated personally and substantially as a district board member.

(1m) In addition to the requirements of sub. (1), any county, city, village or town may enact an ordinance establishing a code of ethics for public officials and employees of the county or municipality and candidates for county or municipal elective offices.

(2) An ordinance enacted under this section shall specify the positions to which it applies. The ordinance may apply to members of the immediate family of individuals who hold positions or who are candidates for positions to which the ordinance applies.

(3) An ordinance enacted under this section may contain any of the following provisions:

(a) A requirement for local public officials, other employees of the county or municipality and candidates for local public office to identify any of the economic interests specified in s. 19.44.

(b) A provision directing the county or municipal clerk or board of election commissioners to omit the name of any candidate from an election ballot who fails to disclose his or her eco-

nomie interests in accordance with the requirements of the ordinance.

(c) A provision directing the county or municipal treasurer to withhold the payment of salaries or expenses from any local public official or other employee of the county or municipality who fails to disclose his or her economic interests in accordance with the requirements of the ordinance.

(d) A provision vesting administration and civil enforcement of the ordinance with an ethics board appointed in a manner specified in the ordinance. A board created under this paragraph may issue subpoenas, administer oaths and investigate any violation of the ordinance on its own motion or upon complaint by any person. The ordinance may empower the board to issue opinions upon request. Records of the board's opinions, opinion requests and investigations of violations of the ordinance may be closed in whole or in part to public inspection if the ordinance so provides.

(e) Provisions prescribing ethical standards of conduct and prohibiting conflicts of interest on the part of local public officials and other employees of the county or municipality or on the part of former local public officials or former employees of the county or municipality.

(f) A provision prescribing a forfeiture for violation of the ordinance in an amount not exceeding \$1,000 for each offense. A minimum forfeiture not exceeding \$100 for each offense may also be prescribed.

(4) This section may not be construed to limit the authority of a county, city, village or town to regulate the conduct of its officials and employees to the extent that it has authority to regulate that conduct under the constitution or other laws.

(5) (a) Any individual, either personally or on behalf of an organization or governmental body, may request of a county or municipal ethics board, or, in the absence of a county or municipal ethics board, a county corporation counsel or attorney for a local governmental unit, an advisory opinion regarding the propriety of any matter to which the person is or may become a party. Any appointing officer, with the consent of a prospective appointee, may request of a county or municipal ethics board, or, in the absence of a county or municipal ethics board, a county corporation counsel or attorney for a local governmental unit an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The county or municipal ethics board or the county corporation counsel or attorney shall review a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests therefor shall be in writing. It is prima facie evidence of intent to comply with this section or any ordinance enacted under this section when a person refers a matter to a county or municipal ethics board or a county corporation counsel or attorney for a local governmental unit and abides by the advisory opinion, if the material facts are as stated in the opinion request. A county or municipal ethics board may authorize a county corporation counsel or attorney to act in its stead in instances where delay is of substantial inconvenience or detriment to the requesting party. Except as provided in par. (b), neither a county corporation counsel or attorney for a local governmental unit nor a member or agent of a county or municipal ethics board may make public the identity of an individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion.

(b) A county or municipal ethics board, county corporation counsel or attorney for a local governmental unit replying to a request for an advisory opinion may make the opinion public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested and may make public a summary of an advisory opinion issued under this subsection after making sufficient alterations in the summary to prevent disclosing the identities of individuals involved in the opinion. A person who makes or purports to make public the substance of or any portion of an advisory opinion

requested by or on behalf of the person waives the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the county or municipal ethics board, the county corporation counsel or the attorney for the local governmental unit in connection with the request for an advisory opinion.

(6) Any county corporation counsel, attorney for a local governmental unit or statewide association of local governmental units may request the commission to issue an opinion concerning the interpretation of this section. The commission shall review such a request and may advise the person making the request.

(7) (a) Any person who violates sub. (1) may be required to forfeit not more than \$1,000 for each violation, and, if the court determines that the accused has violated sub. (1) (br), the court may, in addition, order the accused to forfeit an amount equal to the amount or value of any political contribution, service, or other thing of value that was wrongfully obtained.

(b) Any person who violates sub. (1) may be required to forfeit not more than \$1,000 for each violation, and, if the court determines that a local public official has violated sub. (1) (br) and no political contribution, service or other thing of value was obtained, the court may, in addition, order the accused to forfeit an amount equal to the maximum contribution authorized under s. 11.1101 (1) for the office held or sought by the official, whichever amount is greater.

(8) (a) Subsection (1) shall be enforced in the name and on behalf of the state by action of the district attorney of any county wherein a violation may occur, upon the verified complaint of any person.

(b) In addition and supplementary to the remedy provided in sub. (7), the district attorney may commence an action, separately or in conjunction with an action brought to obtain the remedy provided in sub. (7), to obtain such other legal or equitable relief, including but not limited to mandamus, injunction or declaratory judgment, as may be appropriate under the circumstances.

(c) If the district attorney fails to commence an action to enforce sub. (1) (a), (b), or (c) to (g) within 20 days after receiving a verified complaint or if the district attorney refuses to commence such an action, the person making the complaint may petition the attorney general to act upon the complaint. The attorney general may then bring an action under par. (a) or (b), or both.

(cm) No complaint alleging a violation of sub. (1) (br) may be filed during the period beginning 120 days before a general or spring election, or during the period commencing on the date of the order of a special election under s. 8.50, and ending on the date of that election, against a candidate who files a declaration of candidacy to have his or her name appear on the ballot at that election.

(cn) If the district attorney for the county in which a violation of sub. (1) (br) is alleged to occur receives a verified complaint alleging a violation of sub. (1) (br), the district attorney shall, within 30 days after receipt of the complaint, either commence an investigation of the allegations contained in the complaint or dismiss the complaint. If the district attorney dismisses the complaint, with or without investigation, the district attorney shall notify the complainant in writing. Upon receiving notification of the dismissal, the complainant may then file the complaint with the attorney general or the district attorney for a county that is adjacent to the county in which the violation is alleged to occur. The attorney general or district attorney may then investigate the allegations contained in the complaint and commence a prosecution.

(d) If the district attorney prevails in such an action, the court shall award any forfeiture recovered together with reasonable costs to the county wherein the violation occurs. If the attorney general prevails in such an action, the court shall award any forfeiture recovered together with reasonable costs to the state.

History: 1979 c. 120; 1981 c. 149; 1981 c. 335 s. 26; 1983 a. 166 s. 16; 1991 a. 39, 269; 1995 a. 56, 227; 1999 a. 167; 2001 a. 109; 2003 a. 39; 2007 a. 1; 2015 a. 117; 2015 a. 118 ss. 204, 266 (10); 2017 a. 112.

WISCONSIN COUNTY OFFICIALS HANDBOOK

7th Edition

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Conflicts of Interest & Ethics

■ *Atty. Andrew T. Phillips and Atty. Bennett J. Conard, von Briesen & Roper, S.C.*

CONFLICT OF INTEREST

State law prohibits public officials and public employees from using their official position for personal gain. Specifically, Wis. Stat. § 946.13 prohibits a public officer from negotiating, bidding for, or entering into a contract in which he or she has a private monetary interest if, at the same time, he or she has a role to play in an official capacity in the making of that contract or performs in regard to that contract some official function requiring the exercise of discretion. Any public officer or public employee who violates Wis. Stat. § 946.13 is guilty of a Class I felony.

Wis. Stat. § 946.13 is directed not at corruption but at conduct presenting an opportunity for corruption. Because a public officer's judgment may be impaired when the officer transacts government business in which he or she has a personal economic interest, the statute attempts to prevent public officers from succumbing to temptation by making it illegal for them to enter into relationships that are fraught with the potential danger of advancing a private interest rather than a public good.¹

There are several exceptions to the prohibition in Wis. Stat. § 946.13. The most common exception is contracts that do not involve receipts and disbursements by the state or its political subdivision aggregating more than \$15,000 in any year.²

Court cases and attorney general opinions addressing various applications of the statute have concluded the following:

- ❑ A county board supervisor who votes to pay vouchers for county purchases from a store owned by the supervisor violates Wis. Stat. § 946.13.³ However, the supervisor can avoid a violation by abstaining from voting on the vouchers related to his business.
- ❑ A village board member may not accept a community development block grant program loan in excess of the statutory sum or perform work for a third person who has obtained a loan under the program in excess of the statutory sum.⁴
- ❑ A county board supervisor violates Wis. Stat. § 946.13 by selling land owned by the supervisor to the county where the value of the sale exceeds the statutory limit.⁵
- ❑ A county board member, employed by a law firm that is retained by a third party to negotiate the purchase of a county facility, may avoid a violation through abstention from acting on the contract in an official capacity and through noninvolvement in negotiating, bidding, or entering the contract with the county on behalf of the third party.⁶
- ❑ A contract does not have to be in existence for a violation to occur. Because negotiation ordinarily precedes the formation of a contract, and it is these pre-contractual bargaining relationships that raise the specter of self-interest if one of the parties is also a public official, the negotiation itself may trigger a violation.⁷

Conflicts of Interests & Ethics

A contract entered into in violation of Wis. Stat. § 946.13 is void and the state or the political subdivision on whose behalf the contract was made incurs no subsequent liability.

The attorney general's office has provided guidance on how an official can avoid violating Wis. Stat. § 946.13, such as:

- ❑ Abstaining from voting on or debating the contract or any matter relating to the contract;
- ❑ Refraining from personally or by agent negotiating or entering into the contract in a private capacity;
- ❑ Refraining from performing in regard to the contract some official function requiring the exercise of discretion.⁸

However, abstaining from voting does not avoid a violation of Wis. Stat. § 946.13(1)(a) because a violation only requires authority to act, not actual action.⁹ For example, where the county board as a whole must decide whether to purchase land, a county board supervisor would violate Wis. Stat. § 946.13(1)(a) if land owned by the supervisor's partnership was sold to the county for a purchase price in excess of \$15,000.¹⁰ Even though the supervisor abstains from all deliberations and voting on the contract, he/she has authority to act on the contract as a supervisor while also having a private monetary interest in the contract. In addition, performance of an official function requiring the exercise of an official's discretion with regard to the contract either before or after execution violates Wis. Stat. § 946.13.¹¹

ETHICS FOR LOCAL GOVERNMENT OFFICIALS

Wis. Stat. § 19.59 sets forth a code of ethics for local public officials. A "local public official" is defined as a person who holds "local public office." "Local public office" as defined by Wis. Stat. § 19.42(7w) includes:

- ❑ An elective office of a local governmental unit such as a county.
- ❑ A county administrator or administrative coordinator.
- ❑ An appointive office or position of a local governmental unit in which an individual serves for a specified term, except a position limited to the exercise of ministerial action or a position filled by an independent contractor.
- ❑ An appointive office or position of a local government that is filled by the governing body of the local government or the executive or administrative head of the local government and in which the incumbent serves at the pleasure of the appointing authority.¹²

The code of ethics for local public officials prohibits the following actions:

1. A local public official cannot use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself, his or her immediate family, or for an organization with which he or she is associated.¹³

"Immediate family" is defined as an individual's spouse and an individual's relative by marriage, lineal descent, or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.¹⁴

An individual is "associated" with an organization if the individual or a member of his or her immediate family is a director, officer, or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity or of which an individual or a member of his or her immediate family is an authorized representative or agent.¹⁵

However, a local public official is not prohibited from using the title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required by Wis. Stats. § Chapter 11. A local public official may also receive and retain from the Wisconsin Economic Development Corporation and the Department of Tourism anything of value that the organizations are authorized to provide by Wis. Stats. Chap. 19.¹⁶

Moreover, public officials may communicate their public role to potential customers or clients in their private capacity. A recent Wisconsin Ethics Commission (WEC) Opinion concluded that an attorney may include a description of their public service in a biography or resume so long as it is in the same style and prominence as the attorney's other positions and experience. However, public officials must still avoid using their position as a significant selling point in advertisements as this would likely qualify as the public official seeking to obtain financial gain by use of their official title (Note: WEC replaced the Government Accountability Board (GAB) on June 30, 2016. GAB also previously replaced the State Ethics Board. Currently, WEC oversees the administration of state government ethics in Wisconsin, and accordingly adopted the ethics opinions previously issued by GAB and WEC).¹⁷

2. A public official cannot solicit or accept from any person, directly or indirectly, anything of value if it could be reasonably expected to influence the local public official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the local official.¹⁸
 - ❑ "Anything of value" includes money, property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not cover "hospitality" unrelated to government business.
 - ❑ A local public official is permitted to engage in outside employment.¹⁹
 - ❑ In interpreting a parallel statute applicable to state officials (Wis. Stat. § 19.45(3)), WEC interprets "expected to influence" in the following manner: "It would be unreasonable to expect a gift of not more than \$25 to influence an individual's judgment. It would be unreasonable to expect a favor or service from an individual or from an organization without any special interest in the actions of a public body to influence an official affiliated with that body."²⁰

Conflicts of Interests & Ethics

3. No local public official may give or withhold his or her vote or influence or refrain from taking official action with respect to any proposed or pending matter upon condition that any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to a candidate, a political party, or any committee registered under Ch. 11.²¹
4. No local public official may take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.²²
 - In interpreting parallel state statute applicable to state officials (Wis. Stat. § 19.46(1)(a)), WEC issued a memorandum indicating that a state official may participate in an action "...even though the action will affect the official or an organization with which the official is associated..." as long as:
 - The official's action affects a whole class of similarly situated interests;
 - Neither the official's interest nor the interest of a business or organization with which the official is associated is significant when compared to all affected interests in the class; and
 - The effect of the official's actions on the interests of the official, or of the related business or organization, is neither significantly greater nor less than upon other members of the class.²³
 - For example, the WEC advised that a state legislator who was also an attorney could vote on a joint resolution regarding a constitutional amendment that would prohibit the Supreme Court from assessing lawyers to pay for legal services for the indigent. WEC concluded that legislator's interest in the subject of the joint resolution is insignificant when compared to the entire class of 15,000 licensed Wisconsin lawyers— all of whom would be equally affected by the proposal.²⁴
 - WEC has also advised:
 - If a matter before the board is reasonably likely to have more than a trivial, insignificant, or insubstantial financial impact on a supervisor, then the supervisor should abstain from discussion, deliberation, and votes on the matter.
 - If the matter before the board will have no effect or only a trivial, insignificant, or insubstantial financial effect on a supervisor, then the supervisor may participate.
 - If reasonable people cannot foresee the effect of a board of supervisors' action on a supervisor's financial interests, or disagree about whether the effect will be positive, negative, or will be substantial or insignificant, then the supervisor's financial interest is too speculative to deny the supervisor's participation in related discussion, deliberation, and votes. The supervisor may participate unless, in the supervisor's judgment, to do so would undermine public confidence in the decision or in government.²⁵

5. No local public official may use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.²⁶

Wis. Stat. § 19.59 does not prohibit a local public official from taking any action concerning the lawful payment of salaries, employee benefits, or reimbursement of actual and necessary expenses, or prohibit a local public official from taking official action with respect to any proposal to modify a county or municipal ordinance.²⁷

The application of the ethics statute to local officials creates problems in the insurance arena. For example, WEC analyzed the statute in the following manner in dealing with insurance issues:

- ❑ 2000 Wis. Eth. Bd. 02 – In the case of a county board supervisor selected as a member of an insurance company's board of directors by the company's organizer, the supervisor should not participate in county board consideration, discussion, or votes to award a contract to the company, or to change county policy to permit the purchase of services from the company.
- ❑ 2000 Wis. Eth. Bd. 04 – On the other hand, WEC advises that in the case of a local official who has been elected to serve on the board of directors of a municipal mutual insurance corporation by a government approved process, to represent the local government's interests on the board, Wis. Stat. § 19.59 does not bar the official from participating in the local government's consideration, discussion, or votes to award a contract to, or change government policy to permit the purchase of services from the corporation.

If a local public official violates the ethics code, criminal penalties could apply if the violation is found to be intentional. The penalty for intentionally violating Wis. Stat. § 19.59(1)(a), (b), or (c) is a fine of not less than \$100 or more than \$5,000; imprisonment of not more than one year in the county jail; or both.²⁸ Any person who intentionally violates Wis. Stat. § 19.59(1)(br) is guilty of a Class I felony punishable by a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months.

One sure way for an official to insulate him or herself from liability under the ethics statute is to take advantage of the mechanism in the statutes that allows for requests for advisory opinions. In short, an individual may request an advisory opinion, in writing, either personally or on behalf of an organization or governmental body pursuant to Wis. Stat. § 19.59(5)(a). Such request should be directed to the county ethics board, if there is one or, in the absence of a county ethics board, a county corporation counsel or attorney for a local governmental unit.

An official is presumed to have complied with Wis. Stat. § 19.59, or any ordinance enacted under Wis. Stat. § 19.59, when the official complies with an advisory opinion that the official received from a county ethics board, a county corporation counsel, or an attorney for a local governmental unit (assuming the material facts presented by the official are accurate).

Conflicts of Interests & Ethics

Pursuant to Wis. Stat. § 19.59(6), WEC must review (but is not required to respond to) opinion requests concerning the statutory local code of ethics submitted by certain requestors:

- ❑ Any county corporation counsel.
- ❑ Any attorney for a local governmental unit.
- ❑ Any "statewide association of local governmental units."

COUNTY ETHICS CODES (WIS. STAT. § 19.59(1M)-(4))

Any county, city, village, or town may enact an ordinance establishing a code of ethics for public officials, employees of the county or municipality, and candidates for county or municipal elective offices.

Any such ordinance must specify the positions to which it applies. The ordinance may apply to members of the immediate family of individuals who hold positions or who are candidates for positions to which the ordinance applies. An ethics ordinance may contain any of the following provisions:

- ❑ A requirement for local public officials, other employees of the county or municipality, and candidates for local public office to identify any of the economic interests specified in Wis. Stat. § 19.44.
- ❑ A provision directing the county or municipal clerk or board of election commissioners to omit the name of any candidate from an election ballot who fails to disclose his or her economic interests as required by the ordinance.
- ❑ A provision directing the county or municipal treasurer to withhold the payment of salaries or expenses from any local public official or other employee of the county or municipality who fails to disclose his or her economic interests as required by the ordinance.
- ❑ A provision granting administration and civil enforcement of the ordinance to an ethics board. The ethics board is appointed in the manner specified in the ordinance.
- ❑ Provisions prescribing ethical standards of conduct and prohibiting conflicts of interest on the part of local public officials and other employees of the county or municipality, or on the part of former local public officials or former employees of the county or municipality.
- ❑ A provision prescribing a forfeiture for violation of the ordinance in an amount not to exceed \$1,000 for each offense. A minimum forfeiture not to exceed \$100 for each offense may also be prescribed.

INCOMPATIBILITY OF PUBLIC OFFICES

COMMON LAW DOCTRINE THAT EXISTS INDEPENDENT OF ANY STATUTORY CONFLICT OF INTEREST.

Two offices or positions are incompatible if there are potential conflicts of interest between the duties of the offices or positions.

General Tests for Incompatibility

- ❑ If one of the offices or a position is subordinate to the duties of the other in one or more significant ways, such as being subject to the disciplinary, appointment, or removal power of the superior office

or position, or the superior office regulates the compensation of the other, then the two may be said to be incompatible.

