

WISCONSIN
COUNTY OFFICIAL'S
HANDBOOK

10th Edition

A Publication of the Wisconsin Counties Association, 2026

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Attolles Law, s.c., is a proud contributor to this comprehensive overview of Wisconsin county government. As general counsel to WCA and outside counsel to many counties, we appreciate the challenges you will face in the coming years and hope this Handbook can help you navigate those challenges.



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**Wisconsin County Official's Handbook
10th Edition
2026**



This handbook sets forth general information on the topics
addressed and does not constitute legal advice.
Contact your county's legal counsel for specific advice.

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10th Edition

The Wisconsin County Official's Handbook: Empowering County Officials Through Education

■ Mark D. O'Connell, President & CEO, Wisconsin Counties Association

As a county official, you face the daunting task of understanding a myriad of county issues and creating policy for complex programs and services in a way that best meets the needs of your constituents while holding the line on tax dollars. Government at any level is a fluid entity and, with constantly changing issues and emerging trends, this is not always an easy task.

This 10th edition of the “Wisconsin County Official's Handbook” covers topics that county officials address on a regular basis. From FAQs on parliamentary procedure to personnel practices and county budgeting, this handbook brings together all areas of county governance in one centralized place.

The Wisconsin Counties Association hopes this document will be a valuable, standard reference document on county governance. As with any project, there were many players that made this handbook possible. The WCA is fortunate to be surrounded with outstanding individuals who are experts in their field. Their work can be seen within the pages of this document and even more importantly, their contributions toward effective governing will be felt in the years ahead.

Without the support of WCA's general counsel, Andy Phillips of Attolles Law, this document would not be possible. Phillips and his colleagues at Attolles Law have contributed to many of the chapters of this handbook, resulting in a document that has exceeded our expectations.

The association would like to also specifically recognize UW-Madison Division of Extension for their time and expertise throughout the years in creating and updating this document as well as their generous sponsorship for this edition. The financial contributions from the Local Government Education Program of the UW-Madison Division of Extension, Attolles Law, Aegis – a Charles Taylor Company, and other sponsors allow this publication to be the printed piece you now hold.

It is the WCA's intention to keep the information provided within these pages current and make any necessary revisions to the content. Please review it, use it often, and give us feedback on its effectiveness. Your thoughts are welcome and should be directed to WCA Director of Outreach and Member Engagement Sarah Diedrick-Kasdorf at 608.663.7188 or diedrick@wicounties.org.

With effective governing as the ultimate destination, it is our hope that the “Wisconsin County Official's Handbook” may be the map to get you there. Enjoy the journey.



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Getting Started on the County Board - Understanding Roles and Responsibilities

■ *Written by Jon Hochkammer, Wisconsin Counties Association (retired), and updated by Sarah Diedrick-Kasdorf, Director of Outreach and Member Engagement, Wisconsin Counties Association*

Congratulations on your election and thank you for your service to county government! You likely have a few specific issues or personal experiences near and dear to your heart that prompted you to run for office. You may also have initiatives you want to accomplish right away. In your attempt to positively impact county government and the citizens it serves, there are things you should know before you get started.

County Government History

The first county governments in Wisconsin predate the state government. Six counties were created while the state was part of various territories. With the establishment of the state of Wisconsin in 1848, there were 28 counties. By 1901, there were 71. The 72nd county, Menominee, was created in 1961.

Prior to 1870, county governments in Wisconsin functioned in different ways, using either the commissioner or supervisor model. After a series of court decisions related to the uniformity requirement included in the state constitution, the county supervisor system prevailed. Wisconsin county boards, which range from seven to 38 members, are typically larger in size than and serve in a much different capacity than the smaller “commissioner” systems prevailing in other states.

County Authority

County government authority comes from the Wisconsin Constitution¹ and predominantly Chapter 59 of the Wisconsin State Statutes.² Counties are limited to “statutory administrative home rule authority.” Simply put, counties can only undertake such functions as expressly allowed by state statute and the constitution. This means that while counties may exercise organizational or administrative power in conducting county business, they remain subject to the constitution as well as to any enactment of the Legislature that (1) is of statewide concern, and (2) uniformly affects every county.

