

call to order

Disciplinary Procedures

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There is an expectation that public officials adhere to high moral and ethical standards. Elected officials are expected to carry out their roles with integrity, diligence, and collegiality. Generally, public officials take an oath of office to “faithfully discharge the duties of the office,” as well as to “perform to the best of their ability.”

For the most part, county board supervisors are cordial, polite, respectful, dedicated, honorable, and well behaved. Did I miss anything? As many of you may already know, this may not always be the case. Occasionally, for whatever the reason, a member says or does something that is inappropriate and requires corrective action.

If an employee does not conduct him or herself in a professional manner, the employee’s supervisor will take disciplinary action. It may be a verbal warning, a letter of reprimand, or a dismissal. That said, what if an elected official, specifically a county board supervisor, does not conduct him or herself in a manner deserving of the public trust? County board supervisors technically answer to the electorate. Is there anything that can be done at the board level?

This article identifies procedures for neglect of duty and managing rude, abusive, unethical, disrespectful, unruly and inefficient supervisors. The suggested course of action is listed in order, starting from the appropriate response for a minor infraction to the most egregious.

Every county board should adopt a set of rules for the board to follow that are incorporated into the county ordinance. The county board rules, or ordinance, should include *Robert’s Rules of Order Newly Revised 11th Edition*, which also addresses rules of decorum. If those rules are then violated with respect to behavior, the offending member now has violated a county ordinance.

If a member is rude or disrespectful to a department head, an employee, a member of the public, or another member of the board, the chair should respond. The chair should send the member, copying the rest of the board, a sharply worded letter admonishing the member for their behavior. No member wants to receive a letter of sanction, which becomes part of the public record that could show up during a campaign or in the newspaper.

If an incident occurs during a meeting, it is the chair’s responsibility to gavel the member down and rule them out of order. This also applies when a member questions the motives of another member, when their comments are not germane, and when the member is not speaking to the merits of the question.

If a member continues to misbehave, the chair should ask the sergeant of arms to remove the member, or threaten to call the sheriff, and have the member removed from the meeting. Oftentimes, it is prudent to just pound the gavel and declare a ten-minute recess until the proceedings calm down.

If a member is misbehaving at the committee level, the chair of the board should remove that member from the committee. If the chair appointed them to the committee, the chair should be able to remove them, however this should be spelled out in the board rules.

In the case of an ethical violation, the chair should refer the member to the county's ethics board. If the county has not done so, create one. Further, if the county does not have a code of ethics, create and adopt one. Give the ethics board the tools they need to manage ethical violations.

To further manage disciplinary issues, the county should create a disciplinary committee or specify in the county rules the duties and responsibilities of an existing committee that will manage disciplinary issues when they arise.

One of the more extreme responses to a disciplinary issue is for the county board to introduce a resolution of censure. Basically, the county board takes a vote of no confidence of the offending member. This action is embarrassing and renders the member ineffective. The entire county board is now on record signifying its disapproval of such behavior.

In addition, the Wisconsin State Statutes offers remedies to address recalcitrant members. Wis. Stats. S. 59.11(4) specifies, "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."

The statutes also address neglect of duty. Wis. Stats. S. 59.15 states that, "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 refusal or neglect forfeit not less than \$50 nor more than \$200."

As a last resort, Wis. Stat. S. 17.09 allows for the removal of a board member for "cause" by a two-thirds vote of the members. "Cause" is defined as inefficiency, neglect of duty, official misconduct or malfeasance in office.

Ultimately the electorate determines the representation on the county board of supervisors with the exception of the aforementioned statute. Following a specific set of procedures will leave a paper trail or record that may be difficult to overcome in an election.

So behave yourself; I don't want to read about you in the newspaper. My hope is that this article proves to be unnecessary.

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