- ❑ The mere physical inability of a person to perform the duties of both offices or the position and the office does not, of itself, have any bearing on incompatibility. Rather, incompatibility is determined based on the character of the offices, not the physical condition or ability of the individual holding the position and the office or the two offices.
- ❑ Where the existence of the second office precludes the continued existence of the first office or position, no incompatibility exists. For example, if several school districts were dissolved and consolidated into a newly-created district, a school board member of any of the dissolved districts could ordinarily become a school board member of the newly-formed school district.
- ❑ A situation that involves two different persons in two different positions does not raise questions of incompatibility of offices and positions (i.e., one spouse occupies an office or position and the other spouse assumes an apparently incompatible office or position). Although the incompatibility doctrine is not implicated, there may be serious potential conflicts of interest.²⁹
- ❑ When an individual accepts an office that is incompatible with the one he or she presently holds, the consequences are severe. The individual vacates the first office by operation of law.³⁰

Offices Found to be Incompatible

- ❑ County supervisor and county employee. Wis. Stat. § 59.10(4) provides that "[n]o county officer or employee is eligible for election or appointment to the office of supervisor, but a supervisor may also be a member of a committee, board or commission appointed by the county executive or county administrator or appointed or created by the county board, a town board, a mosquito control district, the common council of his or her city, the board of trustees of his or her village or the board of trustees of a county institution appointed under s. 46.18."
- ❑ County supervisor and county administrative coordinator.³¹
- ❑ Public office and a position. Conflict can exist between a public office and a position; for example, the office of alderperson was found to be incompatible with the position of residential appraiser in assessor's office.³²
- ❑ County board member and county/city hospital board member.³³
- ❑ Town clerk and town treasurer.³⁴
- ❑ School board member and school district employee.³⁵
- ❑ Town board member and sanitary district commission member.³⁶
- ❑ Office of coroner and deputy coroner, and the position of city police officer.³⁷

Offices Found to be Compatible

- ❑ Office of county supervisor and position of assistant state public defender.³⁸
- ❑ Register of deeds and office of school board member.³⁹
- ❑ Offices of county assessor and town supervisor.⁴⁰

Conflicts of Interests & Ethics

- ❑ Village president and supervisory deputy sheriff.⁴¹
- ❑ School board member and chairperson of town board – probably compatible.⁴²
- ❑ School board member and position as unpaid coach in the school district – likely compatible.⁴³

Endnotes

- 1 *State v. Venema*, 2002 WI App 202, ¶ 13, 257 Wis. 2d 491, 650 N.W.2d 898.
- 2 Wis. Stat. § 946.13(2)(a).
- 3 OAG 42-87.
- 4 76 Op. Att’y. Gen. 278 (1987).
- 5 OAG 22-87.
- 6 75 Op. Att’y. Gen. 172 (1986).
- 7 *Venema*, 2002 WI App 202.
- 8 52 Op. Att’y. Gen. 367 (1963).
- 9 *Venema*, 2002 WI App at ¶ 11, n. 3; 76 Op. Att’y Gen. at 93.
- 10 76 Op. Att’y Gen. 90 (1987).
- 11 63 Op. Att’y. Gen. 44 (1974).
- 12 The statute excludes a clerical position, a position limited to the exercise of ministerial action or a position filled by an independent contractor.
- 13 Wis. Stat. § 19.59(1)(a).
- 14 Wis. Stat. § 19.42(7).
- 15 Wis. Stat. § 19.42(2).
- 16 Wis. Stat. § 19.56(3)(f).
- 17 2017 ETH 01.
- 18 Wis. Stat. § 19.59(1)(b).
- 19 *Id.*
- 20 The local ethics code for public officials does not include a provision parallel to Wis. Stat. § 19.56 allowing state elected officials to “retain reasonable compensation, for a published work or for the presentation of a talk or participation in a meeting” related to a topic of legislative, administrative, executive or judicial processes or proposals.
- 21 Wis. Stat. § 19.59(1)(br).
- 22 Wis. Stat. § 19.59(1)(c)1.
- 23 See Wisconsin Ethics Board memorandum Private Interest in Official Action (November 1, 1989).
- 24 2008 GAB 02.
- 25 2007 GAB 09.
- 26 Wis. Stat. § 19.59(1)(c)2.
- 27 Wis. Stat. 19.59(1)(d).
- 28 Wis. Stat. § 19.58(1)(a).
- 29 See *Otradovec v. City of Green Bay*, 118 Wis. 2d 393, 347 N.W.2d 614 (Ct. App. 1984); 58 Op. Att’y. Gen. 247 (1969); 74 Op. Att’y. Gen. 50 (1985); 76 Op. Att’y. Gen. 156 (1987).
- 30 *State v. Jones*, 130 Wis. 572, 110 N.W. 431 (1907); but see also *Otradovec v. City of Green Bay*, 118 Wis. 2d 393, 347 N.W.2d 614 (Ct. App. 1984)(the public officer can choose which position to keep).
- 31 OAG 01-11.
- 32 *Otradovec v. City of Green Bay*, 118 Wis. 2d 393, 347 N.W. 2d 614 (Ct. App. 1984).
- 33 66 Op. Att’y. Gen. 145 (1977).
- 34 68 Op. Att’y. Gen. 393 (1970).
- 35 Unpublished Op. Att’y. Gen. May 31, 1985; See also *Tarpo v. Bowman Public School District No. 4*, 232 N.W.2d 67 (N.D. 1975); *Vistocky v. City Council of City of Garfield*, 273 A. 2d 597 (1971).
- 36 69 Op. Att’y. Gen. 108 (1980).
- 37 78 Op. Att’y. Gen. 178 (1989).
- 38 75 Op. Att’y. Gen. 178 (1986).
- 39 Unpublished Op. Att’y. Gen. (1977).
- 40 63 Op. Att’y. Gen. 599 (1974).
- 41 76 Op. Att’y. Gen. 156 (1974).
- 42 74 Op. Att’y. Gen. 50 (1985).
- 43 2006 Wis. Eth. Bd. 01.

CODE OF ETHICS

(Cr. Ord. #171-2013; Rep. & recr. Ord. #193-2015)

4.55 DECLARATION OF POLICY. (Rep. & recr. Ord. #193-2015)

To ensure that the public can have complete confidence in the integrity of Crawford County Government, each elected official and employee shall respect and adhere to the fundamental principles of ethical service. The proper operation of County government demands that:

- (1) Crawford County officials and employees be independent, impartial and responsible to the people;
- (2) Decisions be made in the proper channels of the County governmental structure;
- (3) County offices should not be used for personal gain;
- (4) County business should be conducted in such a way so as to re-enforce the public's confidence in its integrity.

4.56 PURPOSE. (Rep. & recr. Ord. #193-2015)

The purpose of this code is to establish ethical standards of conduct for all County officials and employees by identifying those acts or actions that are not compatible with the best interest of the County. Because representatives of the County are drawn from society, they cannot and should not be without all personal and economic interest in the decisions and policies of government. Citizens who serve as County officials and employees retain their rights as citizens to personal and economic interests. Therefore, the standards of ethical conduct for County officials and employees must distinguish between minor and inconsequential conflicts which are unavoidable and those conflicts which are substantial and material. The provisions of this code, and such rules and regulations which may be established, are to be interpreted in the context of the above principles and are deemed to be in the best interest of the public.

4.57 RESPONSIBILITY OF PUBLIC OFFICE. (Rep. & recr. Ord. #193-2015)

Public officials and employees are agents of the public and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the constitution of this State and carry out impartially the laws of the nation, State and County and to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern. Their conduct should be above reproach so as to foster respect for all government.

4.58 DEDICATED SERVICE. (Rep. & recr. Ord. #193-2015)

Officials and employees shall adhere to the rules of work and performance established as the standard for their positions by the appropriate authority. Officials and employees shall not exceed their authority or breach the law or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

4.59 COVERAGE. (Rep. & recr. Ord. #193-2015)

This code governs all County officials, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions, department heads, and all other County employees.

4.60 EXEMPTIONS. (Rep. & recr. Ord. #193-2015)

Political contributions which are reported under Ch. 11, Wis. Stats., are exempt from the provisions of this code.

4.61 DEFINITIONS. (Cr. Ord. #193-2015)

- (1) PERSON. Any individual, corporation, partnership, joint venture, association or organization.
- (2) FINANCIAL INTEREST. Any interest which yields, directly or indirectly, a monetary or other material benefit to the County officer or employee or to any person employing or retaining services of the County officer or employee.
- (3) ANYTHING OF VALUE. Any money or property, favor, service, payment, advance forbearance, loan or promise of future employment, but does not include such things as compensation and expenses paid by the State or County, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, notepads, calendars, informational or educational materials of unexceptional value, plaques, other advertising giveaways or any other thing which is not likely to influence the judgment of individuals covered by this code.
- (4) PRIVILEGED INFORMATION. Any written or oral material related to County government which has not become part of the body of public information and which is designated by statute, court decision, lawful orders, ordinances, resolution or custom as privileged.
- (5) OFFICIAL. All County department heads or directors, County supervisors, and all other County elected and appointed officers, except judges and district attorneys.
- (6) EMPLOYEE. All persons filling an allocated position of County employment and all members of boards, committees, and commissions.
- (7) IMMEDIATE FAMILY. An official's or employee's spouse, children, stepchildren, parents, stepparents, or other legal relation who contributes more than one-half of the support of the official or receives that level of support from the official or employee.

4.62 FAIR AND EQUAL TREATMENT. (Cr. Ord. #193-2015)

- (1) USE OF PUBLIC PROPERTY. An official or employee shall not use, or knowingly permit the use, of County services or County-owned vehicles, equipment, materials for unauthorized nongovernmental purposes or for unauthorized personal convenience or for profit, unless such services or use are available to the public generally and consistent with practices and policies of the County.
- (2) OBLIGATIONS TO CITIZENS. An official or employee shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

This section does not affect the duty of County supervisors to diligently represent their constituency.

4.63 CONFLICTS OF INTEREST. (Cr. Ord. #193-2015)

- (1) RECEIPT OF GIFTS, FAVORS AND GRATUITIES PROHIBITED. No official or employee shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm or corporation which to his

knowledge is interested in business dealings with the County nor shall any such official or employee accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties or grant in the discharge of his duties any improper favor, service or thing of value.

- (2) EXCEPTION. It is not a conflict of interest for an official or employee to receive a gift or gratuity that is an unsolicited item of insignificant value or anything which is given to them independent of their position as an official or employee.
- (3) BUSINESS INTEREST. An official or employee shall not engage in any business or transaction or act in regard to any financial interest, direct or indirect, which:
 - (a) Is incompatible with the proper discharge of his or her official duties for the benefit of the public;
 - (b) Is contrary to the provisions of this code; or
 - (c) May impair his or her independence of judgment or action in the performance of his or her official duties.
- (4) EMPLOYMENT. An official or employee shall not engage in or accept any private employment or render any service for a private interest when such employment or service is incompatible with the proper discharge of his or her official duties or which may impair his or her independence of judgment or action in the performance of his or her official duties unless otherwise permitted by law or unless disclosure is made as hereinafter provided. An employee shall obtain prior approval from their Department Head, or in the case of a Department Head, from the applicable oversight committee, before engaging in outside employment.
- (5) REPRESENTING PRIVATE INTERESTS BEFORE COUNTY AGENCIES IN COURTS. No official or employee whose salary is paid in whole or in part by the County shall appear in behalf of private interests before any agency of the County. He shall not represent private interests in any action or proceeding against the interests of the County in any litigation to which the County is a party. This section shall not be construed as prohibiting the appearance of officials or employees when subpoenaed as witnesses by parties involved in litigation which also may involve the County. A supervisor may appear before County agencies on behalf of constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations. However, no supervisor or other official or employee shall accept a retainer or compensation that is contingent upon a specific action by a County agent.
- (6) CONTRACTING. An official or employee or a business in which an official or employee holds a 10% or greater interest may not enter into a contract with the County involving a payment or payments of more than \$1,000 amount within a 12-month period unless the official or employee has made a written disclosure of the nature and extent of such relationship or interest to the County Clerk and reported such interest to the County Board. Further, pursuant to §946.13, Wis. Stats., an official or employee is prohibited from participating in the formation of a contract or contracts with Crawford County involving the receipts or disbursements of more than \$15,000 in any year.

4.64 FINANCIAL INTEREST IN LEGISLATION. (Cr. Ord. #193-2015)

A member of the County Board who has a financial interest in any proposed action before the County Board shall disclose the nature and extent of such interest to the County Clerk and the County Board prior to or during the initial discussion of such action and shall refrain from participating in the discussion of and/or voting on such action. A member of the County Board shall request to be excused by the Board or Committee chairperson for the duration of any deliberations concerning such action in which the member has a financial interest. Any other official or employee who has a financial interest in any proposed action before the County Board, and who participates in discussion with or gives an official opinion or recommendation to the County Board, shall first disclose the nature and extent of such interest to the County Board.

4.65 DISCLOSURE OF PRIVILEGED INFORMATION. (Cr. Ord. #193-2015)

An official or employee shall not knowingly disclose or permit the disclosure of privileged information to any person not lawfully authorized to receive such privileged information. An official or employee shall not use privileged information to advance his or her personal financial interest or that of his or her immediate family.

4.66 DISCLOSURE BY COUNTY OFFICIALS OF MATTERS PERTAINING TO A CLOSED SESSION PROHIBITED. (Cr. Ord. #193-2015)

No County official may disclose any information discussed, debated or acted upon in a closed session of the Crawford County Board or its standing committees.

4.67 NEPOTISM. (Cr. Ord. #193-2015)

- (1) No person shall be employed, promoted, or transferred to any department, division, or work unit when, as a result, the employee would be directly supervising or receiving direct supervision from a related person.
- (2) "Related person" shall mean spouse, parents, children, siblings, grandparents, grandchildren, father-in-law, mother-in-law, stepchildren, stepparents and any person sharing the employee's residence.

4.68 STATE STATUTES INCORPORATED. (Cr. Ord. #193-2015)

- (1) STATUTES INCORPORATED BY REFERENCE. The following sections of the Wisconsin Statutes are hereby incorporated by reference and made a part of this Code of Ethics:
 - §19.01 (Oaths and Bonds)
 - §19.21 (Custody and Delivery of Official Property and Records)
 - §19.81-§19.89 (Open Meetings of Governmental Bodies)
 - §19.59 (Codes of Ethics for Local Government Officials, Employees and Candidates)
- (2) VIOLATION OF INCORPORATED STATUTES. Officials shall comply with the sections of the Wisconsin Statutes incorporated in this code and failure to do so shall constitute a violation of this code.

4.69 INVESTIGATIONS AND ENFORCEMENT. (Cr. Ord. #193-2015)

- (1) ADVISORY OPINIONS. Any person governed by this Code of Ethics may apply in writing to the County Corporation Counsel for an advisory opinion and shall be guided by any opinion rendered. The applicant shall present his or her interpretation of the facts at issue and of the applicability of provisions of this code before the advisory opinion is rendered. All requests for opinion and opinions rendered shall be in writing. Records of the Corporation Counsel's opinions, opinion requests and investigations of violations shall be closed to public inspection, as required by Ch. 19, Wis. Stats. However, such records may be made public with the consent of the applicant.
- (2) COMPLAINTS. The Corporation Counsel shall accept from any person a verified written complaint which states the name of the officer or employee alleged to have committed a violation of this code and sets forth the material facts involved in the allegation. The Corporation Counsel shall forward a copy of the complaint to the accused officer or employee and the Ethics Inquiry Board within 10 days. If no action on the verified complaint is taken by the Ethics Inquiry Board within 30 days, the complaint shall be dismissed.

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- (3) **PRELIMINARY INVESTIGATIONS.** Following the receipt of a verified complaint, the Ethics Inquiry Board may make preliminary investigations with respect to alleged violation of this code. A preliminary investigation shall not be initiated unless the accused officer or employee is notified in writing. The notice shall state the exact nature and purpose of the investigation, the individual's specific action or activities to be investigated and a statement of such person's due process rights. If the Ethics Inquiry Board finds probable cause to believe the allegations contained in the complaint, the complaint shall be referred to hearing pursuant to subsections (5)(a) and (5)(c) below before the Ethics Inquiry Board.
- (4) **TIME LIMITATIONS.** The Ethics Inquiry Board may investigate any complaint properly filed with it. However, no action may be taken on any complaint which is filed more than one year after a violation of the Ethics Code is alleged to have occurred.
- (5) **ETHICS INQUIRY BOARD.** There is hereby created an Ethics Inquiry Board to consist of 3 members and one alternate, one of whom shall be an attorney licensed to practice law in the State of Wisconsin, appointed by the County Board Chairperson with the approval of the County Board. The members of the Ethics Inquiry Board shall be residents of Crawford County and shall not be County public officials or employees during the time of appointment, and shall serve staggered 3-year terms expiring on the third Tuesday in April of the third year following their appointment except as otherwise provided in the implementation of this code. The Corporation Counsel shall provide legal advice, secretarial service and assistance to the Board. The Board shall be entitled to mileage and per diem payments for meetings and hearings of the Board on the same basis as provided other Crawford County boards, committees or commissions.
- (a) **Powers and Duties.** The Ethics Inquiry Board shall be responsible for investigating a complaint, and conducting a fact finding hearing pursuant to subparagraph (5)(c) below, in any case where the Ethics Inquiry Board has found that probable cause exists for believing the allegations of a complaint referred to the Board after preliminary review pursuant to subparagraphs (2) through (4) above.
- (b) **Burden of Proof.** The burden of proving a violation alleged in the complaint shall be on the complainant. Violations shall be proved by evidence that is clear, satisfactory and convincing.
- (c) **Hearing.** The Ethics Inquiry Board may hold, and an individual against whom a complaint has been made and where the complaint has been referred to the Ethics Inquiry Board may request, a hearing before the Board. The Board shall keep a record of the hearing. The Board shall have the power to compel the attendance of witnesses and to issue subpoenas as granted to other boards and commissions under §885.01, Wis. Stats.
1. Within 10 work days of the conclusion of the hearing, the Board shall file its written findings and recommendations signed by all participating Board members, together with findings of fact and conclusions of law, concerning the propriety of the conduct of the public official. If the Board determines that no violation of the Code of Ethics has occurred, it shall dismiss the complaint, and if requested to do so by the accused, issue a public statement.
 2. No recommendation of the Board becomes effective until 20 work days after it is issued, or while an application for rehearing or rehearing before the Board is pending, or the Board has announced its final determination on rehearing.
- (d) **Enforcement and Penalties.** If the Ethics Inquiry Board finds that clear, satisfactory and convincing evidence exists for believing the allegations of the complaint, the Ethics Inquiry Board shall refer its findings and recommendation to the County Board, or in the case of an employee, to the Personnel Committee. The Board may make the following recommendations:
1. Recommend that the County Board order the officer or employee to conform his or her conduct to the Ethics Code or recommend that the official or employee be censured, suspended, removed from office, be issued a private reprimand, public reprimand, and in the case of an employee may

also recommend denial of merit increase, suspension without pay, discharge, or other appropriate disciplinary action.

2. The Ethics Inquiry Board may also refer the matter to the District Attorney to commence enforcement pursuant to the procedures and remedies of §19.59 Wis. Stats.

Ordinance No. 701

ETHICS CODE

- 701.01 Title.
- 701.02 Authority.
- 701.03 Definitions.
- 701.04 Application of Chapter.
- 701.05 Administration.
- 701.06 Certain County Transactions Prohibited.
- 701.07 Declaration of Policy.
- 701.08 Standard of Conduct; Use of Public Position to Obtain Private Benefit Prohibited.
- 701.09 Standard of Conduct; Solicitation or Acceptance of anything of Value.
- 701.10 Standard of Conduct; Conflict of Interest Prohibited.
- 701.11 Mileage Reimbursement Eligibility.
- 701.12 Standard of Conduct; Use or Disclosure of Information Gained in Course of Official Activities
- 701.13 Impermissible Use of Public Office.
- 701.14 Standard of Conduct; Representation for Compensation by County Official Before County Entities.
- 701.15 Standard of Conduct; Representation by Citizen Members and Employees Before County Entities.
- 701.16 Standard of Conduct; Receipt and Retention of Anything of Value Unrelated to Official Duties.
- 701.17 Standard of Conduct; Receipt and Retention of Anything of Value for the Benefit of the County.
- 701.18 Standard of Conduct; Receipts from Political Committees.
- 701.19 Standard of Conduct; Disclosure by County Officials.
- 701.20 Standard of Conduct; Disclosure by County Officials of Matters Pertaining to a Closed Session Prohibited
- 702.21 Complaints.
- 701.22 Procedure Before the Board.
- 701.23 Closed Session.
- 701.24 Advisory Opinions.
- 701.25 Open Records.
- 701.26 Sanctions.
- 701.27 Severability.