The limited authority given to counties reinforces the original intent of the state’s founders in forming the partnership between the state and county government — counties act as the local presence of the state and carry out certain critical functions of state government. For example, clerks of circuit court administer the state court system, county sheriffs apprehend violators of state laws, county clerks oversee elections to state offices, treasurers bill and collect state taxes and fees, and registers of deeds keep certain state records, such as birth and death certificates, marriage licenses, and property deeds. Counties

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also carry out many state-mandated services, such as human services and public health. As such, counties are often referred to as “agents” or “arms” of the state.

In contrast, cities and villages have “constitutional home rule authority,” which is the authority the state concedes to a local government to govern its own affairs within their own boundaries. Cities and villages have nearly unlimited authority unless specifically prohibited by state statute or the state constitution.

Roles and Responsibilities: County Board

A county board in Wisconsin is considered a legislative body that sets policy through the adoption of resolutions and ordinances, plans (e.g., comprehensive and strategic), and the county budget. Its members — county board supervisors — serve in a legislative role. The county board’s authority is collective rather than individual. No operational control resides with individual county board supervisors; however, the board is responsible for holding accountable the staff who have been appointed or hired to operate county government (county administration). So, while county board members in Wisconsin are called “supervisors,” they do not supervise the day-to-day operation of county government.

Some basic county board functions:

- Involve, represent and be accountable to the public
- Determine services to be provided
- Adopt the annual budget and levy taxes
- Hire, evaluate and retain good administrators
- Regulate county-provided programs within statutory authority
- Cooperate with other levels of government
- Focus on the long term rather than the past or short term
- Conduct strategic planning addressing key issues and opportunities

Note: If a county supervisor has a concern regarding county operations, the supervisor should contact county administration.

Like the state Legislature, Wisconsin counties utilize a strong committee structure to conduct its business. The majority of the policy formation work is done by committees prior to debate by the full county board. Committees routinely hold hearings and consider input from the public and county staff before making recommendations to the full board. Any new initiative should first be referred to the appropriate committee, where it can be reviewed by committee members and staff who have the expertise necessary to fully study the issue. Just like the board, a committee has collective authority. No individual committee member, chair or otherwise, has individual authority or responsibility with respect to the committee’s official business or the department(s) associated with the committee.

As previously mentioned, the county board is not responsible for managing the day-to-day operation of the county. It is responsible for establishing policy, which provides

the framework for county staff to run the county's day-to-day operations. The county board enacts policy by adopting plans, budgets, ordinances and resolutions. For example, policy can be established by adopting farmland preservation, capital improvement or transportation plans. These plans generally provide guidance for the long term — five, 10, 15 years or longer — and can be amended as the board sees fit. County board members should be seen as "visionaries."

The annual budget is probably the most important policy document the county board adopts. While it is technically a financial document, the budget also establishes policy, including what services are provided, the level of funding allocated, and the source of revenue. Detailed information on county budgeting is included in the chapter, "County Budgets and Financial Management," on page 143.

The county board also establishes policy by adopting ordinances and resolutions. Ordinances are local laws prescribing rules of conduct and are enforced by county officials. Ordinances become a permanent part of the county's governmental code and the board may amend them as needed. Ordinances can also be regulatory, dealing with issues such as licensing, zoning, peace and order. Most counties also include their county board rules in an ordinance. Unlike ordinances, resolutions are not a permanent feature of the county code. Resolutions are often used to provide an official record of board action, grant special privileges, express opinions or communicate with other governmental bodies. Once the county board of supervisors approves policy, it is the responsibility of county staff to implement that policy.

Examples of a county supervisor "job description" are provided from Dunn and Ozaukee counties on page 13.

Roles and Responsibilities: County Staff

Department heads (non-elected) and staff serve in an operational capacity and in an advisory role to the county board. County employees carry out their duties in a manner consistent with the policy direction of the board. Department heads have a leadership role in their departments within the guidelines of the policies and procedures set by the board of supervisors. The policies and procedures are then clarified through directives from the county executive, county administrator or county administrative coordinator. County staff make recommendations and give professional advice, but generally do not make policy other than authorized internal department policies. In sum, the basic function of county staff is to (1) carry out the board's policy directives; and (2) provide the board with information and advice to allow the policymakers the opportunity to make informed decisions.

