



# County Board Rules – Part One

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# What do we want to accomplish today?

- Understand the importance of county board rules
- Understand the freedom provided in Wis. Stat. § 59.03
- Understand that board rules are NOT “one size fits all”
- Identify key points for your county
- Recognize the lack of a “perfect template”
- Use the discussion today as a guide for the continued discussion on December 20 and beyond



# Sources of Procedural Rules

- State Statutes
  - Open Meetings Law
  - Chapter 59
- **Local Rules**
- Robert's Rules of Order
- Custom/Practice



# Section 59.03(1)

(1) ADMINISTRATIVE HOME RULE. Every county may exercise any organizational or administrative power, *subject only to the constitution and to any enactment of the legislature which is of statewide concern and which uniformly affects every county.*



# Robert's Rules of Order, Newly Revised (12<sup>th</sup> ed.)

**2:14** “The term *rules of order* refers to written rules of parliamentary procedure formally adopted by an assembly or an organization. Such rules relate to the orderly transaction of business in meetings....”

**2:23** “*Standing rules* ... are rules (1) which are related to the details of the administration of a society rather than to parliamentary procedure, and (2) which can be adopted or changed upon the same conditions as any ordinary act of the society.”

**2:25** “... a particular practice may sometimes come to be followed as a matter of established custom so that it is treated practically as if it were prescribed by a rule. If there is no contrary provision in the parliamentary authority or written rules of the organization, such an established custom is adhered to unless the assembly, by a majority vote, agrees in a particular instance to do otherwise.”



# Process for Adopting/Amending County Board Rules

- Current board/committee should review rules and propose amendments as necessary prior to organizational meeting
- Rules are adopted prior to organizational meeting and then reviewed at organizational meeting in April
- Rules incorporated into county ordinance?



# Organization of County Board Rules

An EXAMPLE...

## Chapters

I. County Board Officers

II. Organization of the County Board

III. Procedural Rules of the County Board



# County Board Officers





# County Board Officers

## **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.



# County Board Officers (cont.)

## 59.12 Chairperson; vice chairperson; powers and duties.

(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.



# County Board Officers (cont.)

- Are there other officers to be elected?
  - *E.g.*, Sergeant-at-Arms
- What other duties should be delineated?
- Who determines temporary absence or disability in terms of inability to perform duties of officer?



# County Board Chair – Other Duties

- Maintains right to vote, not just on tie votes
  - Responsibility to constituents
  - RONR is NOT designed with government in mind
- Appoints members to committees?
  - Wis. Stat. § 59.13
- Serves as chair of other committees when needed?
- Serves as voting member or ex-officio member of all standing committees, commissions and boards?
- Fills-in for absent committee members as necessary?



# County Board Vice Chair – Other Duties

- Receive Chair's compensation while performing Chair duties?
- Clarity surrounding succession – Vice Chair does not become Chair if there is a vacancy unless the Board Rules specify (not recommended)



# Removal of Officers

- Removal of Chair and Vice Chair may be at the will of a simple majority of the members (AG opinion)
  - What is the process for placing this item of business on the agenda?
- Other officers serve at the pleasure of the members unless the rules provide otherwise



# Organization of the Board



# Organization of the Board

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





# Standing Committees

Wis. Stat. § 59.13(1) “(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.”

- Committees generally fall into three (3) categories:
  - Statutory (highway, zoning, human services, law enforcement, etc.)
  - Standing (Executive, Admin, Finance, etc.)
  - Ad Hoc (Temporary)/Other (Board Rules, etc.)



# Standing Committees

- Board Rules should specify:
  - Type of Committee
  - How Committee is comprised (odd number of members) and by whom
  - Function of Committee
  - Committee's Reporting relationship
  - Oversight authority
  - How Committee leadership is determined



# Ad Hoc or Other Committees

- 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
- Same “rules” for “other” committees
  - Type, membership, function, reporting
- **SPECIFY WHEN COMMITTEE IS DONE!**



# Rules Applicable to All Committees

- What officers exist?
  - Who appoints/elects the officers?
- How is the Committee record created and maintained?
  - County Clerk responsibility under s. 59.23; however, the responsibility may be delegated
- Process for removal of committee members
  - Board Chair, committee vote, other?



# Rules Applicable to All Committees

- Specify Committee Chair's authority
  - Preside at Committee meetings
  - Set agenda?
  - Must items referred to Committee be taken up within a specified timeframe?
  - Make reports on Committee's behalf?
- Rules surrounding Committee meetings



# Public Comment and Board Participation

- 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 (outside public comment) at committee meetings
- Board members should not be allowed to discuss or participate in debate, if not members of the committee?



# Public Comment and Board Participation (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 – conduct, appropriate language, respectful, etc.
- Are the rules different for a public hearing versus public comment?



# Staff Assistance to Committees

- 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))
- Form of reporting
- Form of budget accountability





# 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
- What is the deadline for submitting agenda items and resolutions?
- What is required of resolutions before introduction?
  - Fiscal Note?
  - Legal Note?



# Budget Preparation – Admin Coordinator Counties

- 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



# Budget Preparation – Exec and Admin Counties

- 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



# Questions?



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