701.01 TITLE. This ordinance may be cited as the Iowa County Ethics Code.

701.02 AUTHORITY. This ordinance is enacted under the authority of Section 19.59, Wis. Stats.

701.03 DEFINITIONS. (1) Except as expressly modified in this chapter, words and phrases used in this chapter have meanings set forth in s. 19.42, Wis. Stats.:

(a) *Administrative agency* means any board, commission, committee, task force or other entity which is listed in chapter 15.

(b) *Anything of value* means any money or property, favor, service, payment, advance, forbearance, loan or promise of future employment, but does not include compensation and expenses paid by the county, fees and expenses which are permitted and reported under s. 701.16, political contributions which are reported under chapter 11, Wis. Stats., hospitality extended for a purposes unrelated to county business by a person other than an organization or anything having a value of less than \$13 per occurrence or \$39 in total during a calendar year.

(c) *Board* shall mean the Iowa County Ethics Board created by Section 702 of the Iowa County Code of Ordinances.

(d) *Business* shall mean any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making or nonprofit-making activities.

(e) *Citizen* or *citizen member* refers to a person appointed to any position by the County Board, who is neither an elected county officeholder nor a county employee.

(f) *County employee* shall refer to any person holding a full- or part-time position with Iowa County, other than a county official.

(g) *County official* shall mean any person holding a county elected office.

(h) *Department* shall mean any department of county government having its own budget.

(i) *Elected official* shall mean any person who holds an elected position and whose salary is funded in full or in part by Iowa County.

(j) *Organization* means any legal entity other than an individual or body politic.

(k) *Respondent* means a person against whom has been filed a complaint alleging a violation of this chapter.

(l) *Substantial financial interest* means any interest required to be placed on a disclosure statement by s. 701.21 of this ordinance.

701.04 APPLICATION OF CHAPTER. 1 This ordinance shall apply to all county officials and county employees.

701.05 ADMINISTRATION. The Iowa County Ethics Board shall be the administrative body with respect to the enforcement of the provisions of this ordinance. The board may call upon the Iowa County Administrative Offices for staff assistance as the need arises. The corporation counsel shall provide such legal assistance as the board requires.

701.06 CERTAIN COUNTY TRANSACTIONS PROHIBITED. (1) The county shall not have or seek to have a business or financial relationship with a county official which would potentially place the official in violation of s. 946.13, Wis. Stats., or any provision of this chapter.

(2) It shall be the duty of the department head overseeing negotiations and requests for bids or proposals or other proposed transactions to assure compliance with this section.

701.07 DECLARATION OF POLICY. (1) The proper operation of representative government requires that county officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a code of ethics for all County of Iowa officials and employees. The purpose of this code is to assist county officials and employees in avoiding conflicts between their personal interest and their public responsibilities in order to improve standards of public service and promote and strengthen the faith and confidence of the people of Iowa County in their county public officials and employees and to provide for disclosure by county officials and managerial employees of substantial financial interests in matters affecting the county. The provisions and purpose of this code and such rules and regulations as may be established are hereby declared to be in the best interests of the County of Iowa.

(2) The county board hereby reaffirms that each county official and employee occupies a position of public trust that requires adherence to a high standard of conduct. Any effort to realize substantial personal gain through official conduct is a violation of that trust. This code of ethics does not prevent any county public official from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of his or her duties to this county. The county board further recognizes that in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government; that citizens who serve as county officials retain their rights as citizens to interests of a personal or economic nature; that standards of ethical conduct for county officials need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are substantial and material; and that county officials may need to engage in employment, professional or business activities, other than official duties, in order to support themselves or their families and to maintain a continuity of professional or business activity, or may need to maintain investments which activities or investments do not conflict with the specific provisions of this code.

701.08 STANDARD OF CONDUCT; USE OF PUBLIC POSITION TO OBTAIN PRIVATE BENEFIT PROHIBITED. No county official, county employee or citizen member may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated.

701.09 STANDARD OF CONDUCT; SOLICITATION OR ACCEPTANCE OF ANYTHING OF VALUE. No county official, county employee or citizen member may solicit or accept from any person directly or indirectly, anything of value if it could reasonably be expected to influence official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the county official, county employee or citizen member.

701.10 STANDARD OF CONDUCT; CONFLICT OF INTEREST PROHIBITED. No county official, county employee or citizen member may: (a) Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest. (b) Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

701.11 MILEAGE REIMBURSEMENT ELIGIBILITY. A county board supervisor is eligible for reimbursement of only that mileage actually traveled in attending those meetings for which she or he is also eligible for a meeting payment.

701.12 STANDARD OF CONDUCT; USE OR DISCLOSURE OF INFORMATION GAINED IN COURSE OF OFFICIAL ACTIVITIES. No county official or employee may intentionally use or disclose information gained in the course of or by reason of her or his official position or activities in any way that could result in the receipt of anything of value for herself or himself, for a member of her or his immediate family, or for any other person or legal entity if the information has not been communicated to the public or is not a public record.

701.13 IMPERMISSIBLE USE OF PUBLIC OFFICE. No county official or county employee shall use or attempt to use his or her public office or employment to influence or gain unlawful benefits, advantages or privileges personally or for others.

701.14 STANDARD OF CONDUCT; REPRESENTATION FOR COMPENSATION BY COUNTY OFFICIAL BEFORE COUNTY ENTITIES. (1) No county official shall appear on behalf of private interests for compensation, before any county entity nor represent private interests in any action or proceedings against the county.

(a) This subsection shall not apply:

1. In a contested case which involves a party other than the county with interests adverse to those represented by the public official or employee; or
2. At an open hearing before a body other than the county board or a committee of the county board, at which a stenographic or tape record is maintained; or
3. In a matter that involves only ministerial action by the department; or
4. To representation by an elected official acting in his or her official capacity.

(2) This section shall not be construed to limit in any fashion whatsoever an elected official's business or professional partner's or associate's right to practice or appear before a county entity, provided, however, the elected official does not participate in any vote or in the decision-making process.

(3) Nothing in this section shall be construed to prohibit an elected official from representing herself or himself before any county entity, including the one of which he or she is member.

701.15 STANDARD OF CONDUCT; REPRESENTATION BY CITIZEN MEMBERS AND EMPLOYEES BEFORE COUNTY ENTITIES.

(1) No county employee or citizen member shall appear on behalf of private interests with or without compensation before any entity for or with which the person works nor appear on behalf of private interests with or without compensation in any action or proceeding against the county.

(a) This subsection shall not apply to matters involving employee appearances before any county entity as a representative of a collective bargaining unit, whether on behalf of the unit or a county employee represented by the unit.

(2) This section shall not be construed to prohibit a citizen member from dealing directly with staff of the agency on behalf of private interests, for compensation or otherwise, provided that if the representation is for compensation, that fact is contemporaneously disclosed, in writing, to the affected county department or agency.

(3) This section shall not be construed to limit in any fashion whatsoever a citizen member's or employee's business or professional partner's or associate's right to practice or appear before the administrative agency.

(4) Nothing in this section shall be construed to prohibit a citizen member or employee from representing herself or himself before any county entity, including the one of which he or she is a member.

701.16 STANDARD OF CONDUCT; RECEIPT AND RETENTION OF ANYTHING OF VALUE UNRELATED TO OFFICIAL DUTIES.

(1) County officials, employees and citizen members may receive and retain anything of value if the activity or occasion on or for which it is given is unrelated from his or her use of the county's time, information, facilities, equipment, services or supplies not generally available to all residents of the county and he or she can show by clear and convincing evidence that the payment or reimbursement was unrelated to and did not arise from the recipient's holding or having held her or his position and was paid for a purpose unrelated to a matter being considered by or affecting the county. Such persons may accept and retain from persons or entities other than the county the cost of reimbursement of actual and reasonable expenses related to speaking engagements whether or not the same arise from their county roles or positions.

701.17 STANDARD OF CONDUCT; RECEIPT AND RETENTION OF ANYTHING OF VALUE FOR THE BENEFIT OF THE COUNTY.

County officials, employees and citizen members may accept and retain anything of value which consists of transportation, lodging, meals, food or beverage, or reimbursement therefore, if the official, employee or citizen member can show by clear and convincing evidence that the same was incurred or received primarily for the benefit of the county and not primarily for his or her private benefit or that of any other person. It is prima facie evidence that the acceptance of anything of value consisting of the enumerated items or services is primarily for the benefit of the county (a) when received by an official, employee or citizen member in connection with a speech or other presentation being given by the county official, employee or citizen member; (b) when received by an official,

employee or citizen member attending a government-related function where the same or similar items or services are provided free of direct charge to all attendees; or (c) when received by an official employee or citizen member in a situation where the county would have to assume the costs of the item or service if not otherwise provided.

701.18 STANDARD OF CONDUCT; RECEIPTS FROM POLITICAL COMMITTEES. Notwithstanding any other provision of this chapter, county officials may receive and retain from a political committee under Ch. 11, Wis. Stats., transportation, lodging, meals, food or beverages, or reimbursement therefor, or payment or reimbursement of costs permitted and reported in accordance with Ch. 11, Wis. Stats.

701.19 STANDARD OF CONDUCT; DISCLOSURE BY COUNTY OFFICIALS. A county official who has a substantial financial interest in a matter pending before the body of which he or she is a member shall disclose the nature of the interest. The disclosure shall be made on the record before the body, or if there is no formal record, in writing to the body.

701.20 STANDARD OF CONDUCT; DISCLOSURE BY COUNTY OFFICIALS OF MATTERS PERTAINING TO A CLOSED SESSION PROHIBITED. No county official may disclose any information discussed debated or acted upon in a closed session of the Iowa County Board or its standing committees.

701.21 COMPLAINTS. All complaints regarding violations of this ordinance shall be made in writing and submitted to the county clerk who shall deliver them to the chairperson of the ethics board.

701.22 PROCEDURE BEFORE THE BOARD. Upon receipt of a complaint, the board shall: (1) Cause notice to be given to the respondent. Such a notice shall contain a specification of the charges against the respondent as well as a notice that the respondent may file a written statement of his or position with the board.

(2) Schedule and hold hearings on the complaint.

(3) Hear the respondent's position and the testimony of witnesses, if any.

(4) Permit the respondent and the complainant to call such witnesses as either desires and to cross-examine the witnesses of the other.

(5) Consider the evidence presented and make findings thereon.

(6) By its chairperson or his or her designee, make rulings on motions and objections made by any party in such a manner as to assure due process protection to the parties.

(7) Based upon the evidence presented to it, determine whether or not to seek imposition of a forfeiture pursuant to the penalty provisions of this ordinance. If a forfeiture is deemed advisable, the board may direct the corporation counsel to start an action in the name of the county against the violator.

(8) When deciding to seek the imposition of a forfeiture, the board shall at the time of notifying the corporation counsel, serve notice by mail upon the respondent to the effect that a forfeiture will be sought against the respondent, specifying the amount and that court action may be avoided if the amount specified is paid within 30 days of the date of the notice.

(9) If a person against whom the board decides to seek imposition of a forfeiture fails to pay the amount specified by the board within 30 days of the date of the notice, the corporation counsel shall initiate an action for the collection of the forfeiture in the circuit court for the County of Iowa.

701.23 CLOSED SESSION. Pursuant to sec. 19.85(1)(a) and (f), Wis. Stats., the board shall conduct its hearings in closed session unless the person complained of requests open hearings.

701.24 ADVISORY OPINIONS. (1) Any person subject to the provisions of this ordinance, either personally or on behalf of an organization or governmental body, may at any time request of the board an advisory opinion regarding the propriety of any matter to which the person is or may become a party. Any appointing officer, with the consent of a prospective appointee, may request of the ethics board an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The ethics board shall review a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests therefor shall be in writing. The ethics board may authorize the corporation counsel to act in its stead in instances where delay is of substantial inconvenience or detriment to the requesting party. Except as provided in sub. (3), neither the corporation counsel nor a member or agent of the ethics board may make public the identity of an individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion. The board shall annually publish a synopsis of any advisory opinions it has issued, after first reviewing such material with the corporation counsel to ensure that all individual identifying material has been deleted.

(2) It is prima facie evidence of intent to comply with the Iowa County ethics code or any amendment of the same when a person refers a matter to the ethics board and abides by the advisory opinion, if the material facts are as stated in the opinion request.

(3) The ethics board may make an advisory opinion public with the consent of the individual requesting the opinion or the organization or governmental body on whose behalf it is requested and may make public a summary of an advisory opinion issued under this section after making sufficient alterations in the summary to prevent disclosing the identities of individuals involved in the opinion. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person waives the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the ethics board or corporation counsel in connection with the request for an advisory opinion.

(4) The board is expressly authorized to issue advisory opinions interpreting those provisions of chapter 19 of the Wisconsin Statutes which are expressly incorporated in this ordinance.

701.25 OPEN RECORDS. All records of the board shall be open to public inspection at any time except that the names of individuals and identifying matter which clearly discloses the identity of any individual shall be kept confidential, and copies of such records shall be altered to remove any such identifying information.

701.26 SANCTIONS. (1) Violation of any provision of this code should raise conscientious questions for the official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the County of Iowa. If the ethics board determines that an official or employee has violated any provision of this code, the board may, as part of its report to the county board, make any of the following recommendations:

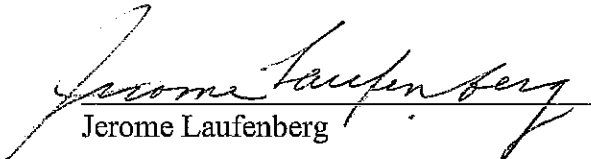
- (a) In the case of an official who is an elected county board supervisor, that the county board consider sanctioning, reprimanding, censuring or expelling the person;
- (b) In the case of a citizen member, the county board or other appointing authority consider removing the person from the administrative agency;
- (c) In the case of an employee, that the employee's appointing authority consider imposing discipline, up to and including discharge of the employee.

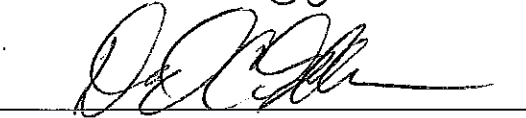
(2) In addition to the sanctions available under sub. (1), any official or employee violating the provisions of this section shall be subject to a non-reimbursable forfeiture of not more than one hundred dollars (\$100).


701.27 SEVERABILITY. The provisions of this chapter are severable. If any provision of this chapter is held to be invalid or unconstitutional or if the application of any provision of this chapter to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this chapter which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared to be the intent of the county board that this chapter would have been adopted had any invalid or unconstitutional provisions or applications not been included herein.


Respectfully submitted for consideration by the Committee on Salary & Personnel, Neil D. Jefferson, Chairman.


Neil D. Jefferson, Chairman


Jerome Laufenberg



David Gollon


Thomas Paull


Diane McGuire

**COMMITTEE ON SALARY &
PERSONNEL**

Adopted this 9th day of November, 1999.


Richard Scullion
Iowa County Chairman

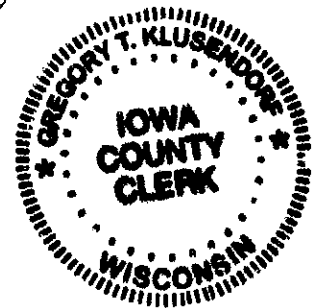
ATTEST:

Gregory Klusendorf
Gregory Klusendorf
Iowa County Clerk

CERTIFICATION OF ADOPTION

This is to certify that the above resolution was duly adopted by the County Board of Iowa County on the 9th day of November, 1999.

Gregory Klusendorf
Gregory Klusendorf
Iowa County Clerk
Iowa County, Wisconsin



CHAPTER 36 CODE OF ETHICS¹

Sec. 36.01. Declaration of policy.

To ensure that the public can have complete confidence in the integrity of Sauk County Government, each elected official and employee shall respect and adhere to the fundamental principles of ethical service. The proper operation of County government demands that:

- (1) Sauk County officials and employees be independent, impartial and responsible to the people;
- (2) decisions be made in the proper channels of the County governmental structure;
- (3) County offices should not be used for personal gain;
- (4) County business should be conducted in such a way so as to re-enforce the public's confidence in its integrity.

In recognition of these fundamental principles, there is hereby created a Code of Ethics.

Sec. 36.02. Purpose.

The purpose of this Code is to establish ethical standards of conduct for all County officials and employees by identifying those acts or actions that are not compatible with the best interest of the County. Because representatives of the County are drawn from society, they cannot and should not be without all personal and economic interest in the decisions and policies of government. Citizens who serve as County officials and employees retain their rights as citizens to personal and economic interests. Therefore, the standards of ethical conduct for County officials and employees must distinguish between minor and inconsequential conflicts which are unavoidable and those conflicts which are substantial and material. The provisions of this Code, and such rules and regulations which may be established, are to be interpreted in the context of the above principles and are deemed to be in the best interest of the public.

Sec. 36.03. Responsibility of public office.

County officials and employees are agents of public purpose and hold office to serve the public interest. They are bound to uphold the Constitution of the United States, the Constitution of the State of Wisconsin and to carry out efficiently and impartially all laws of the United States, the State of Wisconsin, and the Ordinances of Sauk County. Further, they are bound to observe in their official acts, the standards of ethics set forth in this Code and to faithfully discharge the duties of their office. The public interest must be their primary concern.

Sec. 36.04. Coverage.

This Code governs all County officials, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions, department heads, and other County employees.

¹Editor's note(s)—As amended by the Sauk County Board of Supervisors on June 20, 2000, Ord. No. 132-00.

Sec. 36.05. Exemptions.

Political contributions which are reported under Wis. Stats. ch. 11, are exempt from the provisions of this Code.

Sec. 36.06. Definitions.

Anything of value. Any money or property, favor, service, payment, advance forbearance, loan or promise of future employment, but does not include such things as compensation and expenses paid by the state or County, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, notepads, calendars, informational or educational materials of unexceptional value, plaques, other advertising giveaways or any other thing which is not likely to influence the judgment of individuals covered by this Code.

Employee. All persons filling an allocated position of County employment and all members of boards, committees, and commissions.

Financial interest. Any interest which yields, directly or indirectly, a monetary or other material benefit to the County officer or employee or to any person employing or retaining services of the County officer or employee.

Immediate family. An official's or employee's spouse, children, stepchildren, parents, stepparents, or other legal relation who contributes more than one-half of the support of the official or receives that level of support from the official or employee.

Official. All County department heads or directors, County supervisors, and all other County elected officers, except judges and district attorneys.

Person. Any individual, corporation, partnership, joint venture, association or organization.

Privileged information. Any written or oral material related to County government which has not become part of the body of public information and which is designated by statute, court decision, lawful orders, ordinances, resolution or custom as privileged.

Sec. 36.07. Fair and equal treatment.

- (1) *Use of public property.* An official or employee shall not use, or knowingly permit the use, of County services or County-owned vehicles, equipment, materials for unauthorized non-governmental purposes or for unauthorized personal convenience or for profit, unless such services or use are available to the public generally and consistent with practices and policies of the County.
- (2) *Obligations to citizens.* An official or employee shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. This section does not affect the duty of County supervisors to diligently represent their constituency.

Sec. 36.08. Conflicts of interest.

- (1) *Receipt of gifts and gratuities prohibited.* An official or employee shall not accept anything of value whether in the form of a gift, service, loan or promise from any person which may impair his or her independence of judgment or action in the performance of his or her official duties.
- (2) *Exception.* It is not a conflict of interest for an official or employee to receive a gift or gratuity that is an unsolicited item of insignificant value or anything which is given to them independent of their position as an official or employee.

