

# COUNTY GOVERNMENT

# HISTORY SERVICES FUNDING 2022

**WCA**  
**WISCONSIN**  
**COUNTIES**  
**ASSOCIATION**



# WISCONSIN COUNTY GOVERNMENT

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## HISTORY SERVICES FUNDING

The Wisconsin Counties Association is pleased to again provide this publication outlining the history of, services provided by, and funding sources for county government to educate the citizenry on the vital role county governments play in the provision of services across Wisconsin.

Initially prepared for use by the county representatives who served on the Governor's Blue Ribbon Commission on State-Local Partnerships for the 21st Century, the WCA has updated this publication biennially.

County governments play a multi-faceted role in the state-local relationship. That role has been influenced by the United States' founding documents, the court system and the Wisconsin State Legislature. The role of counties continues to evolve and will continue to change as the state-local partnership is reexamined.

The WCA hopes this document will prove useful to our elected officials and all Wisconsin citizens who benefit from the services provided by Wisconsin's 72 counties.

## HISTORY

### **A Historical Timeline of Wisconsin County Government**

- 1787 The Northwest Ordinance provides for the creation of five states in the Northwest Territory (Ohio, Indiana, Illinois, Michigan and Wisconsin).
- 1800 Ohio becomes a state. Wisconsin is attached to the Indiana Territory (part of St. Clair County).
- 1805 Michigan Territory is separated from the Indiana Territory.
- 1809 Indiana becomes a state. Wisconsin is attached to the Illinois Territory.
- 1818 Illinois becomes a state. Wisconsin loses 60 miles of southern border (including the Chicago area). Wisconsin is attached to the Michigan Territory. Due to the distance between Wisconsin and the territorial capital of Detroit, three counties are organized in Wisconsin: Brown County in the east, Crawford County in the west, and Michilimackinac County in the north (including the Upper Peninsula). These counties perform administrative functions for the territorial government, including the provision of sheriffs, judges, assessors, tax collectors and court clerks.
- 1823 Counties are made Judicial Districts by Congress and the first court proceeding is held in Brown County in 1824.
- 1829 The population increases in southwest Wisconsin due to the growth in lead mining, which leads to the creation of a fourth county – Iowa County.

continued

# HISTORY

- 1834 Westward migration of Yankees (natives or inhabitants of New England) through the Erie Canal leads to population growth along Lake Michigan. Milwaukee County becomes the fifth county.
- 1836 The Wisconsin Territory is created from the region that is now the states of Wisconsin, Iowa and Minnesota as well as parts of the Dakotas. Fifteen new counties are created within the territory: Calumet, Dane, Dodge, Fond du Lac, Grant, Green, Jefferson, Manitowoc, Marquette, Portage, Racine, Rock, Sheboygan, Walworth and Washington. From 1836 through 1901, the number of counties grows from 6 to 71.
- 1848 The third attempt at statehood is ratified by a vote of 16,799 to 6,384 and Wisconsin becomes the 30th state on May 29.

## THE CONSTITUTIONAL DEBATE ON COUNTY GOVERNMENT

The New York Constitution (supervisor) and Pennsylvania Constitution (commissioner) systems of county government both existed in the Wisconsin Territory. The debate between these forms of county government continued until 1870.

- Pennsylvania: Commissioner form of county government calls for a small board elected from precincts to represent the interests of the county at-large. The county serves as the provider of local government services.
- New York: Supervisor form of county government calls for a board of supervisors to specifically represent towns and incorporated places. The county provides state administrative services while towns and municipalities provide local government services.

