Whose Job is It Anyway?
Clarifying the Role of Boards and Committees Depending Upon County Organizational Structure

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Counts are required to choose the executive, administrator or administrative coordinator form of organization. The roles for each of these offices or positions are found in three statutes — Wis. Stat. § 59.17 (executive); Wis. Stat. § 59.18 (administrator); and Wis. Stat. § 59.19 (administrative coordinator). However, analysis of the statutory distinctions between the three offices or positions does not end there. Indeed, the Legislature has embedded references to county organizational forms, and different roles depending upon the form chosen, in various other statutes. This scattered statutory approach has caused confusion in certain counties, especially those counties that have recently transitioned from administrative coordinator to administrator.

While it is important to analyze the statutory authority of each county committee or board in detail, the general rule for counties with a county executive or administrator is that statutorily created or mandated committees or boards serve as policy-making bodies only. The responsibility to implement and administer those policies falls with the county executive or administrator.

In this article, we provide a brief overview of how several important county committees/boards operate in counties with an administrative coordinator and in counties with a county executive or administrator.

- **County highway committee**

  The county highway committee is a prime example of the dichotomy in committee roles and responsibilities between counties with an administrative coordinator or with a county executive or administrator.

  In counties with an administrative coordinator, the highway committee maintains the authority to administer much of the operations of the county highway department, including to purchase and sell road machinery, determine the manner of performance of county aid construction (e.g., let by contract or performed directly by county employees), enter into contracts in the name of the county, direct the expenditure of county highway funds, and more.2

  However, in counties with a county executive or administrator, a highway committee’s role is limited to that of “only a policy-making body determining broad outlines and principles governing administration.”3 Instead, the powers and duties described in the preceding paragraph (and many others) fall squarely with the county highway commissioner4 (who is appointed by the county executive or administrator).5

- **County human services board**

  The county human services board is another important example. Similar to the county highway committee, there are essentially two sets of statute subsections: one that...
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applies to counties with an administrative coordinator, and one that applies to counties with a county executive or administrator.

In counties with an administrative coordinator, the human services board establishes policies and determines procedures and operations. For example, the human services board is authorized to determine which services the county department of human services will provide directly or contract for with third parties, appoint a human services director, evaluate services delivery, and so on.6

On the contrary, in counties with a county executive or administrator, the human services board serves largely an advisory and policy-making role. For example, it may recommend programs, priorities, and policies; prepare a proposed budget to submit to the county executive or administrator; and advise the county human services director regarding purchasing and providing services.7 The administration and day-to-day operations of the human services department are the responsibility of the human services director (who is appointed by the county executive or administrator).8

▶ County social services board

Likewise, a county social services board in a county with an administrative coordinator largely serves in an advisory and policy-making capacity in much the same manner as a county human services board.9 The administration and day-to-day operations of the county department of social services lies with the county social services director.10

▶ Local board of health

A county local board of health’s role is treated similarly to the examples discussed above, but with an important caveat. Even in a county with a county executive or administrator, a county local board of health only becomes solely a policy-making body if the county executive or administrator elects to assume the board’s powers and duties.11 Should the county executive or administrator make such an election, the roles and responsibilities of the board of health are similar to the other committees/boards discussed above, and the administration of the duties previously conducted by the board then lies with the county executive or administrator.

▶ Administrative coordinator delegation

While the statutes above vest certain authority in committees and boards in counties with an administrative coordinator, it is important to note that Wis. Stat. § 59.51(1) allows counties the freedom to delegate authority to the administrative coordinator should the county board choose to do so. This statute provides (in relevant part): “The board of each county shall have the authority to exercise any organizational or administrative power, subject only to the constitution and any enactment of the legislature which grants the organizational or administrative power to a county executive or county administrator or to a person supervised by a county executive or county administrator or to a person uniformly affects every county.” Importantly, Wis. Stat. § 59.51(1) “shall be broadly and liberally construed and limited only by express language.” While any such delegation is subject to statutory constraints and should be undertaken only after careful consideration and review by corporation counsel, there are several counties that have vested similar authority in the position of administrative coordinator.

▶ Conclusion

Other statutory examples exist, but all follow the same general theme — if a county has chosen the executive or administrator form, statutorily mandated committees and boards serve in a broad policy-making capacity and exercise no operational authority. But even in those counties choosing the administrative coordinator form, the county board may delegate certain of the functions of a board or
committee to the administrative coordinator. In the absence of such delegation, the statutory board or committee serves in a policy-making and quasi-operational role.

Roles and responsibilities in county government can be difficult to understand. Various statutes located in different chapters and sections all impact the analysis. It is important for counties to review these statutes on a regular basis to ensure its organizational structure is consistent with the statutorily recognized roles and responsibilities.

The WCA is committed to assisting counties in understanding roles and responsibilities in county government and will make its team available to any county. If you have questions about the roles and responsibilities of county committees or boards and county executives or administrators, or any other governmental law needs, please contact the WCA or Attolles Law, s.c.

Attolles Law, s.c. works on behalf of Wisconsin counties, school districts and other public entities across the state of Wisconsin. Its president & CEO, Andy Phillips, has served as outside general counsel for the Wisconsin Counties Association for nearly 20 years.

1. Foremost among a number of duties and responsibilities, a county executive is the “chief executive officer of the county” (Wis. Stat. § 59.17(2)) and the county administrator is the “chief administrative officer of the county” (Wis. Stat. § 59.18(2)).
4. Note: Milwaukee County has a “director of transportation” who serves a combined role of highway commissioner and director of public works. Wis. Stat. § 83.01(1)(b).
6. Wis. Stat. § 46.23(5).
7. Wis. Stat. § 46.23(5m).
8. Wis. Stat. § 46.23(6m).
10. Wis. Stat. § 46.22(3m).
11. Wis. Stat. § 251.04(9). Note: This section applies to counties with a single county department of health.