

 **IN THE BOARD ROOM**

# COUNTY BOARD RULES – PART TWO

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**WCA**  
WISCONSIN COUNTIES ASSOCIATION

**ATTOLLES**  
LAW, s.c.

# What do we want to accomplish today?

- Recognize the multitude of procedural issues that can and should be addressed within board rules
- Break the “procedural issues” into digestible topics
- Think about how business is currently transacted in your county and how improvements can be made



# Procedural Rules

- Remember the order of precedence
  - State Statute
  - County Ordinance
  - **Board Rule**
  - RONR
- Procedural Rules define how it is that business is transacted within a board or committee meeting
  - May include rules related to how business gets before the board/committee



# Procedural Rules - Topics

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



# Procedural Rules – Topics (cont.)

- County Board Agendas
- Order of Business
- Conduct at Meetings and Rules of Decorum
- Remote Attendance
- Voting
- Definition of Session
- Parliamentary Procedure
- Interpretation of Rules



# Scheduling of Meetings

- Specify regular meeting dates and times
  - How can this be modified?
- How can special meetings be scheduled?
- Specify if there are certain “special” meetings, such as for budget time
- How are public hearings scheduled?



# Form of Resolutions

## **59.02 Powers, how exercised; quorum.**

**(1)** The powers of a county as a body corporate can only be exercised by the board, or in pursuance of a resolution adopted or ordinance enacted by the board.

**(2)** Ordinances may be enacted and resolutions may be adopted by a majority vote of a quorum or by such larger vote as may be required by law. Ordinances shall commence as follows: "The county board of supervisors of the county of .... does ordain as follows".

**(3)** A majority of the supervisors who are entitled to a seat on the board shall constitute a quorum. All questions shall be determined by a majority of the supervisors who are present unless otherwise provided.

- Official action is reflected in an ordinance or resolution
- How is a Resolution described/captioned?
- Does a committee need to sign? All members or only those that voted in favor?



# Form of Resolutions (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.





# 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?



# 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
  - Referral in or outside board meeting?
  - What if board disagrees with referral?
- 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 – i.e., no formal motion needed
- Will all pending resolutions, ordinances and ordinance amendment shall be carried forward to the new board/new session?



# 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

- 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 (SAMPLE)

- Call to order
- Roll call
- Pledge of Allegiance
- Special matters and announcements
- Approval of minutes from previous meeting
- Consent calendar
- Motions carried over 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 and NOT used during meeting
- 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



# Conduct at County Board Meetings (cont.)

- Public comment vs Public participation
- The public has no right to participate in a meeting – it is a right to observe and record.
- The rules should specify that the public may not participate in debate on any question. If there are questions raised during debate and a member of the public has information the chair believes would assist the board in debate, the chair can request the member of the public to address the questions.



# Remote Attendance

- RONR 9:30 – “Except as authorized *in the bylaws*, the business of an organization or board can be validly transacted only at a regular or properly called *meeting*—that is, as defined in 8:2(1), a single official gathering in one room or area—of the assembly of its members at which a quorum is present.”
- Wisconsin law does not provide express authorization for remote attendance
- If remote attendance will be allowed, this must be authorized in board rules AND the rules surrounding remote attendance should be delineated
  - Count as fully present?
  - Fully able to participate and vote?
  - Procedure for notification (and receiving permission) for remote attendance
  - Rules for participation in closed session



# 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
- Recognize that action on routine matters can be taken by unanimous consent (without objection)



# Define a “Session”

- RONR 8:2(2) – A *session* of an assembly, unless otherwise defined by the bylaws or governing rules of the particular organization or body, is a meeting or series of connected meetings devoted to a single order of business, program, agenda, or announced purpose, in which—when there is more than one meeting—each succeeding meeting is scheduled with a view to continuing business at the point where it was left off at the previous meeting...”
- Important concept for determining when:
  - An adopted resolution is subject to rescission or reconsideration
  - Pending resolutions expire when not disposed of prior to the organizational meeting



# Define a “Session” (cont.)

- A session may be defined as:
  - The time between the organizational meeting (3<sup>rd</sup> Tuesday of each April) and annual meeting (the Tuesday after the 2<sup>nd</sup> Monday of November in each year.) Wis. Stat. § 59.11(1).
  - A year
  - The time between the first organizational meeting following the Spring general election in even-numbered years and the March 31 immediately preceding the next Spring general election (i.e., two years)
  - Whatever other timeframe is desired



# 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





# Interpretation of Rules

- In the case of a Point of Order or Parliamentary Inquiry, the Board Chair “can consult the parliamentarian, if there is one.” RONR 23:17
- Corporation counsel should be the designated parliamentarian.
- REMEMBER – there is nothing wrong with taking time to get a decision right!



# Questions?



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