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- (3) *Business interest.* An official or employee shall not engage in any business or transaction or act in regard to any financial interest, direct or indirect, which:
 - (a) Is incompatible with the proper discharge of his or her official duties for the benefit of the public;
 - (b) Is contrary to the provisions of this Code; or
 - (c) May impair his or her independence of judgment or action in the performance of his or her official duties.
 - (4) *Employment.* An official or employee shall not engage in or accept any private employment or render any service for a private interest when such employment or service is incompatible with the proper discharge of his or her official duties or which may impair his or her independence of judgment or action in the performance of his or her official duties unless otherwise permitted by law or unless disclosure is made as hereinafter provided. An employee shall obtain prior approval from their Department Head, or in the case of a Department Head, from the applicable oversight committee, before engaging in outside employment.
 - (5) *Contracting.* An official or employee or a business in which an official or employee holds a ten percent or greater interest, may not enter into a contract with the County involving a payment or payments of more than \$1,000.00 amount within a 12-month period unless the official or employee has made a written disclosure of the nature and extent of such relationship or interest to the County Clerk and reported such interest to the County Board. Further, pursuant to Wis. Stats. § 946.13, an official or employee is prohibited from participating in the formation of a contract or contracts with Sauk County involving the receipts or disbursements of more than \$15,000.00 in any year.

Sec. 36.09. Financial interest in legislation.

A member of the County Board who has a financial interest in any proposed action before the County Board shall disclose the nature and extent of such interest to the County Clerk and the County Board prior to or during the initial discussion of such action and shall refrain from participating in the discussion of and/or voting on such action. A member of the County Board shall request to be excused by the Board or Committee chairperson for the duration of any deliberations concerning such action in which the member has a financial interest. Any other official or employee who has a financial interest in any proposed action before the County Board, and who participates in discussion with or gives an official opinion or recommendation to the County Board, shall first disclose the nature and extent of such interest to the County Board.

Sec. 36.10. Disclosure of privileged information.

An official or employee shall not knowingly disclose or permit the disclosure of privileged information to any person not lawfully authorized to receive such privileged information. An official or employee shall not use privileged information to advance his or her personal financial interest or that of his or her immediate family.

Sec. 36.11. Gifts and favors.

An official or employee shall not accept, from any person or organization directly or indirectly, anything of value without full payment, if it could reasonably be expected to influence his or her vote, governmental actions or judgments or is provided to such official or employee because of their position or office and could reasonably be considered as a reward for any governmental action or inaction.

Sec. 36.12. State statutes incorporated.

- (1) *Statutes incorporated by reference.* The following sections of the Wisconsin Statutes are hereby incorporated by reference and made a part of this Code of Ethics:

Wis. Stats. § 19.01 (Oaths and Bonds).

Wis. Stats. § 19.21 (Custody and Delivery of Official Property and Records).

Wis. Stats. §§ 19.81—19.89 (Open Meetings of Governmental Bodies).

Wis. Stats. § 19.59 (Codes of Ethics for Local Government Officials, Employees and Candidates).

- (2) *Violation of incorporated statutes.* Officials shall comply with the sections of the Wisconsin Statutes incorporated in this Code and failure to do so shall constitute a violation of this Code of Ethics.

Sec. 36.13. Investigations and enforcement.

- (1) *Advisory opinions.* Any person governed by this code of ethics may apply in writing to the County Corporation Counsel for an advisory opinion and shall be guided by any opinion rendered. The applicant shall present his or her interpretation of the facts at issue and of the applicability of provisions of this Code before the advisory opinion is rendered. All requests for opinion and opinions rendered shall be in writing. Records of the Corporation Counsel's opinions, opinion requests and investigations of violations shall be closed to public inspection, as required by Wis. Stats. ch. 19. However, such records may be made public with the consent of the applicant.
- (2) *Complaints.* The Corporation Counsel shall accept from any person a verified written complaint which states the name of the officer or employee alleged to have committed a violation of this Code and sets forth the material facts involved in the allegation. The Corporation Counsel shall forward a copy of the complaint to the accused officer or employee and the Ethics Inquiry Board within ten days. If no action on the verified complaint is taken by the Ethics Inquiry Board within 30 days, the complaint shall be dismissed.
- (3) *Preliminary investigations.* Following the receipt of a verified complaint, the Ethics Inquiry Board may make preliminary investigations with respect to alleged violation of this Code. A preliminary investigation shall not be initiated unless the accused officer or employee is notified in writing. The notice shall state the exact nature and purpose of the investigation, the individual's specific action or activities to be investigated and a statement of such person's due process rights. If the Ethics Inquiry Board finds probable cause to believe the allegations contained in the complaint, the complaint shall be referred to hearing pursuant to Section 36.13(5) below before the Ethics Inquiry Board.
- (4) *Time limitations.* The Ethics Inquiry Board may investigate any complaint properly filed with it. However, no action may be taken on any complaint which is filed more than one year after a violation of the Ethics Code is alleged to have occurred.
- (5) *Ethics Inquiry Board.* There is hereby created an Ethics Inquiry Board to consist of three members and one alternate, one of whom shall be an attorney licensed to practice law in the State of Wisconsin, appointed by the County Board Chairperson with the approval of the County Board. The members of the Ethics Inquiry Board shall be residents of the Sauk County and shall not be County Public Officials during the time of appointment, and shall serve staggered three year terms expiring on the third Tuesday in April of the third year following their appointment except as otherwise provided in the implementation of this ordinance. The Corporation Counsel shall provide legal advice, secretarial service and assistance to the Board. The Board shall be entitled to mileage and per diem payments for meetings and hearings of the Board on the same basis as provided other Sauk County Boards, Committees or Commissions.
- (a) *Powers and duties.* The Ethics Inquiry Board shall be responsible for investigating a complaint, and conducting a fact finding hearing pursuant to Section 36.13(5)(c) below, in any case where the Ethics Inquiry Board has found that probable cause exists for believing the allegations of a complaint referred to the Board after preliminary review pursuant to Section 36.13(2) through (4) above.

-
- (b) *Burden of proof.* The burden of proving a violation alleged in the complaint shall be on the complainant. Violations shall be proved by evidence that is clear, satisfactory and convincing.
 - (c) *Hearing.* The Ethics Inquiry Board may hold, and an individual against whom a complaint has been made and where the complaint has been referred to the Ethics Inquiry Board may request, a hearing before the Board. The Board shall keep a record of the hearing. The Board shall have the power to compel the attendance of witnesses and to issue subpoenas as granted to other boards and commissions under Wis. Stats. § 885.01.
 - (i) Within ten work days of the conclusion of the hearing, the Board shall file its written findings and recommendations signed by all participating Board members, together with findings of fact and conclusions of law, concerning the propriety of the conduct of the public official. If the Board determines that no violation of the Code of Ethics has occurred, it shall dismiss the complaint, and if requested to do so by the accused, issue a public statement.
 - (ii) No recommendation of the Board becomes effective until 20 work days after it is issued, or while an application for rehearing or rehearing before the Board is pending, or the Board has announced its final determination on rehearing.
 - (d) *Enforcement and penalties.* If the Ethics Inquiry Board finds that clear, satisfactory and convincing evidence exists for believing the allegations of the complaint, the Ethics Inquiry Board shall refer its findings and recommendation to the County Board, or in the case of an employee, to the Administrative Coordinator. The Board may make the following recommendations:
 - (i) Recommend that the County Board order the officer or employee to conform his or her conduct to the ethics code or recommend that the official or employee be censured, suspended, removed from office, be issued a private reprimand, public reprimand, and in the case of an employee may also recommend denial of merit increase, suspension without pay, discharge, or other appropriate disciplinary action.
 - (ii) The Ethics Inquiry Board may also refer the matter to the District Attorney to commence enforcement pursuant to the procedures and remedies of Wis. Stats. § 19.59.

Richland County Rules and Resolutions Committee & Ethics Board

Agenda Item Cover

Agenda Item Name: Richland County Branding

Department	Richland Economic Development	Presented By:	Jasen Glasbrenner – Director
Date of Meeting:	11/4/2021	Action Needed:	Motion
Disclosure:	Open Session	Authority:	Committee Structure, Section D
Date submitted:	11/3/2021	Referred by:	None

Recommendation and/or action language:

Motion to accept and forward County Branding Effort Outline and resolution to the County Board.

Background:

The County Branding Effort is being proposed in response to recent county strategic planning research conducted by Southwest Wisconsin Regional Planning Commission, recent discussions of the Rules and Resolutions Committee in regard to a County Flag, and a continued collaborative effort by Richland Economic Development to promote Richland County.

The goal of this branding effort is to execute a process that results in a Branding, Signage and Wayfinding Plan Document for Richland County. The City of Richland Center will also be moving through this process simultaneously which will provide an excellent opportunity for the County and the County Seat – Richland Center to develop a branding image that is complementary.

Key elements of this proposal;

- The creation of the brand will be conducted by a branding professional – Kristin Mitchell Design <http://kristinmitchelldesign.com/>
- The process will be facilitated by a core work group including Jasen Glasbrenner – Richland Economic Development, Kate Koziol – Southwest Regional Planning Commission and Kristin Mitchell – professional branding consultant
- The process will be informed by a seven-person County Committee on Branding – see attached Richland County Branding Effort Outline for suggestions on committee membership
- It is anticipated that the process will result in a County logo, motto, flag, and branding elements for all road signage, vehicle signage, building signage and county departments letterhead, business cards, and the website
- The process is likely to take around 6 months
- Costs covered by USED Grant - the Cost of the branding effort and creation of a Branding Manual for Richland County is being covered by the USED – Flood Recovery and Economic Resiliency Grant that is being administered on behalf of Richland County by Southwest Wisconsin Regional Planning Commission.
- Costs to implement and create physical branding items are not covered.

Richland County Rules and Resolutions Committee & Ethics Board

Agenda Item Cover

Attachments and References:

Attachment A: Branding Effort Outline	Attachment B: Proposed County Branding Resolution
Attachment C: County Branding Images	

Financial Review:

(please check one)

<input type="checkbox"/>	In adopted budget	Fund Number	
<input type="checkbox"/>	Apportionment needed	Requested Fund Number	
<input type="checkbox"/>	Other funding Source		
X	No financial impact	Covered by USED A Grant administered by Southwest Regional Planning Commission	

Richland County Rules and Resolutions Committee & Ethics Board

Agenda Item Cover

Approval:

Review:

Department Head

Administrator, or Elected Office (if applicable)

Richland County Branding Effort

Jasen Glasbrenner

Richland Economic Development Director

Version 10-27-2021

The goal of this branding effort is to execute a process that results in a Branding, Signage and Wayfinding Plan Document for Richland County. The City of Richland Center will also be moving through this process simultaneously. The hope is that the brands that are developed will complement each other.

The Richland County - Branding, Signage, and Wayfinding Plan Document

Section 1 – Branding

- Logo
- Motto
- Flag
- Colors

Section 2 – Letterhead, Business Cards, Banners, etc.

Section 3 – County Signage

- <https://wisconsin.gov/Pages/doing-bus/real-estate/outdoor-adv/directional-info.aspx>
- *** The County Highway Department and Wisconsin DOT would be consulted in regard to all road signage
- County Entrance Signs
- Department Related Signs – County Parks, Fairgrounds
- Vehicle Signage – County Highway, Ambulance, Police?

Section 4 – County Wayfinding Signage

- <https://wisconsin.gov/Pages/doing-bus/real-estate/outdoor-adv/directional-info.aspx>
- Directions to public venues and non-profit venues open to the public
 - Examples – Parks, Boat landings, Waysides, Historical Markers

Section 5 – Other Signage

- <https://wisconsin.gov/Pages/doing-bus/real-estate/outdoor-adv/directional-info.aspx>
- Specific Information Signs
- Tourist Oriented Directional Signs
- White Arrow Boards
- Supplemental Generator Signs

County Work Flow

1) Assembly of Core Work Group and County Committee on Branding

- (a) **Core Work Group** – The day to day work required to get the project done will be undertaken by this group. This group collaborates with, receives input from, and presents progress to the “**County Committee on Branding**”. Our recommendations for the **Core Work Group** are:

- Kristin Mitchell - Consultant
- Jasen Glasbrenner – Economic Development
- Kate Koziol - SWWRPC

(b) **County Committee on Branding** – This 7-member committee meets at the request of the Core Work Group and has the following duties;

- To Bring insight from the people and profession that they represent to the process
- To help identify good process for public input
- To spread the news of this effort while speaking positively and supportively of the process.
- The Committee helps shape the process and may provide insights on design elements but they themselves do not create, design, or dictate what the brand will be or tell the design consultant what to do. The branding consultant is responsible for helping to facilitate a process that allows the consultant to develop and create a brand that is representative of all of the input they receive and the entity they are designing for.

A Seven Member County Committee on Branding could include:

1. Two County Board Members

- a. Appointment 1
- b. Appointment 2

2. Two County Department Heads

- a. County Highway Commissioner - Josh Elder or department representative.
- b. MIS Director - Barb Scott or a department representative

3. Three Community Members

- a. Highschool Student (Leader from where)
- b. Business Sector Representative
- c. A Representative of the Arts

****Notices of meetings will be posted.**

2) Core Work Group identifies working timeline and departments or officials that must be **consulted** in the process

- (a) Sherriff's Department, Clerks Office, Office of the Administrator, Parks Department, Health and Human Services, Ambulance, Fairground – Any department that has widespread branding

3) Kick Off Meeting with Core Work Group and County Committee on Branding

- This meeting may be held in conjunction with the City of Richland Center Branding Advisory Group as they are moving through this process as well. The goal of meeting together is to create some level of awareness and collaboration between the County and City teams that may lend itself to final brand outcomes, for each entity, that complement each other.
- (a) Review timeline
- (b) Review County Department input points.
- (c) Review Public input to date
- (d) Decide on additional public input sessions or methods

- Proposal – Ask for citizen input on Flag, Logo, Motto
 - News Stories in Observer and WRCO
 - Submit input by email to – Richland Economic Development with Subject line that is either “Richland County Branding” or “Richland Center Branding”
 - It will be explained that citizen input is important to the professional design effort in order that we arrive at a final brand that reflects our community. However, because of the complexity of a branding process that affects everything from letterhead on paper to signage throughout the county, we will rely heavily on the branding professionals to shape the community input into a final refined branding package.
- 4) Core Work Group develops, refines, and performs input processes
- 5) Leading concepts are presented by Core Work Group for County Committee on Branding for review and recommendations
- 6) Core Work Group makes additional refinements of concepts
- 7) County Committee on Branding and Core Work Group meet for final review and recommendation County Board
- 8) Full County Board Review, Adoption and Endorsement
- 9) Implementation

Richland County Rules and Resolutions Committee & Ethics Board

A Resolution Creating a Countywide Branding Project and Process

WHEREAS, Richland County Board of Supervisors recognizes the benefit of having a cohesive branding and marketing effort that positively promotes Richland County and all that it has to offer, and

WHEREAS, the recent strategic planning work facilitated and conducted by Southwest Regional Planning Commission has emphasized the need and importance of branding for casting a positive vision and image of the County to its current and potential citizens and businesses, and

WHEREAS, branding and marketing is a crucial element of positive Economic Development and,

WHEREAS, the County is able to participate in a professionally executed branding process that will produce a County Branding Manual covering details of logos, motto, flag, branding elements for all road signage, vehicle signage, building signage, county departments letterhead, business cards, and the website, and

WHEREAS, the cost of creating branding and the County Branding Manual will be covered by the USEDA – Flood Recovery and Economic Resiliency Grant that Southwest Regional Planning Commission is currently administering on Richland County's behalf;

NOW THEREFORE BE IT RESOLVED, by the Richland County Board of Supervisors that a County Branding Process be conducted, and

BE IT FURTHER RESOLVED, that the branding process be facilitated by Director Jasen Glasbrenner – Richland Economic Development, Kate Koziol – Southwest Wisconsin Regional Planning Commission, and Kristin Mitchell – Professional Consultant at Kristin Mitchell Design, or their representatives, and

BE IT FURTHER RESOLVED, by the Richland County Board of Supervisors that the County Branding Committee is hereby created with the composition of the Committee of seven people being as follows:

1. Two County Board Members (one of whom will serve as chair)
 - a. Appointment 1
 - b. Appointment 2
2. Two County Department Heads
 - a. A County Highway Representative – Commissioner Josh Elder or his suggestion
 - b. An MIS Representative - Director Barb Scott or her suggestion
3. Three Community Members
 - a. A Highschool Student
 - b. A Business Sector Representative
 - c. A Representative of Art

BE IT FURTHER RESOLVED, that all County Branding Committee Members are to be appointed by the County Board, and

BE IT FURTHER RESOLVED, that the duties of the Branding Committee are as follows;

- To Bring insight to the process from the people and profession that they represent
- To help identify good process for public input
- To spread the news of this effort while speaking positively and supportively of the process

Richland County Rules and Resolutions Committee & Ethics Board

- The Committee helps shape the process and may provide insights on design elements but they themselves do not create, design, or dictate what the brand will be or tell the design consultant what to do. The branding consultant is responsible for helping to facilitate a process that allows the consultant to develop and create a brand that is representative of all of the input they receive and the entity they are designing for.
- To provide a recommendation of a Final County Branding Manual for full adoption and implementation by the County Board

BE IT FURTHER RESOLVED, that this Resolution shall be effective immediately upon its passage and publication.

VOTE ON FOREGOING RESOLUTION

AYES _____ NOES _____

RESOLUTION ADOPTED

DEREK S. KALISH
COUNTY CLERK

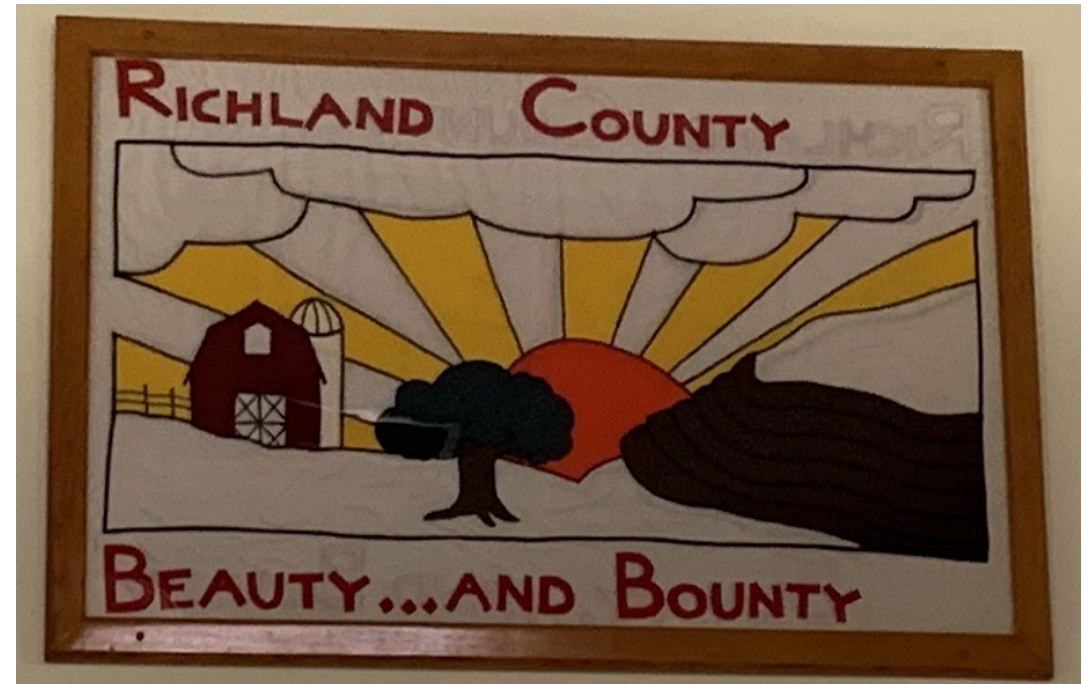
DATED:

RESOLUTION OFFERED BY THE
RULES AND RESOLUTIONS COMMITTEE

FOR AGAINST

SHAUN MURPHY-LOPEZ
CHAD COSGROVE
KERRY SEVERSON
MELISSA LUCK
DONALD SEEP

Richland County Images



RICHLAND COUNTY HIGHWAY DEPARTMENT



RICHLAND COUNTY HIGHWAY DEPARTMENT







Richland County
Ambulance Service



SYMONS
RECREATION COMPLEX



Richland County **HEALTH & HUMAN SERVICES**



RICHLAND COUNTY REGISTER OF DEEDS

RICHLAND COUNTY FAIRGROUNDS

RICHLAND COUNTY SHERIFF'S DEPARTMENT

RICHLAND COUNTY VETERANS SERVICES

RICHLAND COUNTY TREASURER'S OFFICE

RICHLAND COUNTY ZONING & SANITATION

RICHLAND COUNTY EMERGENCY MANAGEMENT

RICHLAND COUNTY LAND CONSERVATION

RICHLAND COUNTY LAND INFORMATION OFFICE

RICHLAND COUNTY PARKS COMMISSION

RICHLAND COUNTY RECYCLING

Richland County Committee

Agenda Item Cover

Agenda Item Name: County Strategic Plan; Chapters One and Two

Department	Administration	Presented By:	Administrator
Date of Meeting:	04 Nov 2021	Action Needed:	Vote
Disclosure:	Open Session	Authority:	Structure Document
Date submitted:	02 Nov 2021	Referred by:	
Action needed by no later than (date)	N/A	Resolution	<u>N/A</u> , prepared, reviewed

Recommendation and/or action language:

Motion to.... submit discussed response and recommendations to the Strategic Planning Committee regarding drafted chapters one and two.

