

---

# County Board Organizational Meeting

---

WCA Educational Seminar  
January 22, 2018

# Organizational Meeting

- Required to meet on the third Tuesday of April
- May adjourn to different date
- Purpose is to organize & transact business

# Prepare Agenda

- Call to Order
- Roll Call
- Oath of Office
- Election of Officers (list)
- Adoption of Rules
- Business
- Adjournment

---

# Organizational Meeting

## Conducting the Elections

---

# Who Chairs the Meeting

- Current chair
- Former chair that was defeated or did not run for office
- Vice-chair or 2<sup>nd</sup> vice chair
- County clerk
- Corporation counsel
- Someone trusted
- Should not be someone who is seeking the office

# Nominations

- Declare the floor open for nominations
- Need not be recognized by the chair
- Anyone can nominate
- Can nominate yourself
- Chair should restate the nominee placing their name before the body
- Nomination speeches are allowed

# Nominations

- No second required but allowed to show support
- Seconding speeches are allowed
- Technically nominations are not necessary - each member is free to vote for anyone eligible

# Nominations

- Motion to close
  - No motion necessary but may accept a motion to close
  - Not in order until reasonable time has been given
  - Is out of order if someone is seeking the floor
  - Requires two-thirds vote
  - No requirement to ask three times
  - Chair can declare nominations are closed



# Elections

- May allow candidates to say a few words
- If only one candidate, the chair may accept a motion to close nominations & cast a unanimous ballot
- If only one candidate the chair may declare the candidate the victor

# Elections

- Appoint ballot clerks
  - Need not be a member of the body
  - Distribute, collect and count ballots
  - Report the vote
  - Chosen for their accuracy & dependability
  - Should have confidence of membership
  - Should not have a direct personal involvement in the outcome of the vote

# Elections

- Only time a secret ballot may be used
  - Wis. Stat. sec. 19.88(1):

(1) Unless otherwise specifically provided by statute, no secret ballot may be utilized to determine any election or other decision of a governmental body except the election of the officers of such body in any meeting.

# Elections

- Continue to vote until a majority is reached
- Candidates may withdraw
- Never remove lowest vote getter
- When unable to reach a majority: take a recess, allow the candidates to speak, allow members to speak
- Winner assumes the chair for the balance of the meeting

# Elections

- Impropriety of limiting voting to the two leading candidates
    - Leading candidates may represent two different factions – division may be deepened
    - May unite members w/compromise candidate
  - Improper to remove nominee w/lowest votes
    - Repeat balloting until you have a winner
    - Nominee w/lowest number of votes could be a “dark horse” who all can agree on
-

---

# Organizational Meeting

## County Board Rules

---

---

# Source of Procedural Rules

- State Statutes
    - Open Meetings Law
    - Chapter 59
  - Local Rules
  - Robert's Rules of Order
-

---

# County Board Rules

- Current board/ committee should review rules & propose amendments as necessary prior to organizational meeting
  - New board adopts rules at organizational meeting
  - Rules should be incorporated into county ordinance
-



---

# County Board Rules

## Chapters

I. County Board Officers

II. Organization of the County Board

III. Procedural Rules of the County Board

---

# I. County Board Officers

- Shall elect a chair & vice-chair. May elect a 2<sup>nd</sup> vice-chair
- Sergeant-at-arms?
  - one or two?
  - male & female?
- Elected at biennial organizational meeting
- Serve two year terms or until successors are chosen

# Removal of Officers

- Removal may be at the will of a simple majority of the members (AG opinion)
- Removed at will, serve at the pleasure of the members
- Specify process – board resolution, motion filed with the clerk

# Removal of Officers

- Removed by simple majority or two-thirds vote of the members?
- Specify process for removal of committee officers & committee appointees
  - board chair
  - county board
  - committee

# Duties of Chair (sec. 59.12)

- Perform all duties required of the chair
- May administer oaths to persons required to be sworn
- Countersigns all ordinances of the board
- Preside at meetings

# Duties of Chair (sec. 59.12)

- When directed by ordinance:
  - countersign all county orders
  - transact all necessary board business with local & county officers
  - expedite all measures resolved upon by the board
  - take care that all federal, state & local laws pertaining to county government are enforced

# Duties of Chair (sec. 59.12)

- Maintains right to vote, not just on tie votes
- Appoints members to committees?
- Serves as chair of other committees?
- Serves as voting member or ex-officio member of all standing committees, commissions and boards?
- Fills-in for absent committee members as necessary?