## COUNTY ADMINISTRATIVE OPTIONS

Topic	Executive <i>Wis. Stats. 59.17</i>	Administrator <i>Wis. Stats. 59.18</i>	Administrative Coordinator <i>Wis. Stats. 59.19</i>
How created	Board resolution, citizen petition/referendum	Board resolution, 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 county 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 county board
Source of powers	State statutes	State statutes	Limited state statutes and county board resolution/ordinance
Removal	By governor for cause	By county board majority	By county board majority
Budget authority	Prepares and presents to county board	Prepares and presents to county board	Only as authorized by county board
Veto board actions	Yes	No	No
Department heads	Appoints (subject to county board confirmation), removes at pleasure	Appoints (subject to county board confirmation), removes at pleasure	No authority unless granted by county board
Advisory committees/boards	Appoints, removes subject to county board confirmation unless waived or made under civil service	Appoints, removes subject to county board confirmation unless waived or made under civil service	No authority unless granted by county board
Coordinate depts.	Yes	Yes	Only management functions not assigned departments by ordinance or law

The framers of the Wisconsin Constitution required the Legislature to “establish but one system of town and county government, which shall be as nearly uniform as practicable” (Article IV, Section 23). The meaning of this uniformity requirement was not settled until 1870. After a series of court decisions, the supervisor system prevailed. While the court did not expect all counties to be exactly the same, it expected “practical uniformity void of needless diversity.”

In 1885, the Legislature determined that it was impractical to treat Milwaukee County the same as all other counties. Its action allowed Milwaukee County to elect supervisors from Assembly districts (a practice maintained until 1980). Almost 75 years later, the Legislature established a third category of counties, “counties having one town,” for Menominee County. Menominee was to use the town board plus one at-large delegate to serve as the county board. In 1972, a constitutional amendment deleted the uniformity requirement for counties.

### **Provision of Services**

When Wisconsin became a state in 1848, the new state Constitution contained several specific provisions for county government.

- Article IV, Section 22, stated, “The Legislature may confer upon the boards of supervisors of the several counties of the state such powers of a local, legislative and administrative character as they shall from time to time prescribe.”
- Article VI, Section 4, identified county officers as well as the conditions of their election, removal and terms of office. The constitutionally specified officers were identified as sheriffs, coroners, registers of deeds, district attorneys, judges and clerks of circuit court. County treasurers and county clerks were included in 2005 when terms of office for constitutional officers were changed from two to four years.

Counties are viewed as agents of the state because they are required to carry out or enforce certain state laws. For example, county sheriffs apprehend violators of state laws, county clerks manage state elections, and registers of deeds keep certain state records (e.g. birth and death certificates, marriage licenses and property deeds).

## **RECENT DEVELOPMENTS**

**1960s** - The reservation of the Menominee Indians of Wisconsin, located in Oconto and Shawano counties, becomes Wisconsin’s 72nd county – Menominee County.

**1970s** - Counties are given narrow power to control several elements of county board functioning. This is commonly referred to as “self-organizing.” Counties are permitted to pass ordinances declaring themselves self-organized for the purposes of setting board officers and compensation, establishing staggered supervisory terms, and filling vacancies in supervisory districts.

**1980s** - Counties are granted “administrative home rule” giving them greater control over organizing their administrative departments. The Legislature granted counties authority to address and fund local issues in metropolitan areas without specific state enabling laws (Wis. Stats. 59.03(2)). This 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 do so on its behalf through voluntary agreements.

**Today** - Counties do not have constitutional home rule authority as do cities and villages. This means that cities and villages can undertake anything that is **not expressly prohibited** by state statute or the Constitution. Counties, on the other hand, can only undertake a function that is **expressly allowed** for or mandated by state statute or the Constitution. County governments’ main function continues to be acting as the administrative arm of state government.



# SERVICES

## CIRCUIT COURTS

County governments in Wisconsin are primarily responsible for the day-to-day administration of the circuit court system. Key personnel involved in the administration of the circuit court system and a brief description of their associated services follows.

### Clerk of Circuit Court

Collect court-related fees and fines, and oversee administration of the court and its records as well as management of juries.

### Circuit Court Commissioner

Perform a number of judicial duties including initial appearances, small claims, preliminary and certain juvenile hearings as well as probate, guardianship and mental commitment proceedings.

### District Attorney

Responsible for prosecuting all criminal cases and providing crime victim and witness services. Technically not a county employee, district attorney offices are funded by counties.