Understanding board and staff roles and responsibilities is critical to forming an efficient partnership between the county board and county staff. A successful partnership results in the efficient delivery of critical services to the citizenry.

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County Constitutional Officers

County constitutional officers have what can be called a “dual persona.” County constitutional officers are independently elected and accountable to the electorate rather than being directly accountable to the county board. However, county constitutional officers perform their statutory duties within the county organizational structure. They update county committees on office operations, receive funding from the county board through the budget process, work closely with county administration, and have staff who are county employees.

Important Items of Note

Beyond the discussion of county board roles and authority, it is critical that county board members understand what laws, rules and regulations apply to them. In addition, it is important to learn and understand how to use parliamentary procedure. Understanding procedural rules and the appropriate use of motions is a critical asset in performing the role of a county board supervisor. Detailed information on parliamentary procedure is included in the chapter, “Parliamentary Procedure FAQs,” on page 125. It is also important to understand that many state laws apply to county officials, including Wisconsin’s Open Meetings and Public Records laws and the statutes relating to ethics and conflicts of interest. Detailed information on these laws is included in the section, “Laws of Governing,” starting on page 77.

Last, but certainly not least, become familiar with the WCA, which is assembled for the purpose of serving and representing counties. Its primary mission, as stated in state statute, is “the protection of county interests and the furtherance of better county government.” In an effort to keep county and state officials and the public informed, the WCA provides the monthly Wisconsin Counties magazine, electronic newsletters, and the wicounties.org website. Member counties receive free access to The Wheeler Report and WisPolitics.com news services that provide updates on activity by the state Legislature and pertinent state and local government news. Training is available through seminars, webinars, a legislative conference and an annual statewide conference, as well as individual training by WCA staff for county boards, committees and departments. The WCA also offers services to county governments through the WCA Group Health Trust, Wisconsin County Mutual Insurance Corporation, and WCA Services, Inc.

Your career in public service will be filled with successes and challenges. Educating yourself on the information in this handbook will get you headed down the right path and hopefully, provide opportunities for more successes while limiting the negative consequences of the challenges.

Endnotes

1. Wisconsin Constitution, docs.legis.wisconsin.gov/constitution/wi.pdf.
2. Wisconsin Statutes, Chapter 59, docs.legis.wisconsin.gov/statutes/statutes/59.pdf.

Sample Supervisor “Job Descriptions”

These are provided for illustrative purposes only; check with your county clerk, county administration, or corporation counsel to see if your board has developed a county supervisor job description.

Sample 1: Dunn County

Dunn County is a body corporate of the state of Wisconsin. The county board of supervisors is the governing body of Dunn County. Dunn County has 29 districts, and the voters in each district elect one supervisor to serve on the county board. The term of office is two years. To be elected as a supervisor, a candidate must be 18 years of age or older and be a resident of the supervisory district within which they are a candidate at the time election papers are taken out. The duties, powers and responsibilities of the county board of supervisors are defined by the laws of the state of Wisconsin and the Rules of the Board, contained in Chapter 2 of the Dunn County Ordinances.

County supervisors are expected to individually contribute to a collaborative effort to set strategic mission goals and make broad policy decisions that support the strategic mission and advance the priorities of the county. Examples of such activities include, but are not limited to:

- ❑ Taking part in the activities of the board and serving on one or more standing committees or special committees, boards and commissions enumerated in sections 2.05 and 2.055 of the Rules of the Board, as appointed by the county board chair;
- ❑ Participating in the process of debate and voting on proposed ordinances, resolutions and motions in county board and committee meetings;
- ❑ Providing oversight and advice to the management of the county regarding delivery of county services while refraining from the delivery, management or administration of daily operations of the county;
- ❑ Being responsive to the needs of their constituency through effective communication; and
- ❑ Establishing priorities for the delivery of county services through the annual budget and tax levy.

Service as a county supervisor is an honor and a trust, which compels the office holder to serve the public through use of their judgment for the benefit of the public, and binds him or her to uphold the Constitution of the United States, the Constitution of the state of Wisconsin, and to carry out impartially the laws of the nation, state and county.

County supervisors, being representatives drawn from society at large, are recognized to hold different views, values, and loyalties that may result in personal conflict. Personal

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integrity, courtesy and a willingness to work toward consensus on commonly accepted goals are essential traits as we acknowledge that the county board of supervisors' influence and authority comes from collective action and not from individual action.