# Duties of Vice-chair (sec. 59.12)

- Perform the chair's duties when chair is unable due to disability or absence of chair
- Attend official events representing the county in absence of the chair
- Receive chair salary if chair is disabled or incapacitated for significant time period?
- In the event of death or resignation specify if vice-chair becomes chair or special election



# Duties of Sergeant-at-Arms

Duties as directed by the chair

- Gather members for start of meeting
- Remove unruly members of the public
- Notify board members or members of the public of special events or procedures
- Contact department heads
- Distribute literature

## II. Organization of the Board

- Standing committees
- Other committees of the board
- Staff assistance
- Scheduling, notice, conduct
- Public appearances at committee & county board

## II. Organization of the Board

- Minutes of meetings
- Budgetary reviews
- Fiscal notes

# Standing Committees

- County may establish as many standing & advisory committees as it deems necessary
- Specify the names of all committees

# Required Committees

- Wis. Stat. § 83.015 – county highway committee
- Wis. Stat. § 166.03 – 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
- Community programs (Wis. Stat. § 51.42) /social services (Wis. Stat. § 46.22) /human services (Wis. Stat. § 46.23)
- Wis. Stat. § 59.54 – local emergency planning committee
- Wis. Stat. § 45.81 – veterans service commission

# Standing Committees

## Duties & Responsibilities

- Policy oversight
- Provide policy direction and make program recommendations
- Recommend policy & planning initiatives

# Standing Committees

## Duties & Responsibilities

- Monitor certain activities
- Act as liaison
- Review budget
- Advise the county board

# Standing Committees

- Specify number of members-odd number if possible
- Set appointment process
  - Board chair
  - Board election
  - Committee on committees (subject to board confirmation)
- Define terms
- Members on multiple standing committees?



# Standing Committees

- Specify officers-chair, vice-chair, secretary
  - elected by committee
  - appointed by chair
- Duties of secretary
  - Sec. 59.23(2)(a) – County Clerk is responsible for recording and keeping minutes of all committee meetings
  - Need to coordinate with Clerk's office

# Standing Committees

- Specify removal process of officers & members
  - removed by board chair
  - removed by committee-majority or super majority
  - with or without cause
- Determine if board chair is a member, ex-officio member or voting member
- Specify authority of chair
  - preside at meetings
  - set agendas
  - schedule meetings
  - make reports on behalf of committee

# Standing Committees

- Determine if non-elected may serve such as students
  - Age limits
  - Non-voting
  - Not counted for quorum
  - No participation in closed sessions

# Highway Committee

Wis. Stat. sec. 83.015(1):

## (1) ELECTION; COMPENSATION; TERM.

(a) Except as otherwise provided in par. (c) each county board at the annual meeting shall by ballot elect a committee of not less than 3 nor more than 5 persons, to serve for one year, beginning either as soon as elected or on January 1 following their election, as designated by the county board, and until their successors are elected. Any vacancy in the committee may be filled until the next meeting of the county board by appointment made by the chairperson of the board. The committee shall be known as the "county highway committee," and shall be the only committee representing the county in the expenditure of county funds in constructing or maintaining, or aiding in constructing or maintaining highways.

# Highway Committee

(c) Notwithstanding par. (a), each county board may fix the number of members on the county highway committee, the membership, manner of appointment, method of filling vacancies and the terms of the members.

# Other Committees of the County Board

- Land Conservation
- University Extension
  - generally include members of the public
  - members may be appointed by someone other than the board chair
- Ad Hoc Committees – define purpose or “charge” and term

# Staff Assistance

- Specify county employee responsible
- May be department head for which committee has oversight – finance director for finance committee
- Responsibilities may include preparing and posting agendas and taking minutes
  - Consistent with direction of County Clerk (s. 59.23(2)(a))
- County Clerk responsible for taking minutes in absence of Clerk delegation

# Scheduling & Notice

- Meetings conducted in accordance with open meetings law
- Specify closed session requirements
- County officials, employees or others present shall not disclose confidential information acquired in closed session
- Open meetings held in public buildings or other places accessible to the general public



# Scheduling & Notice

- Specify the time period for posting agendas prior to meeting
  - minimum 24 hours
  - emergency two hours
  - may want one week or the Friday before, etc.
- Specify responsible party for posting agendas – clerk?
- Specify posting location

---

# Public Appearances

- The public has no right to speak at a county board or committee meeting
  - If allowed, add agenda item “public comment”
  - Limit speaking to “public comment” agenda item or allow to speak on any item on the agenda?
-

# Public Appearances

- Should members of the public be encouraged to speak at the committee level?
- Specify time period, three, four or five minutes
- Clarify if board members are allowed to speak at committee meetings
- Board members should not be allowed to discuss or participate in debate, if not members of the committee

# Public Appearances

- Should members of the public be required to register?
- Draft form with name, date, subject matter, speaking for, against or for information
- Are members allowed to ask questions?
- Are the rules different for a public hearing versus public comment?