### Family Court Commissioner

Conduct court hearings and render decisions on many issues in family court cases.

### Register in Probate

Serve as custodian of the record and court administrator for probate, guardianship, mental commitment and adoption cases.

## COUNTY CLERK

The county clerk is an elected constitutional officer whose responsibilities include:

- ◆ Election administration
- ◆ County finances
- ◆ Issuance of licenses and permits
- ◆ County board administrative functions
- ◆ Other statutory duties

## HEALTH & HUMAN SERVICES

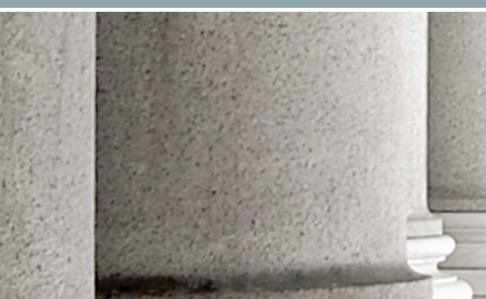
### County Social/Human Services Departments

County social/human services departments provide an array of services, ranging from serving young children in the Birth to Three program to the aging population in the adult protective services system. County human services programs can be categorized in five broad areas:

- ◆ Children and families – includes child protective services
- ◆ Behavioral health – includes mental health and alcohol and other drug abuse services
- ◆ Youth justice – includes community-based youth justice programs and out-of-home services
- ◆ Long-term support – includes services for children and adults with disabilities as well as services to the aged
- ◆ Economic support – includes eligibility determinations for the FoodShare, Medical Assistance and child care programs

### Public Health

Local public health departments work on a daily basis to promote and protect the health of all citizens. While programs vary from department to department, common health department services include:

- ◆ Childhood and/or adult immunizations
  - ◆ Communicable disease follow-up
  - ◆ WIC nutrition services
  - ◆ Health education
  - ◆ Prenatal care coordination
  - ◆ Emergency preparedness and response
  - ◆ Community assessment and health improvement planning
  - ◆ Chronic disease prevention
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## HEALTH & HUMAN SERVICES (CONT.)

### County Healthcare Facilities

County nursing homes provide 24/7 skilled nursing care with an emphasis on serving residents with special care and/or behavioral needs. Services provided by county nursing homes include:

- ◆ Respite care
- ◆ Short-term rehabilitation with physical, speech and occupational therapies
- ◆ Long-term care
- ◆ End-of-life care
- ◆ Palliative care
- ◆ Memory care for those with Alzheimer's disease and other dementias

Some counties with skilled nursing facilities also provide assisted living, group home and other types of supportive care environments.

### Aging

The federal Older Americans Act along with the Wisconsin Elders Act direct how aging services in Wisconsin are provided. In addition to county aging units, many counties also operate Aging and Disability Resource Centers that

provide a place for the public to receive accurate, unbiased information on all aspects of life related to aging or living with a disability. Common services include:

- ◆ Access to information and services
- ◆ Elder benefit specialist services
- ◆ Organizing and administering congregate programs – nutrition, senior centers, adult day care, respite and evidence-based prevention programs
- ◆ Transportation services

### Child Support

County child support agencies administer the state's child support program. Services include:

- ◆ Establishing paternity
- ◆ Establishing and enforcing court-ordered child support and medical support obligations
- ◆ Establishing and enforcing support orders when children are placed out of the home

## LAND USE

Counties provide a multitude of land-related services. These include:

### Forestry

Own and manage public forest lands.

### Land Conservation

Serve as the primary local delivery system for natural resource programs.

### Land Information, Planning, Zoning

Prepare and adopt a county development plan, including general zoning, shoreland zoning, floodplain zoning and land-use planning.

### Sanitation/Solid Waste/Recycling

Conduct solid waste management planning, including operating county landfills, providing waste/recycling collection services, and providing collection and proper disposal of household hazardous waste.

### Surveyor

Conduct remonumentation activities as well as preserve and maintain Public Land Survey System corners.