County supervisors:

- Are dedicated to the democratic ideals of honesty, openness and accountability in all matters involving county government;
- Are willing to accept responsibility for decision-making that can affect many;
- Understand the county's mission, priorities, challenges, needs and demographics;
- Understand the difference between governance and management and accept that their role is to set policy while management carries out policy;
- Understand the importance of distinguishing between personal opinions and county board positions when communicating with the public and the media, exert a good faith effort to communicate the full truth about county matters and avoid structuring information to achieve a personal advantage;
- Are good listeners and will speak to issues, but also recognize when discussion must conclude and a decision must be made;
- Are committed to building community partnerships;
- Actively practice and support stewardship of the county's fiscal and natural resources by supporting public policy for the best use of land, water and air consistent with the public interests, community need and a vision for the future and adopt fiscal policies that promote the most effective, efficient and ethical use of public funds;
- Perform the duties of their office with fairness and impartiality to build public confidence in government;
- Support the principle of equal employment and oppose discrimination in all county operations;
- Strive to seek and consider citizen input; and
- Strive for excellence through continuous learning, seek opportunities to acquire skills and knowledge, and dedicate the time necessary to adequately attend to the assignments and duties of the office.

Printed with permission from "Rules of the Dunn County Board of Supervisors, Appendix A — County Board Supervisor" (Appendix A adopted January 15, 2014).

Sample 2: Ozaukee County

The County Board is the governing body of Ozaukee County. Twenty-six districts elect one supervisor each for a two-year term. Elections are held the first Tuesday in April of even numbered years; the term of office begins on the third Tuesday of that April and continues until a newly elected Board is seated two years later. The position of Supervisor is nonpartisan representing an average of 3,519 residents in the district.

Purpose:

The Ozaukee County Board is a leadership body which makes policy determinations with regard to:

1. The services and programs the County provides (the range of services currently provided includes programs that foster economic opportunity, public safety, transportation, health, recreation, education, environmental protection).
2. Resource allocation.
3. Levying property taxes or approving borrowings adequate to fund expenditures.
4. Individual Board members contribute to the policy making through information gathering and analysis, constituent contacts, public hearings, public debate and voting on policy issues.

Minimum Qualifications:

The Wisconsin statutes establish these minimum qualifications for individuals seeking County Board membership:

1. Must be a United States citizen.
2. Must be 18 years of age.
3. Must reside in the district for which election is sought.
4. Has not been convicted of a felony or a misdemeanor involving a violation of public trust for which has not been pardoned.

Additional Qualifications:

1. Strategic thinking including the ability to make decisions with an awareness of the future and an awareness of the implications of each decision.
2. A genuine commitment to public service.
3. Strong communication skills.
4. Respect for others and appreciation of differences in perspective.
5. Patience and perseverance (acceptance that County Government is a process that takes time and that success in this unique environment often times comes from the ability to build consensus).

Getting Started

Knowledge Skills and Abilities:

1. Acknowledges the County Board's influence and authority is as a group.
2. Comfortable with decisions that affect many.
3. Understands the County's mission, priorities, challenges, needs and demographics.
4. Understands the difference between governance and management.
5. Understands the importance of distinguishing between personal opinions and County Board positions to the public and media.
6. Knows when to listen and when to speak up, when to conclude a discussion, decide and move on.
7. Skilled at building community partnerships.

Specific Duties:

1. Considering and acting upon ordinances and resolutions that come before the Board which set policy for the County Government.
2. Analyzing and adopting the annual budget.
3. Communicating observations and opinions with regard to the County Administrator's job performance to Board leadership.
4. Communicating observations and opinions with regard to Department Heads and/or other county employee's job performance to the County Administrator.
5. Participate in establishing Board policies and rules.
6. Reviewing and updating public policies already in place by attending assigned committee meetings and monthly Board meetings.
7. Considering and acting upon statutorily required matters, including department head appointments, zoning amendments and claims against the County.
8. Communicating with residents and groups with regard to policy preferences and assisting residents with individual concerns/problems.
9. Participate in setting goals for the County Administrator.
10. Advocacy on behalf of the County with state officials on policy issues germane to the welfare of the residents of Ozaukee County.