# Minutes of the Meeting

Minutes should include:

- Name of the committee
- Date, hour, location of meeting & time of adjournment
- Separate listings of committee members present & absent
- Each matter considered & the action taken

# Minutes of the Meeting

Minutes should include:

- Persons appearing, the issue they're appearing on and the position taken
- The numerical vote in committee
- Allow members to be recorded on voice votes
- Should not include what was said

---

# Minutes of the Meeting

- Minutes shall be kept of all committee meetings
  - Specified filing deadline with the Clerk
  - Specified format determined by the Clerk
-

# Budgetary Reviews

- Each standing committee shall consider and make recommendations on the proposed budget of each department, agency or office of which it has oversight
- At least one full committee meeting shall be scheduled to consider such proposed budget with the public invited to attend



# Budgetary Reviews

- Counties with an Executive or Administrator
  - Board is not responsible for budget preparation
  - Process to involve committees in formulating budget may lead to more efficiency
- Each committee shall monitor the current years budget

# Fiscal Notes

- Determine whether fiscal notes are required on all resolutions & ordinances involving the receipt or expenditure of funds
- Specify the form that details the impact on the budget

---

# III. Procedural Rules

- County Board Meetings
  - Resolutions – Form
  - Resolutions – Referral
  - Committee Agendas
  - Resolutions – County Board Action
  - Seating Arrangements
-

---

# III. Procedural Rules

- County Board Agendas
  - County Board Agenda Order of Business
  - County Board Meetings Conduct
  - County Board Voting
  - Define Session
  - Parliamentary Procedure
-

# County Board Meetings

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

# Resolutions – Form

- Ordinances may be enacted & resolutions adopted - s.59.02(2)
- The transaction of official business should be in ordinance or resolution format
- All resolutions & ordinance amendments shall be sponsored by a supervisor

# Resolutions – Form

- Define introduction process: submit to county clerk, board chair, committee by certain date
- Allow for co-sponsors
- Designate one person to draft ordinance amendments – corporation counsel?
- Designate one person to draft budget amendments – administrator, finance director, controller, etc.

# Resolutions – Referral

- Resolutions & ordinance amendments should go to committee before going to county board
- Authorize chair or committee to refer to appropriate standing committee, boards & commissions
- Primary sponsor should be invited & allowed to speak at committee meeting



# Committee Agendas

- Specify content – date, time, place & matters to be discussed
- Resolutions shall have number and title
- Specify if chair has discretion to place items on the agenda that have been referred
- After a certain time period, can members require an item to be placed on the agenda?

# Committee Agendas

- Can committee members require special meetings?
  - If so, how many members? A minimum of two, one less than a majority? Does the request have to be in writing?
- Can a primary sponsor request a delay?

# Resolutions – County Board Action

- Define process for placing resolutions & ordinance amendments on the agenda when the committees have acted
- Motion before the board could be the committee recommendation
- All pending resolutions, ordinances & ordinance amendment shall be carried forward to the new board

# Resolutions – County Board Action

- County board may discharge a committee that fails to act
- Consider requiring all amendments to resolutions, ordinance amendments be in writing

# Seating Arrangements for Board Meetings

- Designate the process for supervisor seat selection
- Designate a place for the public, press, staff, corporation counsel, county clerk, administrator, department heads, the public to address the board

# County Board Agendas

- Does board chair have sole discretion for placing items on the agenda?
- Should all items acted on by committee automatically be placed on the agenda?
- Do all items have to go to a committee first?
- Is there a deadline for submission to the board chair or clerk?
- Should all items be in a resolution format?

# Agenda – Order of Business

- 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

# Agenda – Order of Business

- Motions from previous meetings
- Ordinances
- Award of contracts
- Resolutions
- Special order of business
- Such other business as allowed by law
- Adjournment



# Conduct at County Board Meetings

- Committees should not meet when the board is in session
- Supervisors, visitors, staff & others shall at all times conduct themselves in respectful manner
- No conversation on the board floor or in the visitor's section

# Conduct at County Board Meetings

- All electronic devices shall be kept in the silent mode
- Supervisors shall use county provided electronic devices in accordance w/policy
- Designate who may distribute literature - supervisors, county board staff, sergeant-at-arms, county clerk, administrator, etc. – Not the general public

# County Board Voting

- Any supervisor should be able to request a roll call vote as long as it is done prior to the next order of business
- Record vote in the minutes
- Roll call votes should be taken in rotating alphabetical order per meeting
- Supervisors should be in their seats when voting

# Define 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

# Parliamentary Procedure

- Identify rules specific to county
- List common or basic rules of order
- Designate Robert's Rules of Order Newly Revised 11<sup>th</sup> Edition for rules not covered

# Resources

- The UW-Extension Local Government Center
- 608-262-9961
  
- von Briesen & Roper, S.C.
- 414-287-1570
  
- Wisconsin Counties Association
- 866-404-2700

---

# Contact Information

## **Andrew T. Phillips**

Attorney

von Briesen & Roper, s.c.

411 E. Wisconsin Avenue

Suite 1000

Milwaukee, WI 53202

414-287-1570

[aphillips@vonbriesen.com](mailto:aphillips@vonbriesen.com)

## **Jon Hochkammer**

Outreach Manager

Wisconsin Counties Association

22 East Mifflin St. 411 E.

Suite 900

Madison, WI 53703

866-404-2700

[hochkammer@wicounties.org](mailto:hochkammer@wicounties.org)

---