Background: *(preferred one page or less with focus on options and decision points)*

Upon request of the Richland County Strategic Planning Committee:

1. Please find and review the drafted, chapters (one and two) of the Richland County Strategic Plan. (attached)
2. Please submit a response from your department or committee (board or commission) to the following questions:
 - a. After reviewing the drafted chapters, what questions do you have with the language? Or, which sections could use further explanation to frame context?
 - b. In context of the services you help provide or oversee, what concerns do you have with the drafted language?
 - c. In context of the services you help provide or oversee, what recommended amendments, additions or deletions would you offer to the chapter's content? (do keep in mind that additional chapters are under development)
 - d. In context of the services you help provide or oversee, do you see any conflicts with the drafted language and your current operations?
 - e. Please add any additional comments that you think the Strategic Planning Committee should be aware of, or consider.
3. Department heads and committee (boards and commission) chairs are asked to please review, discuss and take action (recommendations) at your next routine body meeting. Please forward all body action language for consideration.
4. It is requested that all department heads and committees please review, consider and respond to this email by no later than November 19th 2021.

Attachments and References:

Strategic Plan - Chapter One with Notes	
Strategic Plan – Chapter Two with Notes	

Richland County Committee

Agenda Item Cover

Financial Review:

(please check one)

	In adopted budget	Fund Number	
	Apportionment needed	Requested Fund Number	
	Other funding Source	Impact contingency / General Fund Balance	
X	No financial impact		

(summary of current and future impacts)

Approval:

Review:

Clinton Langreck

Department Head

Administrator, or Elected Office (if applicable)

Chapter 1: Strategic Plan Framework

Strategic planning is the process by which leaders of an organization determine what it **intends** to be in the future and how it will get there. A strategic plan serves as a community's guide and is used to prioritize initiatives, resources, goals, and department operations and projects. Strategic planning helps your local government realize its long-term vision by setting up goals and objectives in a systematic, incremental manner. Simply put, it makes you take a look at what's going on today, where you want to be tomorrow and which steps you will need to take to get there.

Melissa Luck 6/24/2021 4:59 PM

Comment [1]: Can/should we see strategic plan for Richland Center, other communities?

During early 2021, the Richland County Board of Supervisors participated in four strategic planning conversations, facilitated by the Southwestern Wisconsin Regional Planning Commission (SWWRPC). Due to the COVID-19 pandemic, all meetings were held via Zoom. Meetings were open to the public, and invitees included all 21 members of the Board of Supervisors and the County Administrator.

The schedule and topics were as follows:

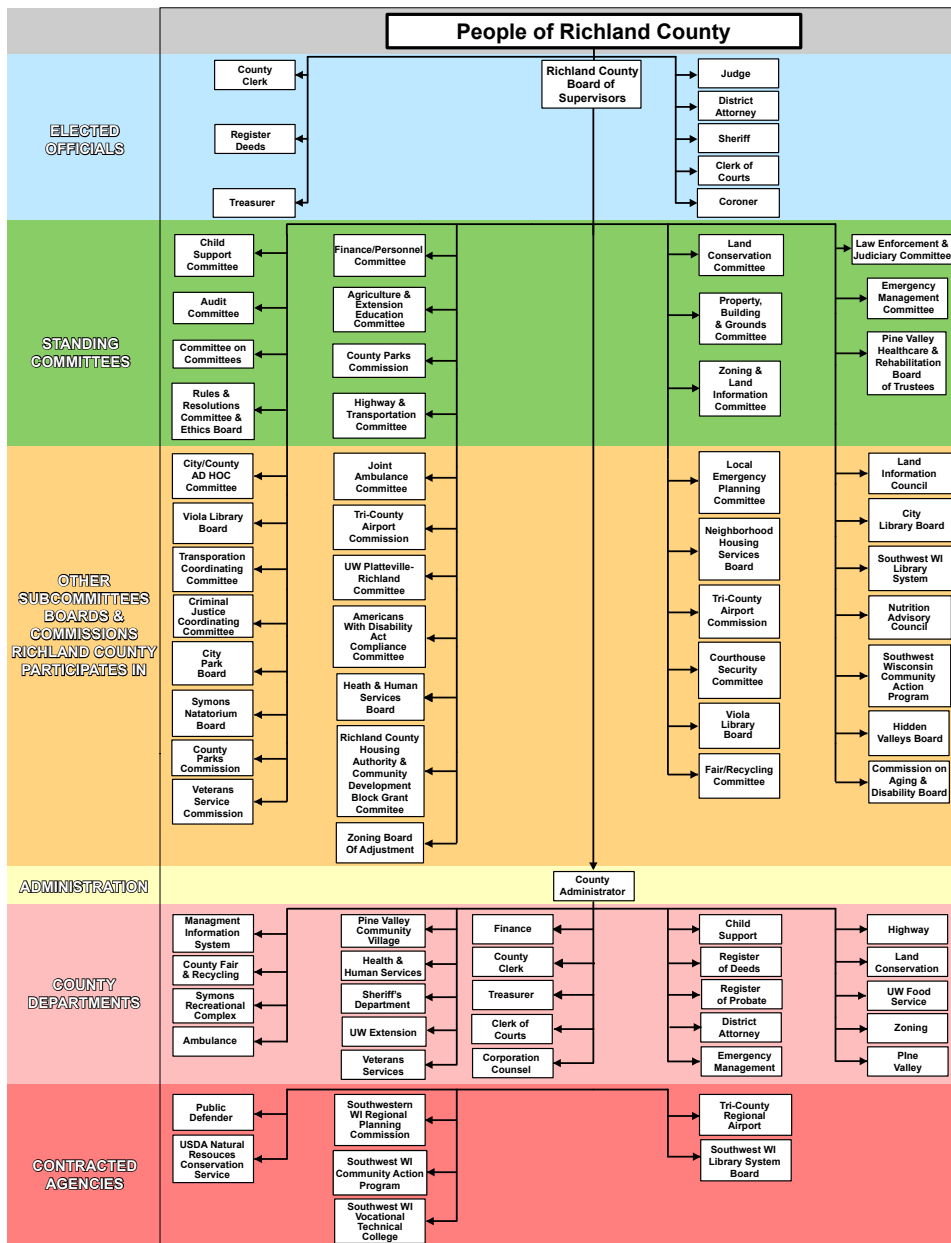
- January 27 – Core values, stakeholders, mission, and vision
- February 10 – Strength, Weakness, Opportunities and Threats (SWOT) and Political, Economical, Social and Technological (PEST) analyses and development of strategic **initiatives**
- February 24 – Organizational capability and goal development
- March 10 – Capital facility investments and plan implementation

Melissa Luck 6/24/2021 5:10 PM

Comment [2]: Should the SWOT and PEST results be added as an addenda?

SWWRPC also conducted one-on-one interviews with individuals who provided additional input into county issues. Citizen and municipal insight was also acquired through community planning work running concurrent to the strategic planning process. All materials for these meetings are retained in the SWWRPC office and available upon request.

Figure 1. Organizational Chart of Richland County Administration and Government



Strategic Priorities

The following strategic priorities will address the challenges identified in this plan, and form the basis for recommended actions. .

- **Effectiveness** – Implement operational efficiencies to reduce the costs and free up revenue.
- **Growth** – Work to increase the county’s population and tax base fund services in a balanced manner. Richland County must find a balance between infrastructure, workforce, housing, and population.
- **Focus** – Evaluate, prioritize, and scale back or eliminate discretionary services in order to focus resources on providing services with sustainable revenue or which generate measurable community wealth.
- **Improvement** – Create a culture of continual improvement to sustain progress.

Framework for Decision-Making

The county will have to make several hard decisions in the coming years, and it’s beyond the ability of this document to detail each step in that process. However, it will serve as a guide during the decision-making process. Prioritizing future investments should be informed by the following criteria.

Core Values

The county’s practices must be tethered to its principles if it is to have some coherent strategy moving forward. Core values form the basis for decisions, since they bind decision-makers to their decisions. The County Board provided the following core values during the planning process:

Integrity – Engage in county work with honesty and transparency in all proceedings. Meet commitments. Value the multitude of experiences on the board and the diversity of opinions this brings to decision-making.

Public Service – Serve the county professionally and with competence. Be efficient and objective in decision-making. Focus on doing work that is relevant to both current and future generations of county residents.

Accountability – Assume ownership of decisions. Be diligent and follow-through on projects. Be responsive to the needs of county residents as a whole, while recognizing the intrinsic value of every person. Make decisions that plant seeds of success for the future.

Open-minded – Govern in a collaborative manner, unbiased by personal interest. Listen to the needs of residents, while being aware of future demands on county services

Mission and Vision

Mission: Richland County employees, elected officials, district supervisors, and contracted partners effectively provide mandated and desired non-mandated services and representation to eligible residents, clients, businesses, and organizations with effectiveness, professionalism, and fiscal responsibility to meet the service needs of the community and facilitate prosperity.

Vision: Richland County’s ten-year vision is to continue enhancements to the structure of the County organization, ensure the fiscal solvency of operations and develop accepted processes of evaluating and prioritizing services. Through these efforts Richland County hopes to help lead the community in: 1)identifying problems appropriate for government intervention or services, 2)facilitating public discussions and collaborations to solve problems, and 3)engaging with stakeholders on outcomes that benefit future generations. This vision is built on the understanding of balancing the dreams and possibilities of the future with the realities of the present.

Other Mission and Vision Statements considered:

Mission

1. Richland County will think strategically and anticipate the future, ensuring that the decisions made today will have lasting value and provide fiscal solvency. The needs of individuals will be respected while recognizing responsibility to the community as a whole. Vital community involvement in decision-making is encouraged by providing a venue for citizens who care to contribute to the betterment of the county.
2. Richland County will foster a stable and adequate tax base such that services to the community are financially sound. With this base, the county will strive to continually improve its wisest use of tax revenues to provide quality services for the common good.
3. To ensure fiscal solvency and the long-term value of decisions made today, Richland County will embrace a strategic approach and anticipate the future, fostering a stable and adequate tax base. By consistently improving its use of tax revenues for the common good, the county will provide quality services for individuals while recognizing its responsibilities to the community as a whole.

Vision

1. Richland County will be a leader for resilient rural counties and a place where people love life, enjoy work, and are empowered to raise thriving families.
2. To achieve a resilient local economy where housing, jobs and population are in balance, and natural resources and amenities are preserved such that Richland county is a good place to live now and far into the future.
3. To achieve a resilient local economy in which housing, jobs, and population are balanced, natural resources and amenities are preserved, and a place where people love life, enjoy work, and are empowered to raise thriving families.

Focus

The defining problem for the Richland County Board of Supervisors is the need to choose which services and enterprises it will financially support. Continuing inherited practices and commitments challenge the ability to plan for future commitments and needs. The county must focus its efforts on the needs of the future.

The current challenge stems from several factors outside of the county's control, including:

- Stagnating population growth, evidence for which is found in census data, population projections, school enrollment trends, and reports on the county's bond rating (Appendix B).
- State-imposed levy and debt limits.
- Inherited contractual agreements and investments for discretionary enterprises and services.

The "Business" of the County

The primary causes of the county's financial issues stem from an inability make hard choices and focus its efforts through intentional action. It must choose which discretionary services to abandon, while simultaneously investing in community and economic development efforts to grow its population and tax base.

- 5 Richland County, Wisconsin Strategic Plan: 2021-2024

Melissa Luck 10/20/2021 10:07 AM

Comment [3]: In our last discussion of this we said we would keep the other mission/vision statements we considered around so I've left them here

"The essence of strategy is choosing what not to do."

- Michael Porter, "What is Strategy?"

Failure to focus will result in budget deficits, inability to pay competitive wages, and deferred maintenance of critical functions and facilities.

In addition to its statutory function, Richland County is currently in the “business” of Tri-county Airport, Symons, Pine Valley and UW Platteville-Richland etc. by way of its support or ownership of facilities used in these sectors. Maintenance debt services expenditures associated with discretionary enterprises compete for the same levy funding as statutorily required services, and impact the county’s ability to fully fund its core operations.

“At the core, strategy is about focus, and most complex organizations don’t focus their resources. Instead, they pursue multiple goals at once, not concentrating enough resources to achieve a breakthrough in any one of them”

- Richard Rumelt, Good Strategy/Bad Strategy

Considerations

When facing difficult decisions, the county will answer the following questions to prioritize investments:

- For each discretionary enterprise, ask the question: *If we weren’t already doing this, would we start doing it today?*
- What action or objective is within the county’s *sphere of control*?
- What is the next *proximate advantage* that will allow the county to make progress towards a larger goal?
- What is the *economic return to the tax payer* associated with this project?
- What is the *social or public good* associated with this project, and *would it cease to exist* if funding was cut?
- Are services able to be effectively *provided by another party or organization*?
- *Is the service we’re providing mandated*, and if so, *is the means of service provision mandated*? If the means of service provision is not mandated, *is there a more effective way of providing the service*?
- Is the project *a lever for creation of additional value or resources*, or *an impediment to service and innovation*?
- How might the county *premeditate actions of other parties* in order to improve its position?
- For discretionary enterprises, *are both the operational and capital outlays affordable over the next 20 years*?

Chapter 2: Strategic Goals

The County Board made significant strategic decisions in 2019 when they created the positions of County Administrator and Economic Development Director. Recommendations in this chapter build on those initial investments and include projects that were indirectly set in motion as a result of the choice to transition the executive branch of government from an Administrative Coordinator to a County Administrator.

Organizational Structure

The following strategies will enable the county to find operational efficiencies, thereby freeing up revenue and capacity in the form of staff time.

Streamline Organizational Structure (Effectiveness)

Continue the path that began with the creation of the County Administrator, using this position to centralize and coordinate county operations whenever possible.

Tactics:

- Centralize common county-wide processes and systems under the County Administrator.
 - Create finance, HR and maintenance department
- Improve the county's procurement process to be consistent county-wide. Maximize procurement rewards or benefits and identify joint procurement opportunities across departments or with other organizations.
 - Improve purchasing policy
- Evaluate the needs of a new ERP (enterprise resource planning) to update our payroll and finance systems. Pursue with measureable progress the acquisition of a new payroll and finance system.

Improve Financial Practices (Improvement/Effectiveness)

Implement the following tactics to improve the county's financial accountability, strategy, and flexibility. Doing so will yield improvements in financial education and also help create a baseline for performance metrics.

Tactics:

- Improve the county's bond rating by targeting improvement opportunities identified in Moody's Rating Action of February 2020 and Rating Change of March 2018 (Appendix B).
- Improve the budget process to implement flexibility, strategic thinking, accountability, and implementation of the Strategic Plan. Specific actions include:
 - Create budget narratives summarizing how new initiatives or improvements implement the Strategic Plan.
 - Define value that could be added with 20% *more* funding, or lost due to a 20% *reduction* in funding.
 - Identify cuts that would not impact strategic planning goals or statutorily required services.
 - Identify how departments would respond to unexpected cuts or events.
- Develop a capital improvement plan inclusive of facilities, roads, and equipment.
- Analyze the county's indirect rate to capture highest possible amount of grant funding, and establish a metric for productivity and efficiency.
- Increase discretionary and variable revenue source (fines, fees, grants, etc.) as a portion of the overall budget.

Increase Coordination (Effectiveness)

The county and its municipalities have many over-lapping interests, offering a good opportunity for partnerships that may result in improved service delivery or an overall savings to county residents through efficiencies.

Quality of a service or product is not what you put into it, but what the customer gets out of it.

- Peter Drucker

Tactics:

- Evaluate joint procurement of materials and equipment whenever found to be in the best interest of the County.
- Evaluate joint contracting for capital projects to find savings resulting from reduced mobilization fees, increased competitive bidding, etc. (e.g. mowing, paving, road systems, snow plowing),
- Explore opportunities to share or contract staffing services.
- Create additional and modern methods to communicate events and initiatives, and to generate direct input from the community. This could include community engagement via a new website or a social media presence.
- Coordinate community development and land use decision-making in Richland Center among institutional partners such as Richland County, Richland Center, Richland Hospital, and Richland Local School District.

Workforce (Growth)

The county's ability to provide quality services relies entirely on the attraction and retention of knowledgeable, hard-working employees, and the continued acquisition and effective transfer of knowledge.

"We should work to increase the desirability of being a Richland County employee."

- David Turk, Richland County Board Supervisor

Improve employee Pay and HR Policies

The financial cost of turnover is usually minimal compared to the hidden cost of lost productivity during the resulting transition. For this reason, retention of quality employees should be a primary focus to ensure the consistent delivery of high-quality services.

Tactics:

- Obtaining market value for employee wages as determined through the county's current wage study.
- Give annual pay increases in order to reach and maintain market goals.
- Monitor the compensation and classification system for all positions to ensure positions reach and maintain market-competitive wages (public and private sectors).
- Develop a uniform performance evaluation process that includes annual reviews, 6-month check-ins, and exit interviews.
- Develop a uniform set of human resources policies and procedures to improve transparency and accountability throughout the organization, including an update to the employee handbook and other related documents.

Develop a culture of support for employees (Improvement)

Non-monetary compensation is also critical to employee retention, since it builds organizational culture that supports employees. There are several ways the county can support these initiatives.

Tactics:

- Celebrate success and the professional and personal achievements of employees. Recognize new hires, retirements, and year-of-service milestones. Build a culture that supports and celebrates its people.
- Enable and empower departments to develop celebratory or team-building events. Day-long departmental retreats or other benefits can help build culture at a minimal expense.
- Create a total benefits program for employees that highlights total compensation and investment of the county in its employees, inclusive of salary, fringe benefits, wellness, and professional development.
- Increase vacation time for new employees.
- Evaluate flexible work schedules.
- Evaluate and maintain a competitive insurance program

Prioritize Service over Staffing (Improvement)

Prior to refilling a vacant position, the county should evaluate workforce needs through the lens of the service being delivered, not the means of service delivery, and implement the most effective means of service provision.

Tactics:

- For each unmet existing service or new service being proposed, evaluate staffing needs using the following analysis:
 - Can we *Build*? – invest in learning and development required to train staff to provide the service.
 - Should we *Buy*? – post the position, offering market-rate pay for a competitive application process.
 - Is there opportunity to *Borrow*? – collaborate with other entities on cost-sharing this position, or contract it out to a consultant for a short-period.
 - Can you *Bridge* the gap? –fill a vacant position through an intentional succession planning process.
 - Should we *Stop* providing this service or position?
 - How does current staffing compare to peer counties.

Capacity (Effectiveness)

Capacity, specifically the education and training of the Richland County Board and staff to perform their duties, was a common theme during the planning process. Many newer members wanted further education on various aspects of their job. Staff were commended for their subject-matter knowledge, with further training recommendations focusing on the management and human resource aspects of their job.

Invest in Education of County Board Supervisors (Improvement)

The County Board currently consists of several new Supervisors brought on during the onset of the COVID pandemic, and during the planning process they recognized the need for both initial and on-going education on a variety of topics.