## PUBLIC SAFETY SERVICES

### Coroner/Medical Examiner

Counties have the option to elect a coroner or appoint a medical examiner. Services include death investigations, medicolegal autopsies and signing death certificates and cremation permits.

### Emergency Management

County emergency management is responsible for developing and implementing an emergency response plan that is consistent with the Wisconsin Emergency Response Plan. This department also establishes, maintains and operates the county's Emergency Operations Center.

### Public Safety Answering Points

PSAPs are responsible for all 911 calls and affiliated activities including dispatching police, fire and EMS services.

### Sheriff

The sheriff is an elected constitutional officer whose responsibilities include:

- ◆ Maintaining and operating the county jail
- ◆ Attending upon the courts
- ◆ Enforcing all state and local laws

## REGISTER OF DEEDS

The register of deeds is an elected constitutional officer whose responsibilities include:

- ◆ Examining, recording, indexing, archiving and maintaining all instruments authorized by law and returning them as designated
- ◆ Maintaining vital records and issuing certified copies

## TRANSPORTATION & PUBLIC WORKS

- ◆ Maintain and repair of county roads and bridges
- ◆ Maintain and repair state and interstate roads through contract with the Wisconsin Department of Transportation
- ◆ Operate and maintain county airports
- ◆ Operate and maintain county mass transit

## TREASURER

The county treasurer is an elected constitutional officer whose responsibilities include:

- ◆ Management of county cash
- ◆ Administering and collecting property taxes
- ◆ Forwarding fees, fines and forfeitures to the appropriate government agencies
- ◆ Maintaining tax information

## VETERANS SERVICES

Counties employ a county veterans services officer who serves as the primary contact for veterans and their families within the county. CVSOs advise veterans on any benefits to which they may be entitled. CVSOs also assist veterans with any complaint or problem arising out of such military service, and provide veterans and their dependents all possible assistance.

## CULTURE, RECREATION, EDUCATION & HOUSING

Counties provide many additional services including:

- ◆ Libraries
- ◆ Beaches
- ◆ Campgrounds
- ◆ Economic development
- ◆ Regional planning
- ◆ Fairs and exhibits
- ◆ Historical societies and museums
- ◆ Parks
- ◆ Public housing
- ◆ Recreation facilities and trails
- ◆ Zoos



# FUNDING

## SPENDING & SERVICES

County government provides a wide range of services for Wisconsin residents. In 2020, the state's 72 counties spent \$6 billion protecting citizens by providing health and human services to those in need; county and state highways; parks and recreation areas; and many other services.

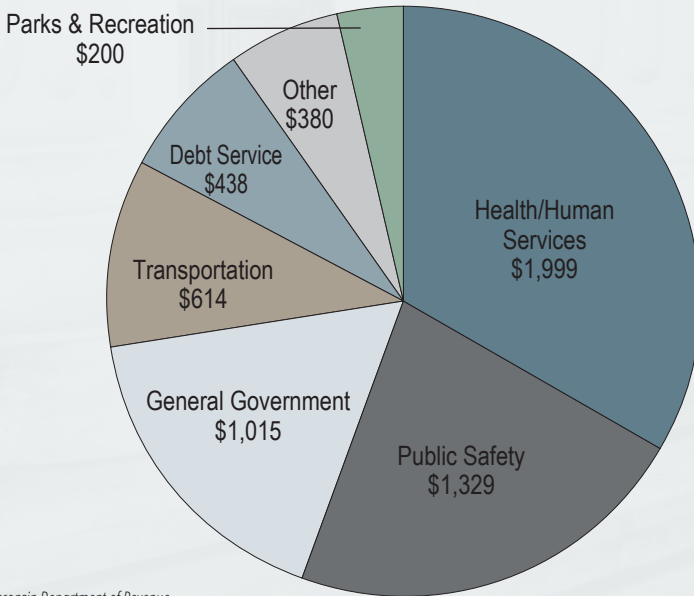
The largest share of county spending is in the health and human services area. In 2020, 34% of county expenditures, or \$2 billion, was allocated to these services. They include programs for child welfare, mental health, alcohol and drug abuse, transportation and nutrition for the elderly, and veterans.

