

County Board Rules: An Overview

WCA Educational Webinar Series



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Andy Phillips



What Do We Want To Accomplish Today?

- Understand the importance of county board rules
- Understand the freedom provided in sec. 59.03
- Understand that board rules are NOT “one size fits all”
- Identify key points for your county
- Use our discussion today as a launch point for discussions in your county



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 and propose amendments as necessary prior to organizational meeting
- New board adopts rules at organizational meeting
- Rules 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



County Board Officers

- Shall elect a Chair and Vice Chair. May elect a 2nd Vice Chair.
- Sergeant-at-arms?
- Elected at biennial organizational meeting
- Serve two year terms or until successors are chosen



Removal of Officers

- Removal of Chair and Vice Chair may be at the will of a simple majority of the members (AG opinion)
- Other officers serve at the pleasure of the members unless the rules provide otherwise
- Specify process – board resolution, motion filed with the clerk, etc.



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) (cont)

- 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



Duties of Chair (sec. 59.12) (cont)

- 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



Organization of the Board

- Standing committees
- Other committees of the board
- Staff assistance
- Scheduling, notice, conduct
- Public appearances at committee and county board
- Minutes of meetings
- Budgetary reviews
- Fiscal notes



Standing Committees

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



Standing Committees (cont)

- Duties and Responsibilities
 - Policy oversight
 - Provide policy direction and make program recommendations
 - Recommend policy and planning initiatives
 - Monitor certain activities
 - Act as liaison
 - Review budget
 - Advise the county board



Standing Committees (cont)

- 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 (cont)

- Specify officers-chair, vice chair, recording secretary (in conjunction with County Clerk)
 - elected by committee
 - appointed by chair
- Duties of recording 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 (cont)

- Specify removal process of officers and members
 - removed by board chair
 - removed by committee-majority or super majority
 - with or without cause
- Determine if board chair is a member and whether there are any limitations on voting



Standing Committees (cont)

- Specify authority of chair
 - preside at meetings
 - set agendas
 - schedule meetings
 - make reports on behalf of committee
- Determine if non-elected persons 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 (cont)

(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

- Ad Hoc Committees – define purpose or “charge” and term
 - If authority is granted to create a “task force” or “study committee,” be aware of Open Meetings Law requirements
 - Unless a standing committee is intended, specify the committee ceases once a final report is delivered



Staff Assistance

- Specify county employee responsible
- May be department head for which committee has oversight
 - e.g., 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 and 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 and Notice (cont)

- 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 (cont)

- 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 (cont)

- 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?
- Comments must be germane to the agenda
- Specify rules for speakers
- 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 and absent
 - Each matter considered and the action taken
 - 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 (cont)

- 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 (cont)

- 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 year's budget



Fiscal Notes

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



III. Procedural Rules



Procedural Rules

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



Procedural Rules (cont.)

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



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



Resolutions - Form (cont)

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



Committee Agendas

- Specify content – date, time, place and 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 (cont)

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



Resolutions - County Board Action (cont)

- 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 and announcements
- Approval of bills and accounts
- Approval of county board minutes
- Consent calendar
- Reports on zoning petition



Agenda - Order of Business (cont)

- Motions from previous meetings
- Ordinances
- Award of contracts
- Resolutions
- Special order of business
- Adjournment



Conduct at County Board Meetings

- Supervisors, visitors, staff and others shall at all times conduct themselves in respectful manner
- No conversation 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
- 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 if possible
- 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 latest version of Robert's Rules of Order Newly Revised for rules not covered



Questions



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<http://www.vonbriesen.com/>



Resources

- The UW-Extension Local Government Center
- 608-262-9961

- von Briesen & Roper, S.C.
- 414-287-1570

- Wisconsin Counties Association
- 866-404-2700