Tactics:

- Formalize an on-boarding process for newly elected Supervisors, including:
 - Creation of a mentor program partnering tenured Supervisors with new Supervisors.
 - Hold informal meetings with outgoing Supervisors and their successors to facilitate knowledge transfer.
 - Fund new Supervisors' attendance at annual Wisconsin Counties Association training or conferences.
 - Create an orientation program for new county board members including expectations with materials available on the iPads.
- Intentional subject area expertise growth. Proactively bring topics to the board to encourage research and learning in individual supervisors who can then bring back information to share with the whole board. Grow institutional knowledge.
- Support the attendance by new Supervisors at major Committee meetings, such as attending Finance Committee meetings during the annual budget development process. Create a mechanism to share agendas with all County Board Supervisors in order to facilitate this.
- Support cross-training, collaboration, and peer learning between County Board Supervisors and their counterparts on the boards of outside partners, such as peer county boards, Neighborhood Services of Southwest Wisconsin, Southwest Wisconsin Community Action Program, Southwestern Wisconsin Regional Planning Commission, and the Southwest Wisconsin Workforce Development Board.
- Conduct bi-annual WCA training covering basic concepts of local government, such as the role of counties, county government finances, the role of county boards, elections, and departmental work.

Deepen Staff Training in Leadership and Management (Improvement)

County staff frequently have the opportunity to attend conferences specific to their department. However, further training in management, leadership, and process improvement was identified as a potential growth area.

Tactics

- Sponsor department head training targeted at leadership and management, including Lean process training or UW Continuing Education certifications in Public Management or Human Resources.
- Ensure conference attendance and professional development is aligned with the goals of the Strategic Plan.
- On-going training or education targeted at the evaluation, adoption, and implementation of new technology to improve operational efficiency.
- Educate employees on how government works and the need for teamwork and partnership within county departments
- Create a culture of sharing information and learning from peer counties.

Transparency (Improvement)

- All committee/boards that have a majority county board supervisors have folders with all meeting materials on iPads
- Meeting materials listed on county website for all meetings
- Listserv to automatically send agendas to whoever wants to be informed
- All committees/boards are recorded and up on website

Growth

Economic development and population growth must remain a priority if the county is going to reverse the projected population decline and workforce shortages. Maintaining the funding for the Economic Development Director partnership with Richland Center is critical to this effort. The following strategies are intended to reflect the county's community and economic development priorities.

Maintain investment in Workforce and Community Development

Demographic projections and input from county employers reflect a dire need to grow the overall population, with an emphasis on the workforce attraction. Without a growth in workforce population, there will continue to be significant challenges to business attraction and retention. There will also be limitations on the county's school enrollment and tax base.

Tactics:

- Prioritize new home construction, and development of incentives or programs to attract developers using a balanced approach.
- Encourage improvements to existing property to increase attractiveness
- Support workforce development initiatives directed at attracting new residents.
- Support and invest in broadband expansion throughout the county.
- Identify financially sustainable use options for the UW Richland campus
- Continue to invest in community and economic development partnerships with a demonstrated return-on-investment.

Support Business Attraction and Retention

In addition to the workforce attraction, the county must prioritize tax base growth through business attraction and expansion.

Tactics:

- Develop a portfolio of incentives to support business growth.
- Identify priority areas in the county for future industrial, commercial, or residential development.
- Identify future land uses for county or municipal-owned land informed by economic opportunities and environmental constraints.

Improve County Identity and Marketing

The greatest unrealized potential for Richland County is the ability to capitalize on its distinctive beauty. Leveraging this asset for growth will support many of the strategies and tactics listed elsewhere in this plan.

Tactics:

- Collaborate with county partners in the development of a distinctive brand for Richland County that will serve to build a sense of identity and pride, and help attract new residents and tourists.
- Create a new website that improve the county's digital presence, and serves both an effective governmental function as well as serving as an attractive "front door" to the world for new businesses, residents, and tourists looking to discover the county.
- Capitalize on the county's natural beauty and recreational opportunities through the investment and marketing of county parks, campgrounds, and recreational opportunities.

Operational Performance Metrics

Implementation of the strategies and tactics above will result in measured improvement to county operations. Some of this improvement is already being measured and has existing targets. Other improvements require the development of targets and collection of baseline data. Recommended performance metrics are in the Work Plan.

Richland County Committee

Agenda Item Cover

Agenda Item Name: Changes to the County Committee of Committees Design

Department	Administration	Presented By:	Administrator
Date of Meeting:	04 November, 2021	Action Needed:	Vote
Disclosure:	Open Session	Authority:	Structure C
Date submitted:	02 November, 2021	Referred by:	
Action needed by no later than (date)	N/A	Resolution	N/A, <u>needed</u> , prepared, reviewed

Recommendation and/or action language:

Motion ... to have the County Administrator prepare (proposal/ proposals/ resolution and rules language changes) that reflect the following Committee on Committees design variables:

Current:

Change:

Formation:	Elected by Board	or	Appointed by Chair
# of Members:	Chair, Vice + 5	or	Chair, Vice + [__]
Purpose:	Recommends to Board	or	Recommends to Chair
Vacancies In-session:	Filled thru Committee	or	Filled by Chair/Administrator
Which Bodies?:	All CBC, Subs and Seats	or	Standing Committees; or Listed [_____]
Standing Com. Chairs:	Committee Org Meetings	or	By Chair, or Committee on Committee

Background: *(preferred one page or less with focus on options and decision points)*

As a follow-up to discussions had in the October Rules and Resolutions Committee meeting. The proposed changes in Committee on Committee design and functions were presented to the County Board on the evening of October 26th. In response to that presentation, County Supervisors have been reaching out to the committee chair and administrator individually

Richland County Committee

Agenda Item Cover

to express support, concerns, and questions with the proposal. In efforts to capture the committee's collective decision on the several elements of the proposed change, the above motion language attempts to identify and isolate the different variables. The administrator would like to see action from the committee in deciding on a recommendation for board resolution, or giving guidance in the form of a motion for a direction of further development, or motion to leave the design as is.

As a reference for understanding the Administrator's role in appointing members see Wisconsin State Statute: 59.18

(2) DUTIES AND POWERS. *The county administrator shall be the chief administrative officer of the county. The county administrator shall take care that every county ordinance and state or federal law is observed, enforced and administered within his or her county if the ordinance or law is subject to enforcement by the county administrator or any other person supervised by the county administrator. The duties and powers of the county administrator shall be, without limitation because of enumeration, to:*

(c) Appoint the members of all boards and commissions where the statutes provide that such appointment shall be made by the county board or by the chairperson of the county board. All appointments to boards and commissions by the county administrator shall be subject to the confirmation of the county board.

Attachments and References:

Reference October R+R Meetings	
--------------------------------	--

Financial Review:

(please check one)

<input type="checkbox"/>	In adopted budget	Fund Number	
<input type="checkbox"/>	Apportionment needed	Requested Fund Number	
<input type="checkbox"/>	Other funding Source		
<input checked="" type="checkbox"/>	No financial impact		

(summary of current and future impacts)

No foreseeable financial impacts

Approval:

Review:

Clinton Langreck

Department Head

Administrator, or Elected Office (if applicable)

Richland County Rules and Resolutions Committee & Ethics Board

Agenda Item Cover

Agenda Item Name: Roles and Responsibilities of the Chair and Vice Chair

Department	County Board	Presented By:	Shaun Murphy-Lopez
Date of Meeting:	11/4/21	Action Needed:	Resolution
Disclosure:	Open Session	Authority:	Committee Structure, Section C
Date submitted:	11/3/21	Referred by:	None

Recommendation and/or action language:

Informational only, although the committee may desire further action on this item.

Background:

The idea of shifting appointing authority from the Committee on Committees to the County Board Chair brings up the roles and responsibilities of the Chair and Vice Chair. Some duties are prescribed by Wisconsin Statute 59.12 and 59.13, which are included as Attachment A. The Wisconsin County Official's Handbook also has guidance in Attachment B. Highlighted text may be relevant to both this agenda item, as well as the previous item, "proposed changes to Committee on Committees."

Attachments and References:

Attachment A: WI Statute 59.12 and 59.13
Attachment B: Wisconsin County Official's Handbook

Financial Review:

(please check one)

<input type="checkbox"/>	In adopted budget	Fund Number	
<input type="checkbox"/>	Apportionment needed	Requested Fund Number	
<input type="checkbox"/>	Other funding Source		
<input checked="" type="checkbox"/>	No financial impact		

Approval:

Review:

Department Head

Administrator, or Elected Office (if applicable)

(6) **ENFORCEMENT OF DIVISION REQUIREMENT.** If a county fails to comply with sub. (2) (a) or (3) (b), any municipality located in whole or in part within the county or any elector of the county may submit to the circuit court for the county within 14 days from the expiration of either 60-day period under sub. (2) (a) or (3) (b) a proposed tentative supervisory district plan or a final plan for creation of supervisory districts in compliance with this section. If the court finds that the existing division of the county into supervisory districts fails to comply with this section, it shall review the plan submitted by the petitioner and after reasonable notice to the county may promulgate the plan, or any other plan in compliance with this section, and the plan shall be in effect until superseded by a plan adopted by the board in compliance with this section.

History: 1971 c. 134, 211, 304; 1973 c. 118 ss. 2 to 4, 7; 1973 c. 334 s. 57; 1973 c. 336; 1975 c. 93 s. 113; 1975 c. 116, 200; 1977 c. 427; 1979 c. 34, 89, 122, 260; 1981 c. 4, 390; 1983 a. 29; 1983 a. 192 ss. 115, 303 (1), (2); 1983 a. 484; 1983 a. 532 s. 36; 1985 a. 29, 304; 1989 a. 56 s. 258; 1991 a. 5, 316; 1993 a. 490; 1995 a. 16 s. 2; 1995 a. 201 s. 100; Stats. 1995 s. 59.10; 1997 a. 35; 1999 a. 150 s. 672; 2001 a. 107; 2003 a. 32; 2005 a. 100, 235, 248; 2007 a. 72, 97; 2011 a. 39, 75; 2013 a. 14; 2015 a. 196; 2017 a. 207 s. 5.

Cross-reference: See s. 17.21 (5) for provision as to filling vacancies on county boards in counties over 750,000.

Cross-reference: See s. 59.20 (1) for county supervisor residency requirements.

Cross-reference: See s. 66.0505 for restrictions on changes in compensation of county board members.

Judicial relief is available if a county fails to follow the statutory requirements for redistricting. *City of Janesville v. County of Rock*, 107 Wis. 2d 187, 319 N.W.2d 891 (Ct. App. 1982).

The trial court properly voided a city's supervisory district plan and adopted the county's plan even though the county did not adopt the plan within 60 days of receiving census data as required by sub. (3). *County of La Crosse v. City of La Crosse*, 108 Wis. 2d 560, 322 N.W.2d 531 (Ct. App. 1982).

Sub. (3) (a) does not establish a separate minimum for each class of county. The constitutionality of sub. (3) (a) is discussed. 60 Atty. Gen. 327.

A vacancy on a county board due to resignation may be filled by appointment by the county board chairperson when the board is not in session. 61 Atty. Gen. 1.

An incumbent county supervisor must resign before the county board may consider his or her appointment as highway commissioner. 61 Atty. Gen. 424.

A county board supervisor risks violations of s. 946.13 if he is appointed as counsel for indigent defendants. 62 Atty. Gen. 62, 118.

Under sub. (3) (c) alteration of county supervisory district boundaries between decennial censuses is authorized only when ward boundaries originally relied upon in reapportioning the county have been subsequently altered by incorporation, annexation, detachment, or consolidation. 63 Atty. Gen. 544.

Section 59.06 (2) (intro.) [now s. 59.13 (2) (intro.)] does not prohibit payment of additional mileage under s. 59.03 (3) (g) [now sub. (3) (g)]. 68 Atty. Gen. 73.

State law does not prohibit discontinuation of all health insurance for county supervisors in self-organized counties during supervisors' terms of office or modest but involuntary increases in health insurance premiums for county supervisors in self-organized counties during supervisors' terms of office. **OAG 5–11.**

A tribal law enforcement officer who is an active duty deputy sheriff, but is not on the county's payroll, may not serve as a county board supervisor. Under sub. (4), the office of county supervisor is incompatible with the office of active duty deputy sheriff, even if the deputy sheriff is not paid by the county. **OAG 3–13.**

The provision of health, dental, and life insurance and the payment of insurance premiums for county supervisors are not "compensation" under sub. (3). Thus the procedural requirements of that statute are inapplicable to motions or proposals to change those benefits. **OAG 5–13.**

59.11 Meetings; adjournment; absentees. (1) (a) Every board shall hold an annual meeting on the Tuesday after the 2nd Monday of November in each year for the purpose of transacting business. Any board may establish by rule an earlier date during October or November for the annual meeting and may by rule establish regular meeting dates throughout the year at which to transact general business. When the day of the meeting falls on November 11, the meeting shall be held on the next succeeding day.

(b) The annual meeting may be adjourned by the clerk, upon the written request of a majority of the supervisors, to a day designated in the request, but not less than one week nor more than 3 weeks from the Tuesday after the 2nd Monday of November. Upon such an adjournment being made, the clerk shall give each supervisor written notice of the time and place to which the annual meeting has been adjourned.

(c) The board, except in counties with a population of 750,000 or more, shall meet on the 3rd Tuesday of each April to organize and transact business. At this meeting the board may transact any business permitted at the annual meeting, including the appointment of all county commissions and committees. The meeting may be adjourned in the same manner as the annual meeting.

(2) A special meeting of the board shall be held:

(a) Upon a written request of a majority of the supervisors delivered to the clerk, specifying the time and place of the meeting. The time shall not be less than 48 hours from the delivery of the request. Upon receiving the request the clerk shall immediately mail to each supervisor notice of the time and place of the meeting. Any special meeting may be adjourned by a vote of a majority of all the supervisors. The board by ordinance may establish a separate procedure for convening the board in a "declared emergency" as defined by county ordinance.

(b) For the purposes and in the manner prescribed in s. 31.06, with the right to adjourn the special meeting from time to time by a vote of a majority of all the supervisors entitled to a seat. The clerk shall mail written notice of the special meeting, specifying the time, place and purpose of the meeting, to each supervisor not less than 2 weeks before the day set for the meeting.

(c) In a county with a population of 750,000 or more, upon a written request of the county executive delivered to the clerk which must have been approved by the county board chairperson, specifying the time and place of the meeting. The time shall not be less than 48 hours from the delivery of the request. Upon receiving the request and the approval of the county board chairperson, the clerk shall immediately mail to each supervisor notice of the time and place of the meeting. Any special meeting may be adjourned by a vote of a majority of all the supervisors.

(3) All meetings shall be held in the county at places that are designated by the board. The board shall give adequate public notice of the time, place and purpose of each meeting.

(4) The board shall sit with open doors, and all persons conducting themselves in an orderly manner may attend. If any supervisor misses or leaves a meeting of the board without good cause or without being first excused by the board, the chairperson may issue a warrant requiring the sheriff or some constable immediately to arrest and bring the supervisor before the board. The expenses of the arrest shall be deducted from the pay of the member unless otherwise directed by the board. The board may punish its members for infraction of its rules by imposing the penalty provided in the rules.

(5) The board may appropriate funds to broadcast by radio or television, or to tape and rebroadcast, any meeting of the board held under this section.

History: 1971 c. 68, 307; 1975 c. 41, 109; 1983 a. 192; 1995 a. 201 ss. 105, 233; Stats. 1995 s. 59.11; 2013 a. 14; 2017 a. 207 s. 5.

A county clerk can adjourn a regular meeting of the county board when requested by majority of the elected members of the board. 61 Atty. Gen. 352.

59.12 Chairperson; vice chairperson; powers and duties.

(1) The board, at the first meeting after each regular election at which members are elected for full terms, shall elect a member chairperson. The chairperson shall perform all duties required of the chairperson until the board elects a successor. The chairperson may administer oaths to persons required to be sworn concerning any matter submitted to the board or a committee of the board or connected with their powers or duties. The chairperson shall countersign all ordinances of the board, and shall preside at meetings when present. When directed by ordinance the chairperson shall countersign all county orders, transact all necessary board business with local and county officers, expedite all measures resolved upon by the board and take care that all federal, state and local laws, rules and regulations pertaining to county government are enforced.

(2) The board at the time of the election of the chairperson shall also elect a member vice chairperson, for the same term, who in case of the absence or disability of the chairperson shall perform the chairperson's duties. The board at the time of the election of the chairperson may also elect a member 2nd vice chairperson, for the same term, who in case of the absence or disability of the chairperson and vice chairperson shall perform the duties of the chairperson. Except for the board of a county with a population of

750,000 or more, the board may provide for the payment of additional compensation to the vice chairpersons.

(3) In case of the absence of a chairperson for any meeting the members present shall choose another member to be temporary chairperson.

History: 1977 c. 259; 1983 a. 192 ss. 120, 303 (1); 1985 a. 29; 1995 a. 201 s. 106; Stats. 1995 s. 59.12; 2013 a. 14.

A county board cannot adopt a resolution that infringes on the power of a succeeding board to elect its chairperson and vice chairperson. 61 Atty. Gen. 108.

Removal of the chairperson of a county board may be at the will of a simple majority of the board under this section. Section 17.10 is inapplicable. Nothing in this section requires the county board to have any particular reason for removing its chairperson. An incumbent chairperson may be removed at will by the county board simply by voting to elect someone else to that position. OAG 1–07.

59.13 Committees; appointment; compensation.

(1) The board may, by resolution designating the purposes and prescribing the duties thereof and manner of reporting, authorize their chairperson to appoint before June 1 in any year committees from the members of the board, and the committees so appointed shall perform the duties and report as prescribed in the resolution.

(2) Except as provided under sub. (3), committee members shall receive such compensation for their services as the board allows, not exceeding the per diem and mileage allowed to members of the board and the committee members shall receive such compensation, mileage and reimbursement for other expenses as the board allows for their attendance at any school, institute or meeting which the board directs them to attend. No supervisor shall be allowed pay for committee service while the board is in session, nor for mileage except in connection with services performed within the time limited under this subsection. The number of days for which compensation and mileage may be paid a committee member in any year, except members of committees appointed to have charge of the erection of any county building, and except as otherwise provided by law, are limited as follows:

(a) In counties containing less than 25,000 population, to 20 days, not more than 10 of which shall be for services on any one committee, except that the board may increase the number of committee meetings under par. (b) and similarly fix the compensation of the members for the additional meetings.

(b) In counties with a population of 25,000 or more, to 30 days for services on committees, except that the board may, by a two-thirds vote of the members present, increase the number of days for which compensation and mileage may be paid in any year and fix the compensation for each additional day.

(3) A supervisor in a county with a population of 750,000 or more may not accept any compensation in addition to his or her regular salary for serving as a member of any committee, board or commission appointed by the county board or by the county executive.

History: 1983 a. 192 s. 303 (1); 1985 a. 29; 1995 a. 201 s. 107; Stats. 1995 s. 59.13; 2017 a. 207 s. 5.

A county board may not delegate appointment of committee members to a committee of the board. 61 Atty. Gen. 214.

Section 59.06 (2) (intro.) [now sub. (2) (intro.)] does not prohibit payment of additional mileage under s. 59.03 (3) (g) [now s. 59.10 (3) (g)]. 68 Atty. Gen. 73.

County board resolutions creating special or standing committees under this section or creating rules of procedure relative to executive matters or the administration of law are subject to veto in counties under 500,000 [now 750,000]. 68 Atty. Gen. 182.

A county board's power to delegate authority concerning property transactions to its committees is discussed. 74 Atty. Gen. 227.

Except in self-organized counties under s. 59.03 (1) [now s. 59.10 (1)], a county board may not establish multiple per diem compensation for attendance at more than one committee meeting on the same day on days when the county board is not in session. 79 Atty. Gen. 122.

59.14 Publication of ordinances and proceedings.

(1) Whenever a board enacts an ordinance under this chapter the clerk shall immediately publish the ordinance either in its entirety, as a class 1 notice, under ch. 985, or as a notice, as described under sub. (1m) (b); and the clerk shall procure and distribute copies of the ordinance to the several town clerks, who shall file it in their respective offices.

(1m) (a) In this subsection, “summary” means a brief, precise, and plain-language description that can be easily understood.