Another \$1.3 billion, or 22% of the total, paid for public safety, with the bulk of the dollars spent on law enforcement and operating county jails.

Counties spent \$614 million on transportation to repair and maintain county roads and bridges, maintain state roads, and, for some counties, operate mass transit and airports.

County spending for services such as those provided by the register of deeds, the operation of circuit courts, and for general operations accounted for 17% of county spending in 2020.

### 2020 COUNTY SPENDING (IN MILLIONS OF DOLLARS)



Source: Wisconsin Department of Revenue, County and Municipal Revenues and Expenditures

## REVENUES

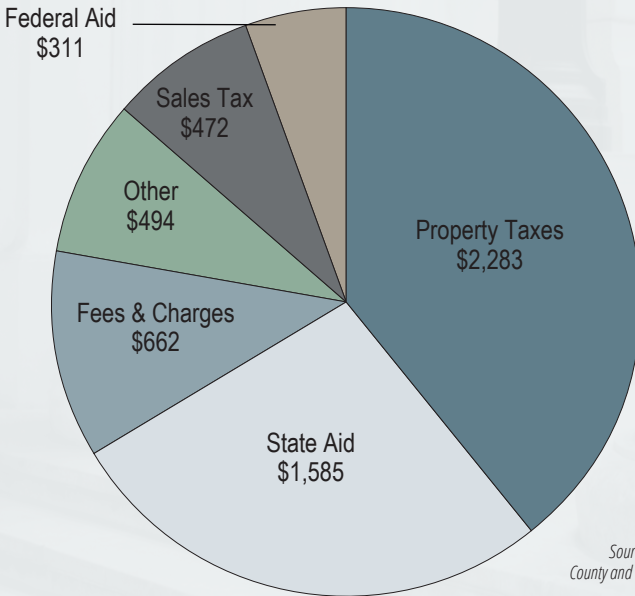
The services that Wisconsin county governments provide are funded primarily with a combination of taxes, state and federal aid, and various fees and charges for services. The main county revenue source is the property tax. In 2020, counties collected \$2.3 billion in property taxes, accounting for 39% of revenues.

State aid, which totaled \$1.6 billion or 27% of revenues, is paid to counties through several programs. About two-thirds of that aid helped fund the large number of health and human services programs that counties run. Another 10% of the aid is from two “shared revenue” programs – county and municipal aid and utility aid. Counties also receive state dollars to help pay for spending on roads, bridges and other transportation services.

Counties have few local revenue options. Other than the property tax, the only tax they can levy is an optional 0.5% sales tax. Sixty-eight of the state’s 72 counties have opted to impose the tax. Collections totaled \$472 million in 2020.

Counties also charge fees for some of the services they provide. Charges, fees and fines totaled \$662 million in 2020, accounting for about 11% of county revenue.

### 2020 COUNTY REVENUES (IN MILLIONS OF DOLLARS)



*Source: Wisconsin Department of Revenue, County and Municipal Revenues and Expenditures*

## PROPERTY TAX LIMITS

The property tax is the largest revenue source for Wisconsin counties. It accounted for 39% of total revenues in 2020.

The amount of property tax that counties can levy is limited by state law. These levy limits tie changes in the county property tax to the amount of net new construction occurring throughout the county. They were first implemented for property taxes levied in December 2005.

Each year, the Wisconsin Department of Revenue calculates a percentage equal to the value of all net new construction in a county as a share of the total value of all taxable property therein. County levy increases cannot exceed that percentage.

There are some exceptions to the limits, with the largest for debt service. If a county borrows for a building, a road project or for other capital spending, the property taxes needed to repay that loan are exempt from the limits.

Since 2010, net new construction statewide has averaged 1.3% per year. For individual counties, net new construction has averaged between 0.5% and 2.0% per year.



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