(b) A notice of an ordinance that may be published under this subsection shall be published as a class 1 notice under ch. 985 and shall contain at least all of the following:

1. The number and title of the ordinance.
2. The date of enactment.
3. A summary of the subject matter and main points of the ordinance.

4. Information as to where the full text of the ordinance may be obtained, including the phone number of the county clerk, a street address where the full text of the ordinance may be viewed, and a website, if any, at which the ordinance may be accessed.

(2) The board shall, by ordinance or resolution, provide for publication in one or more newspapers in the county as a class 1 notice, under ch. 985, a certified copy of all its proceedings had at any meeting, regular or special; said publication to be completed within 60 days after the adjournment of each session.

(3) The board may at any meeting, regular or special, provide by resolution for the publication in pamphlet form by the lowest and best bidder therefor, of a sufficient and designated number of copies of its duly certified proceedings, for general distribution.

(4) The board may order public notices relating to tax redemption and other affairs of the county to be published in a newspaper printed in any other than the English language, to be designated in such order, whenever the board considers it necessary for the better information of the inhabitants of the county, and it shall appear from the last previous census that one-fourth or more of the adult population of the county is of a nationality not speaking the English language, and that there shall have been a newspaper published in the county continuously for one year or more in the language spoken by that nationality; but all of the notices shall also be published in a newspaper published in the English language as provided by law. The compensation for all of the publications shall be paid by the county ordering the publications, and shall be the same as that prescribed by law for publication in the English language; and no extra charge shall be allowed for translation in any case. No irregularity, mistake or informality in any such publication shall affect the validity or regularity of any tax redemptions or other legal proceedings.

History: 1987 a. 378; 1995 a. 201 s. 244; Stats. 1995 s. 59.14; 2007 a. 72; 2017 a. 365 s. 112.

Sub. (1) is discussed in reference to the effect of the failure to distribute and the requirements of distribution and publication. 62 Atty. Gen. 81.

Codification and publication of ordinances is discussed. 70 Atty. Gen. 124.

A county with a population of less than 250,000 is not required to designate an official newspaper. A county is not required to seek bids for the publication of legal notices. Even if a county does not competitively bid the publication of its own proceedings as provided in sub. (3), it may print its own proceedings or post them on its website. A county may not, in lieu of publication in a printed newspaper or posting on a physical bulletin board, post its legal notices on its official website. OAG 2–08.

59.15 Neglect of duty. Any supervisor who refuses or neglects to perform any of the duties which are required of the supervisor by law as a member of the board, without just cause therefor, shall for each such refusal or neglect forfeit not less than \$50 nor more than \$200.

History: 1991 a. 316; 1995 a. 201 s. 246; Stats. 1995 s. 59.15; 1995 a. 225 s. 136; 1997 a. 35.

A county board may provide for a penalty in the nature of a forfeiture for the violation of a code of ethics ordinance but may not bar violators from running for office. A violation is not a neglect of duties under this section or ipso facto cause for removal under s. 17.09 (1). 66 Atty. Gen. 148. See also 67 Atty. Gen. 164.

SUBCHAPTER IV

COUNTY OFFICERS

59.17 County executive. (1) ELECTION AND TERM OF OFFICE. (a) In each county with a population of 750,000 or more, a county executive shall be elected for a 4-year term at the election

WISCONSIN COUNTY OFFICIAL'S HANDBOOK

7th Edition

A Publication of Wisconsin Counties Association, 2020

With the support of the UW-Extension's Local Government Center

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County Government Structure

■ Philip J. Freeburg, J.D., Distinguished Lecturer, UW-Madison Division of Extension
Local Government Education

THE COUNTY BOARD OF SUPERVISORS

The governing body of the county is the county board of supervisors. Supervisors are elected from geographic districts, not at large. After each decennial census, county boards are required to draw up new district boundaries based on a uniform number of residents per district. Supervisory elections are conducted in the April general elections of even-numbered years. In cases where three or more candidates file in the same district for the office, primaries are held on the third Tuesday of February in the same year. Supervisors serve two-year terms. Each board meets after each election to select a board chairperson and up to two vice-chairpersons. The board chairperson conducts meetings, may make committee appointments as authorized by the board, and represents the board by virtue of being the chief elected board official of the county.

The maximum number of supervisors allowed for each board is prescribed in Wis. Stat. § 59.10(3) and is based on the latest census population for each county.¹ Counties with populations of 100,000 to 749,999 are allowed up to 47 board members. Counties with 50,000 to 99,999 may have a maximum of 39 members; those with 25,000-49,999 are limited to 31; and those with 25,000 residents or less may have up to 21. In most of the 72 counties, boards have reduced their membership to below statutory limits. Adjustments to board size can be made after each decennial census to coincide with redistricting, and one time between each decennial census by the board or through a citizen petition and referendum process.

Wis. Stat. § 59.10(3)(cm) allows further reductions during the decade based on the most recent census. It also provides for citizen petition and referendum to reduce board size. Using the authority of Wis. Stat. § 59.10(3)(cm), several Wisconsin county boards have opted to reduce their size.

COUNTY BOARD COMMITTEES

Wis. Stat. § 59.13 states "the board may, by resolution designating the purposes and prescribing the duties thereof and manner of reporting, authorize their chairperson to appoint before June 1 in any year committees from the members of the board, and the committees so appointed shall perform the duties and report as prescribed in the resolution."

A county board may establish as many standing and advisory committees as it deems necessary to conduct the business of the county. These are usually created by ordinance or resolution. Due to the size of county boards, preliminary business and most public hearings are conducted by committees, which then make referrals or recommendations to the full board for final action. State law requires that county committees be established for major social service programs, such as developmental disabilities and

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mental health programs.² It also requires a separate highway committee to oversee road maintenance and other public works. Additional standing committees usually include those dealing with finance, personnel, general administration, and intergovernmental matters. Wisconsin county boards often have standing committees assigned to major subject areas, such as public safety and planning/zoning matters. County boards also create numerous advisory committees that are often composed of both citizens and board members. Advisory committees may vote on resolutions, ordinances, or financial matters, but their recommendations are only advisory to standing committees and the board, which then make the final decisions. Advisory committee terms may be set for shorter time periods than standing committees and may “sunset,” or cease to exist, after they complete their assigned tasks. Subsequent to the reductions provided for by Wis. Stat. § 59.10(3)(cm), many county boards have consolidated many of their committees to significantly reduce their meeting load.

In addition to committees that the board may create at its own discretion, state statutes require certain committees be created. Required committees include:

- ▣ Wis. Stat. § 83.015 – county highway committee
- ▣ Wis. Stat. § 323.13(1)(a) – emergency management
- ▣ Wis. Stat. § 59.56(3) – extension committee
- ▣ Wis. Stat. § 46.82 – commission on aging
- ▣ Wis. Stat. § 251.04 – local board of health
- ▣ Wis. Stat. § 92.06 – land conservation committee
- ▣ Wis. Stat. Ch. 46 & 51 – community programs/social services/human services
- ▣ Wis. Stat. § 59.54(8) – local emergency planning committee
- ▣ Wis. Stat. § 45.81 – veterans service commission

It is worth remembering that counties have Administrative Home Rule authority and, other than the required committees, they can add, consolidate, restructure, or eliminate committees as they deem necessary.

COMMITTEE ASSIGNMENTS

Generally, the county board chair appoints a committee chair, as well as individual members, of each committee after surveying board members regarding their particular interests and strengths. Individual members may make requests for specific committee appointments directly to the chair at appropriate times before the committees’ memberships are officially set. This is typically done in April or May of years members are elected. Committee chairs and members may or may not be removed from their duties during the middle of their terms of appointment depending on each county board’s adopted rules. Standing committees usually are created by resolution or ordinance and may be dissolved or re-created every two years following the biennial spring elections. These committees usually consist solely of county board member appointees. Short-term or long-term advisory committees may also be appointed by a chair, county executive, or administrator to study and report on specific issues.

SELF-ORGANIZED COUNTY OPTIONS

Often it is said that a county board has little control over its own affairs, policies, and procedures, especially when compared to villages and cities, which operate under constitutional home rule powers. While this may be true in many cases, provisions in the state statutes do permit the county board some flexibility in setting member compensation, board terms, and filling board vacancies.

These provisions, known collectively as “self-organized counties” legislation [Wis. Stat. § 59.10(1)], were passed in the mid-1970s in an attempt to provide flexibility regarding limited and specific county board matters.³ The major options available to county boards after approving this status are:

- ❑ The ability to set staggered terms for supervisors – electing half of them each year, rather than electing them all each even-numbered year.
- ❑ The flexibility in setting board member compensation, including the ability to pay fixed salaries and to pay for additional board or committee meetings in excess of current statutory limits based on population.
- ❑ The right to fill board vacancies by other means, such as by nomination from the board floor and/or the ability to schedule special elections before vacated terms expire.

Two counties already have specific provisions for self-organization under state statutes without adopting self-organized status and thus have no need to enact further self-organizing ordinances. The Milwaukee County Board of Supervisors, by virtue of being the only county in the state with a population in excess of 750,000, formerly had the right to create four-year terms for the its supervisors and to set its own supervisors’ salaries, subject to advance approval before the new supervisors take office. Since 2016 and subsequent elections, Milwaukee supervisors’ terms are 2 years. Milwaukee County supervisors are also precluded from accepting additional compensation over their annual salaries “for serving as a member of any committee, board or commission appointed by the county board or by the county executive,” however, the board may provide for some limited exceptions.⁴

Menominee County is also specifically exempted from state laws regarding terms of office and appointments to vacancies by virtue of being the only county with one town within the county limits. Its town board members and one supervisor representing the only incorporated village in the county also serve as the county board of supervisors and therefore, different provisions apply permitting staggered terms that coincide with town and village elections. However, the board members in Menominee County are still governed by the standard per diem compensation limits mentioned later in this chapter for non-self-organized counties.

HOW IS SELF-ORGANIZATION ACCOMPLISHED?

The county board may choose at any time to become a “self-organized county.” This is done by passing an ordinance stating its intent to self-organize and citing its authority to do so under Wis. Stat. § 59.10(1). If the board enacts such an ordinance, the county clerk must file a certified copy with the Wisconsin Secretary of State. Following this filing, the county board may adopt policies it desires

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TABLE 1: SELF-ORGANIZED COUNTIES*

Adams	1991	La Crosse	1997	Richland	1991
Calumet	1990	Lafayette	2001	Rock	1985
Chippewa	2002	Langlade	2015	Rusk	1993
Crawford	2005	Lincoln	2004	Sawyer	2016
Dane	1984, 1974	Manitowoc	1987	St. Croix	2004
Dodge	1991	Marathon	1975	Shawano	1997
Douglas	1999	Marinette	1990	Sheboygan	1985
Dunn	1997	Marquette	1991	Taylor	1978
Grant	2009	Monroe	2000	Vilas	2004
Green	1990	Oneida	1991	Walworth	2009
Green Lake	1990	Pierce	2004	Washington	2004
Iowa	1995	Polk	2014	Waukesha	2009
Iron	2004	Portage	1995	Waupaca	1999
Jefferson	2003	Price	2010	Wood	1997
Juneau	2003	Racine	2001		

* As of February 2018; Source: Wisconsin Secretary of State.

regarding staggered terms, compensation for board members, and the method for filling county board vacancies. This is usually accomplished through the board's adoption of a series of individual ordinances; each ordinance requires approval by a majority of the entire board membership. While the secretary of state's office maintains a file of all ordinances passed by counties enacting their self-organized status, the office does not verify the facts behind such documents, nor does it ever withhold approval of any county's claim of such status after the appropriate filing is made. It also does not exercise any ongoing oversight of counties' use of such powers. Once the self-organized status is obtained, the board is not required to enact ordinances enabling any or all of these provisions under any particular time schedule.

County boards have had the option to self-organize for over 40 years; 43 of 70 eligible counties have passed a local ordinance and are officially listed with the secretary of state's office as "self-organized" (see Table 1 above). The earliest county to take advantage of this provision was Dane County in 1974. It was followed in 1978 by Taylor County. The most recent counties to enact such an ordinance were Vernon, Pepin and Sawyer Counties, which joined the list in 2016. The 45 self-organized counties are fairly evenly distributed, both geographically and in population.

TERMS OF OFFICE FOR BOARD MEMBERS

Non-self-organized counties must hold an election of the entire county board every two years on the first Tuesday in April in even-numbered years. All terms run simultaneously. In the 2016 election, the Wisconsin Counties Association reported that 19% of supervisory seats across the state changed hands. Self-organized counties are permitted to hold elections in one half of their supervisory districts in April of even-numbered years, and in the other half in April of the odd-numbered years.

COMPENSATION FOR BOARD MEMBERS

Unless a county is “self-organized,” a board member’s compensation is to be paid on a per diem basis and must be based on actual board meetings attended by each member. Members who are absent due to illness, family emergencies, business obligations, or other legitimate reasons may not be paid for meetings missed.

In many counties, members must submit monthly per diem request forms to the clerk’s office in order to be compensated after attending meetings. The board sets its members’ per diem at rates it determines. Typical per diem range from \$15 to \$50 per meeting. State statutes limit the total number of days in which a county board member can claim the per diem regardless of whether additional meetings are required. Specifically, Wis. Stat. § 59.10(3)(h) limits the county from paying supervisors per diem for more than 20 days in a calendar year if the county’s population is less than 25,000; for more than 25 days if the county population is 25,000 to 99,999; and for no more than 30 days total per year if it is between 100,000 and 749,999.

Similar limitations on additional compensation for committee meetings are applied to non-self-organized counties under Wis. Stat. § 59.13(2)(a) & (b). In counties of less than 25,000 population, supervisors are limited to no more than 20 days of per diem pay for committee meetings annually, of which not more than 10 days can be for services on any one committee. An exception is that the board may increase the number of committee meetings for which a member can be compensated by a two-thirds majority vote. In counties with a population of 25,000 or more, board members are limited to no more than 30 days of extra pay for committee duties unless the board increases the number by the same two-thirds vote. In addition, an attorney general’s opinion states that counties may not pay multiple per diem for committee meetings held on the same day as board meetings or for multiple committee meetings on the same day, unless the county is self-organized.⁵

In counties with a population of less than 750,000, the board may elect to pay members an annual salary through approval of a two-thirds majority of the members, without declaring itself self-organized. State law permits higher compensation for the county board chair and for up to two vice chairs. Under no circumstances may county boards adjust the compensation of their members or officers during the course of the members’ term.

REIMBURSEMENT FOR TRAVEL TO MEETINGS

County board members are entitled to mileage reimbursement for actual miles traveled to county board and committee meetings. The allowable manner for calculating member mileage reimbursement is stipulated in Wis. Stat. § 59.10(3)(g). A member shall be compensated for actual mileage based on the “usual traveled route”.... “in going to and returning from” board or committee meetings. Wis. Stat. § 59.22 adds that the rate at which mileage is compensated shall be determined by the county board itself and may be any amount deemed reasonable. The rate is set by resolution or ordinance by the governing body.

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In many counties, this means that the county sets a per mile reimbursement rate at or below the IRS maximum allowance as the standard for both employee and board member reimbursement. Amounts over that figure are subject to personal income tax reporting and taxes. The provisions related to “usual traveled routes” do not apply to counties with self-organized status where the board may elect to pay members for routes that contain mileage over and above present statutory limits.

FILLING BOARD VACANCIES

From time to time, due to resignation or death, a vacancy occurs on the county board of supervisors. In self-organized counties, the board may determine the procedure for filling a vacancy. Without self-organizational status, the county board chairperson, with the approval of the board, appoints a qualified elector who is a resident in the vacated supervisory district. The appointed person then serves for the remainder of the term, unless the board orders a special election to fill the vacancy. If a vacancy occurs before June 1 in the year preceding expiration of the term of office, the board may order a special election to fill the vacancy. In the case that the board orders such a special election, the appointed person serves until a successor is elected and qualified. The person that is elected in a special election serves for the remainder of the unexpired term.

EXECUTIVE AND ADMINISTRATIVE OPTIONS

Prior to 1960, Wisconsin county boards functioned as both the legislative branch and the executive branch for counties. However, as county government became more complex and the population became more urbanized, state statute was amended to permit the creation of a separate, elected position of county executive to administer and monitor county departments and exercise other specified powers. This position first was mandated for Milwaukee County in 1960. In 1969, the authority to create an executive position was extended to all counties, regardless of size (Wis. Stat. § 59.17). County executives are elected in the general nonpartisan election on the first Tuesday in April and serve four-year terms.

In 1985, the legislature specified the powers of appointed county administrator. The county administrator is responsible for the annual budget, providing oversight to county department heads, and reporting to the county board.⁶ Wisconsin currently has 12 elected county executives and 27 appointed administrators. Wis. Stat. § 59.19 required all counties no later than January 1, 1987 that do not choose to create either an administrator or an executive position to designate an administrative coordinator. The administrative coordinator is “responsible for coordinating all administrative and management functions of the county government not otherwise vested by law in boards or commissions, or in elected officers.” Thirty-three counties have selected this form of administration.

FORMS OF COUNTY GOVERNMENT IN BRIEF

Wisconsin law provides for three forms of county government. Those are the county executive, county administrator, and county administrative coordinator. All counties have an elected board of supervisors

TABLE 2: COUNTY ADMINISTRATIVE OPTIONS

TOPIC	EXECUTIVE (Wis. Stat. § 59.17)	ADMINISTRATOR (Wis. Stat. § 59.18)	ADMIN. COORDINATOR (Wis. Stat. § 59.19)
How Created	Board resolution or citizen petition/referendum	Board resolution or citizen petition/referendum	Board resolution or ordinance
How Chosen	Spring election every four years (nonpartisan)	Appointed by majority vote of county board	Appointed by majority vote of board
Qualifications	U.S. citizen, 18 years of age, county resident	Training, experience, education (no consideration for residence, nationality or political affiliation)	Elected or appointed county official and other qualifications set by board
Source of Powers	State statutes	State statutes	Limited state statutes and board resolution/ordinance
Removal	By governor for cause	By county board majority	By county board majority
Budget Authority	Prepares & presents to board	Prepares & presents to board	Only as authorized by board
Veto Board Actions	Yes	No	No
Department Heads	Appoints (subject to board confirmation), removes at pleasure	Appoints (subject to board confirmation), removes at pleasure	No authority unless granted by board
Advisory Committees/ Boards	Appoints, removes subject to board confirmation unless waived or made under civil service	Appoints, removes subject to board confirmation unless waived or made under civil service	No authority unless granted by board
Coordinate Depts.	Yes	Yes	Only management functions not assigned departments by ordinance or law

comprised of members of the electorate with powers authorized by Section 22, Article IV of the Constitution and specified in Chapter 59 of the statutes. The Wisconsin county board is unlike the commission form of government found in some states in which individual county commissioners are directly responsible for the operational aspects of any county department.

The Wisconsin State Legislature and statutes chose the supervisor form of government. Unfortunately, the use of the term “supervisor” appears to be a source of misinterpretation of the duties of Wisconsin county boards of supervisors. Supervisors do not directly “supervise” under Wisconsin law; they “oversee” through their policy making and budgeting authority. The term “supervisor” is historical, not descriptive.

COUNTY EXECUTIVE (WIS. STAT. § 59.17). In this form of county government, a county executive is elected by the citizens specifically to act in the capacity of Chief Executive Officer (CEO) of the county. While Milwaukee County is required to have a county executive, any county in the state may choose this form of executive structure. This structure is often chosen for reasons such as political climate, complexity of governmental issues in that county, projected growth, or some other issue that compels the citizenry to elect a full-time CEO who answers directly to them.

The county executive coordinates and directs all administrative and management functions, appoints members to boards and commissions (subject to county board confirmation); supervises department heads; submits the annual budget; and holds veto authority over county board decisions, ordinances, resolutions, and appropriations. The county board can override vetoes of the county executive with a two-thirds majority vote. In short, the county executive is the highest level administrative leader in the county with powers and a relationship with the board that can be generally equated to

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those between a mayor and city council or the governor and legislature. While the county board of supervisors is restricted to legislative duties and oversight, the county executive manages and supervises all departments and activities, both day-to-day and long-term through planning. This includes every county action and service except those performed by constitutional officers, such as the sheriff, where the county executive's authority is essentially limited to budgetary control.

COUNTY ADMINISTRATOR (WIS. STAT. § 59.18). The county administrator form of government is optional. It can be chosen but its adoption is not required anywhere by statute. A county administrator form of government is very closely related to the city manager form at the municipal level. It is often chosen because population, growth, and/or complexity of government issues within the county are seen to require a full-time professional manager/administrator to ensure efficient service provision. The county administrator is the chief administrative officer (CAO) of the county. The administrator is appointed by a county board and Wis. Stat. § 59.18(1), requires the appointment be "solely on merit" with due regard for training, experience, administrative ability and experience with no weight or consideration given to residence, nationality religious or political affiliation. The county administrator coordinates and directs all administrative and management functions of a county government and appoints and supervises department heads subject to county board confirmation.

The county administrator appoints members to boards and commissions, and where statutes give appointment authority to the county board or its chairperson, subject to board confirmation. The county administrator is responsible for preparing and submitting the annual budget, which requires the board of supervisor's approval before becoming official. The county administrator answers to the county board of supervisors as a whole, not to the county board chairperson. A key point here is that the county administrator "supervises" versus "coordinates." Department heads work for, report to, and are evaluated by the county administrator, except for elected constitutional officers such as the county clerk or the sheriff. Through this supervisory authority, the county administrator is expected to manage or administer the daily business of county government. The county administrator has hiring authority (subject to county board approval) and firing authority over department heads unless that authority is revoked by local ordinance by the board of supervisors.

However, constitutional officers and elected department heads do not fall into this category. They do not "work for" the county administrator. Nevertheless, they must recognize the administrator's authority regarding coordination between departments; resource allocation; and management issues outside of the non-supervised department, which require coordination and support from other county departments. Essentially, the county administrator must foster a relationship of trust and cooperation with those officers and department heads not under his/her supervisory control to effectively manage county operations. County administrators commonly assume additional duties, especially in smaller populated and rural counties, such as human resources director, emergency management director, media spokesperson, which further exemplifies the need for a broad education and experience level for prospective county administrators.

ADMINISTRATIVE COORDINATOR (WIS. STAT. § 59.19). County administrative coordinator is the third form of county government and the least defined by statutes; consequently, it is probably the most misunderstood form. The law provides that if a county has not adopted the county executive or county administrator form of government, it must adopt the administrative coordinator form of government. The law provides that an elected official, such as the county clerk, or an appointed official may be designated administrative coordinator, almost as an additional duty.

Historically, some counties utilizing the administrative coordinator option designated the chair of the county board as administrative coordinator. However, the Wisconsin attorney general's office issued a formal opinion in 2011 stating that a sitting county supervisor is precluded from accepting any other office or position, including the position of administrative coordinator, because the additional positions are legally incompatible.⁷ Under Wisconsin law, any supervisor holding an incompatible position automatically vacates their board membership as a matter of law.⁸ Hence, neither the county board chair nor any other member of the board can hold the position of administrative coordinator without resigning his/her position as an elected member of the county board.

The law provides that the administrative coordinator "is responsible for coordinating all administrative and management functions." The duties and authority of an administrative coordinator are similar to a county administrator. The administrative coordinator's duties are comparable to those of a city or village administrator who works under a mayor or village board. A village administrator coordinates daily municipal operations but must defer to the village board for final decisions on non-routine matters. The county administrative coordinator performs in a similar manner with the county board holding final approval authority over non-routine decisions. With Administrative Home Rule authority, the position of administrative coordinator can be made as strong or as weak as the board chooses via local ordinance. Although the statutes do not give the administrative coordinator supervisory authority over department heads, there are valid reasons for a board of supervisors to give a limited amount of such authority to the administrative coordinator.

The administrative coordinator could, like the county administrator, be assigned additional duties that need to be performed and no other position exists to perform them. The administrative coordinator reports and answers to the board of supervisors and the board chair. When a county comes to the conclusion that a full-time professional is required to perform the duties of either county administrator or administrative coordinator, there are a number of criteria commonly considered essential for that person to be qualified for the position. Persons selected for these positions are generally expected to possess at least a bachelor's degree in Public Administration, Business Administration, Finance, Planning, or some other closely-related field. A Master's Degree is often listed as "preferred" on advertisements for such positions. Experience in a staff position and/or as an assistant administrator or coordinator is commonly expected. A period of five years of such experience is often required before entering that primary administrative position. Candidates for either of these positions are routinely screened via background checks, criminal history checks, financial records checks, and reference checks prior to an

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offer being made for the position. The county with a county administrator or full-time administrative coordinator should be able to count on an experienced, well-educated manager and leader to keep daily operations and service provision running and operating at an optimal level of efficiency, allowing the board of supervisors to concentrate on long-term visioning and policy.

THE JUDICIAL BRANCH

The 1977 Court Reorganization Act merged Wisconsin circuit courts and county courts into one trial court system under the administration of the Wisconsin Supreme Court and 10 district administrators. The circuit courts are divided into branches within counties, and at least one branch exists in every county, with the exception of six counties that are paired off and share a single judge. The paired counties are: Buffalo/Pepin, Florence/Forest, and Shawano/Menominee. Judges' and court reporters' salaries are paid by the state, but most court staff salaries and court facilities are funded by county taxpayers. Circuit court judges are elected to a six-year term in the spring general election by the residents of the counties they serve. Circuit courts are a necessary part of state law; thus judges have implied authority to require local county boards to fund the courts at a level necessary to meet caseloads. The county Register of Probate is appointed by the chief circuit court judge for that county.

OTHER ELECTED AND KEY APPOINTED OFFICIALS

Under state law, county residents elect certain other county officials. These are the clerk, treasurer, sheriff, clerk of circuit court, register of deeds, and district attorney. These officials are elected in partisan, general elections that are held on the Tuesday after the first Monday in November in even-numbered years and are referred to as Wisconsin's Constitutional Officers. Sheriffs, clerks of circuit court, district attorneys, elected surveyors, registers of deeds, treasurers, county clerks and coroners are elected to four-year terms. The popular election of a county surveyor and coroner is a local option that is on the decline in Wisconsin counties. When a county chooses not to have an elected coroner, the office is appointed and is called a medical examiner. When no candidates file for county surveyor, the board usually hires a state certified land surveyor to perform the duties.

People wishing to hold these offices must be legal residents of the county, U.S. citizens, and at least 18 years of age. Other department head positions are appointed by the executive or administrator, and in rare cases by the administrative coordinator, and are confirmed by the county board. Wis. Stat. § 83.01 requires each county board must elect a highway commissioner, whose term is for two years, unless otherwise set by local ordinance. Appointment of a head of emergency management services is also required by law (Wis. Stat. § 323.14(1)(a)2.). A county social or human services director must also be appointed to oversee each county or multi-county department of social or human services. Many counties also have a finance director, corporation counsel, parks director, general services administrator, human resources director, and other professional managers to perform other specific duties. Counties often contract with private attorneys to provide corporation counsel services.

FUNCTIONS AND DUTIES OF WISCONSIN COUNTIES

Unlike Wisconsin cities and villages, counties do not have broad constitutional “home rule” authority. This means that while cities and villages have broad authority to act for the health, welfare, and safety of their citizens, counties may only undertake functions that are expressly granted by state statutes. This has resulted in counties being assigned increased tasks on behalf of the state, but having limited authority to address specific local priorities. Major responsibilities required of the county include the provision of most social service programs (i.e., child welfare, juvenile justice, services, for the aged and disabled, public health, mental health, jail, developmental disabilities, etc.) and for local and state road maintenance. Counties also provide cultural and recreational amenities (e.g., parks, libraries and snowmobile trails), law enforcement, health services, zoning, and road maintenance for citizens in rural, unincorporated areas within their borders. Some of these same services are also provided to cities and villages through joint agreements.

Home rule authority has allowed county government to expand gradually as a regional government in areas such as recycling, water quality management, transportation planning and zoning review, but only in cases where a municipality or group of municipalities have requested the county to do so on their behalf through voluntary agreements.

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- *Opinion of Wis. Att’y Gen. to Bradley Lawrence, Price County Corp. Counsel, OAG 1-11 (October 27, 2011).*
- *Opinion of Wis. Att’y Gen. to Dennis Kenealy, Ozaukee County Corp. Counsel, OAG 1-10 (January 28, 2010).*

Endnotes

- 1 Exceptions to state limits are Milwaukee County, which may establish its own number of supervisors (currently 18), and Menominee County, which is also a town and has the same seven members on both its town and county board, Wis. Stat. §59.10(2) & (5).
- 2 Wis. Stat. § 51.42.
- 3 UW-Extension Local Government Center, *Fact Sheet #8: Self-Organized Counties*.
- 4 Wis. Stat. § 51.10(2)(c).
- 5 79 Op. Att’y Gen. 122 (1990).
- 6 Wis. Stat. § 59.18.
- 7 *Opinion of Wis. Att’y Gen. to Bradley Lawrence, Price County Corp. Counsel, OAG 1-11 (October 27, 2011).*
- 8 *State ex rel. Stark v. Hines*, 194 Wis. 34, 215 N.W. 447 (1927), 73 Op. Att’y General 83, 85 (1984).

ISSUE FOCUS

County Board Rules

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After the April elections, Wis. Stat. § 59.11(1)(c) requires the county board to meet on the third Tuesday of April to organize and transact business. The organizational meeting provides an opportunity for counties to elect leadership and establish the rules that will govern the board for the next two years. This *Issue Focus* will address a component of that biennial county organizational process critical to the effective operation of the county board – the county board rules.

COUNTY BOARD RULES

State statutes, local rules, and *Robert's Rules of Order* all provide guidance on how county business is conducted. There is no statute that requires counties to adopt county board rules. However, there are a few statutes that require county boards to conduct business in a specified manner. For example, Wis. Stat. § 19.81, *et seq.*, Wisconsin's Open Meetings Law, requires that meetings of county boards and committees of the board be open to the public consistent with certain notice requirements. Beyond Open Meetings Law requirements, other statutes require that county boards maintain certain committees, such as the county highway committee, and specify committee membership and the method for appointing members to the committee. Still other statutes identify required county board officers and the method for electing those officers, such as board chair. With the exception of these relatively few required procedures, counties are free to organize and conduct business in a manner similar to any other deliberative assembly.

PROCESS

To begin the process of reviewing and suggesting modifications to the current board rules, the current board or a committee should review the rules and propose amendments, as necessary, prior to the organizational meeting. In addition, counties should consider codifying the rules in ordinance such that they become a permanent feature of the county code.

CONTENT

There are three basic components to a set of county board rules: (1) county board officers; (2) organization of the county board; and (3) county board rules of procedure. Common drafting considerations for each of these three categories are discussed below.

County Board Rules

COUNTY BOARD OFFICERS

The statutes require counties to elect a chair and vice chair. However, counties should consider whether additional officer positions, such as 2nd vice chair or sergeant-at-arms, are desirable. A 2nd vice chair is beneficial when the chair and vice chair are absent or they both wish to speak on an issue and need to step down as the presiding officer. Once the officer positions are established, any rules and duties relating to the particular office should be codified.

The statutory duties of the board chair and vice chair are contained in Wis. Stat. § 59.12; however, the statute only provides the minimum duties. Counties are free to add to those duties at the discretion of the board. For example, the rules could specify whether the board chair is an automatic member of a committee or committees, whether the board chair is able to fill in for absent committee members at committee meetings, how the vice chair assumes chair responsibilities in the absence of the chair, and what happens in the event the chair seat is vacated. In addition, the rules should specify that the board chair maintains the right to vote (not just on tie votes) and whether the board chair makes committee appointments, serves as chair of other committees, and sets the county board agenda.

Some of the duties of a board chair as described in Wis. Stat. § 59.12 are as follows:

- Perform all duties required of the chair.
- May administer oaths to persons required to be sworn.
- Countersign all ordinances of the board.
- Preside at meetings and when directed by ordinance.
- Countersign all county orders.
- Transact all necessary board business with local and county officers.
- Expedite all measures resolved upon by the board.
- Take care that all federal, state, and local laws pertaining to county government are enforced.

Some of the duties of the vice chair as described in Wis. Stat. § 59.12 are to perform the chair's duties when the chair is unable due to disability or absence, as well as attend official events representing the county in the absence of the chair. Other rules to consider are whether the vice chair should receive the chair's salary if the chair is disabled or incapacitated for any length of time. Additionally, in the event of death or resignation, if the vice chair becomes chair or whether a special election is held.

Similarly, if a county establishes the position of sergeant-at-arms, the board rules should provide guidance on the powers of the sergeant-at-arms. A sergeant-at-arms may be used to gather members for the start of a meeting, remove unruly members of the board or public as directed by the chair, notify board members or the public of special events or procedures, contact department heads, or distribute materials to board members relevant to agenda topics.

A process and rules for removal of board officers should also be stated. A motion filed with the clerk, introduction of a resolution, majority versus two-thirds vote of the members, and cause such as inefficiency, neglect of duty, official misconduct or malfeasance in office are all points to consider. However,

the attorney general's office opined that a board chair may be removed at will by a simple majority of the members and it is advisable that a county consider the same process for other board officers. The process for removal of committee officers or committee members, if allowed, should specify the responsible party – be it the board, board chair, or committee.

ORGANIZATION OF THE BOARD

The second part of the rules relates to how the board is organized.

Standing committees. These are the “permanent” board committees. In some cases, the statutes require that the board establish certain committees, e.g., the county highway committee. In other instances, the board may want to establish a permanent committee even if not required by statute, e.g., the finance committee. Some of the duties and responsibilities may include:

- Provide policy oversight.
- Provide policy direction and make program recommendations.
- Recommend policy and planning initiatives.
- Monitor certain activities.
- Act as a liaison.
- Advise the county board.

The rules should specify:

- The number of members, odd number if possible, and how members are appointed whether it is the board chair, board election, or a committee on committees;
- If members are allowed to serve on multiple committees;
- The officers of each committee and whether they are elected by the committee or appointed by the chair;
- If the board chair is a member, ex-officio member, voting member or allowed to fill in for absent members;
- The removal process of officers and members, whether by the board chair, the county board or the committee, by a majority or super majority and with or without cause; and
- The authority of the chair to preside at meetings, set agendas, schedule meetings, and make reports on behalf of the committee.

All of the board's standing committees and each committee's duties or charge should be contained within the rules.

Other committees. The rules should specify how additional “ad hoc” committees are created and populated. In addition, the rules should specify that “ad hoc” committees are automatically discharged once the purpose for the committee's creation is satisfied.

County Board Rules

Committee procedure. All committees should follow a uniform set of procedural rules. The procedural rules should likely address: (a) meeting minutes; (b) staff involvement; (c) budget involvement; (d) process for introducing and considering items of business; (e) responsibility for the agenda (coordinate posting and notice form with county clerk); (f) committee officer elections or appointment and removal; (g) any rules for “ex officio” members; (h) meeting schedule; (i) ability to call special meetings and similar matters.

Public appearances. While the Open Meetings Law allows the public access to public meetings, it does not require public participation in meetings. Certain matters, such as matters related to zoning, require public hearings. In other cases, committees will allow public comment on matters appearing on the meeting agenda. The board rules should specify the process for public hearings and public comment. Common considerations for public participation include the following:

- ❑ Should the public be limited to speaking to a specific agenda item?
- ❑ Should members of the public be encouraged to speak at the committee level?
- ❑ Specify time period, e.g., three, four, or five minutes.
- ❑ Clarify if board members are allowed to speak as a matter of right at committee meetings.
- ❑ Specify that board members should not be allowed to discuss or participate in debate, if not a member of the committee.
- ❑ Should members of the public be required to register?
- ❑ Are members allowed to ask questions?
- ❑ Are the rules different for a public hearing versus a public comment?

Meeting Minutes. It is important to coordinate with the county clerk’s office on the form, content, and responsibility for minutes given the clerk’s responsibility under Wis. Stat. § 59.23. While the county clerk is responsible for the minutes, the clerk may delegate functions to staff related to taking and filing the minutes.

PROCEDURAL RULES

The final section of the board rules relates to how the board conducts its business.

Board Meetings. The board rules should specify the following as it relates to meetings of the county board:

- ❑ Specify meeting dates and times.
- ❑ Specify if the chair may cancel meetings or call special meetings.
- ❑ Allow the chair to designate special budget meetings during the budget process with no other business.
- ❑ Specify rules for committee of the whole.
- ❑ Allow the chair to schedule public hearings.

Form of Resolutions. The transaction of official business should be in ordinance or resolution format. All resolutions and ordinance amendments should be sponsored by a supervisor and allow for co-sponsors. Drafting of certain resolutions and ordinances can be limited to certain departments such as the corporation counsel preparing ordinance amendments, and the finance director preparing budget amendments. The rules should define the introduction process; i.e., submit to county clerk, board chair, committee, by certain date, etc. Likewise, if there is a preferred review process for the corporation counsel or finance director, that process should be codified.

Referral of Resolutions. Resolutions and ordinance amendments should proceed before a committee before going to the county board. **The rules could authorize the chair or committee to refer a resolution to an appropriate standing committee, board, or commission.** The matter's primary sponsor should be invited and allowed to speak at the committee meeting.

Board Action on Resolutions. The rules should define the process for placing resolutions and ordinance amendments on the agenda once the committees have acted. A motion before the board could be the committee recommendation (there is no need for formal motion or second). Consider requiring all amendments to resolutions and ordinance amendments to be in writing.

Seating Arrangements for Board Meetings. The rules should designate the process for supervisor seat selection. Likewise, the rules should designate seating for the public, press, staff, corporation counsel, county clerk, administrator, department heads, and a place for the public to address the board.

Agenda - Order of Business. The rules should specify the order of business for all county board meetings. The order of business could include:

- ❑ Call to order.
- ❑ Roll call.
- ❑ Pledge of Allegiance.
- ❑ Special matters & announcements.
- ❑ Approval of bills & accounts.
- ❑ Approval of county board minutes.
- ❑ Consent calendar.
- ❑ Reports on zoning petition.
- ❑ Motions from previous meetings.
- ❑ Ordinances.
- ❑ Award of contracts.
- ❑ Resolutions.
- ❑ Special order of business.
- ❑ Adjournment.

County Board Rules

Conduct at County Board Meetings. This is a very important part of the rules as it establishes the foundation for an orderly, deliberative process. The rules should specify that:

- ❑ Committees should not meet when the board is in session.
- ❑ Supervisors, visitors, staff, and others shall at all times conduct themselves in a respectful manner.
- ❑ No conversation is allowed on the board floor or in the visitor's section.
- ❑ All electronic devices shall be kept in the silent mode.
- ❑ Supervisors shall use county-provided electronic devices in accordance with policy.
- ❑ A designee should be chosen to distribute literature – supervisors, county board staff, sergeant-at-arms, county clerk, administrator, etc. – not the general public.

County Board Voting. The rules should indicate that any supervisor should be able to request a roll call vote as long as it is done prior to the next order of business. The vote should be recorded in the minutes. Roll call votes should, if possible, be taken in a rotating fashion per meeting so that the same supervisor is not always casting the first ballot. Supervisors should be in their seats when voting.

Defining a "Session." A session determines when business can be brought back before the assembly. A session may be one meeting, one year, the term of supervisors, or as determined in the rules.

Parliamentary Procedure. The rules should specify the latest edition of *Robert's Rules of Order, Newly Revised*, 11th Edition (RONR) as the rules governing the board. In addition, to the extent the board adopts rules that vary from the procedure in RONR (as is expressly allowed in RONR), those variations should be codified in the board rules. It is also a good idea to provide basic information concerning *Robert's Rules* within the board rules as an easy reference for supervisors.

CONCLUSION

Codifying county board rules may seem like a daunting task. However, by breaking the task into the sections identified above, the task becomes much more manageable. In addition, there are a variety of resources available to assist counties in the process. If you would like additional information relating to board rules or the process for adopting board rules, please do not hesitate to contact the authors at 1.866.404.2700.