Document produced by the Ozaukee County Clerk's office and provided to candidates who take out nomination papers.

County Government Structure

■ Written by Philip J. Freeburg, UW-Madison Division of Extension (retired), and updated by Andy Phillips, Attorney, Attolles Law, s.c.

The County Board of Supervisors

The governing body of the county is the county board of supervisors. Supervisors are elected from geographic districts, not at large. After each decennial census, county boards are required to draw up new district boundaries based on a uniform number (within an acceptable range) of residents per district. Supervisory elections are conducted in the April general election of even-numbered years. In cases where three or more candidates file in the same district for the office, primaries are held on the third Tuesday of February in the same year. Supervisors serve two-year terms. All county boards meet after the April supervisory election to select a board chair and up to two vice chairs. The board chair conducts meetings, may make committee appointments as authorized by the board, and represents the board by virtue of being the chief elected board official of the county.

The maximum number of supervisors allowed for each board is prescribed in Wis. Stat. § 59.10(3) and is based on the latest census population for each county.¹ Counties with populations of 100,000 to 749,999 are allowed up to 47 board members. Counties with 50,000 to 99,999 residents may have a maximum of 39 board members; those with 25,000 to 49,999 are limited to 31 board members; and those with 25,000 residents or less may have up to 21 board members. Over the years, boards in most of the 72 counties have reduced their board membership to below the statutory limits. Adjustments to board size can be made after each decennial census pursuant to the process in Wis. Stat. § 59.10(3)(cm) to coincide with redistricting. One additional adjustment may be made between each decennial census by the board or through a citizen petition and referendum process.²

County Board Committees

Wis. Stat. § 59.13 states “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.”

A county board may establish as many standing and advisory committees as it deems necessary to conduct the business of the county. These are usually created by ordinance or resolution. Preliminary business and most public hearings are conducted by committees,

County Government Structure

which then make referrals or recommendations to the full board for final action. State law requires that county committees be established for major social service programs, such as developmental disabilities, human services and mental health programs.³ It also requires a separate highway committee to oversee road maintenance and other public works.

Additional standing committees usually include those dealing with finance, personnel, general administration and intergovernmental matters. County boards have standing committees assigned to major subject areas, such as public safety and planning/zoning matters. County boards may also create advisory committees comprised of both citizens and board members. Advisory committees may vote on resolutions, ordinances or financial matters, but their recommendations are only advisory to standing committees and the county board, which then make the final decisions. Many county boards have consolidated committees to significantly reduce their meeting load.

It is worth noting that counties have administrative home rule authority, which means that, for the most part, counties can add, consolidate, restructure or eliminate committees as they deem necessary.⁴

Committee Assignments

In the absence of a local rule, the county board chair typically appoints a committee chair as well as individual members of each committee after surveying board members regarding their particular interests and strengths. Individual members may make requests for specific committee appointments directly to the chair at appropriate times before committee memberships are officially set. This is typically done in April or May in years in which members are elected. Committee chairs and members may or may not be removed from their duties during the middle of their terms of appointment, depending on each county board's adopted rules. Standing committees usually are created by resolution or ordinance through their county board rules and may be dissolved or re-created every two years following the biennial spring elections. These committees usually consist solely of county board member appointees. Short-term or long-term advisory committees may also be appointed by a chair, county executive or administrator to study and report on specific issues.

Self-Organized County Options

Some may mistakenly believe that a county board has little control over its own affairs, policies and procedures, especially when compared to villages and cities that operate under constitutional home rule powers. While this may be true in situations involving matters of statewide concern, provisions in state statute permit the county board flexibility in setting member compensation, board terms and filling board vacancies.

These provisions, known collectively as “self-organized counties” legislation,⁵ were

passed in the mid-1970s in an attempt to provide flexibility regarding limited and specific county board matters.⁶ The major options available to county boards after approving this status are as follows:

- The flexibility in setting board member compensation, including the ability to pay fixed salaries and to pay for additional board or committee meetings in excess of current statutory limits.
- The right to fill board vacancies by other means, such as by nomination from the board floor and/or the ability to schedule special elections before vacated terms expire.

Two counties have specific provisions for self-organization under state statutes without adopting self-organized status and thus, have no need to enact further self-organizing ordinances. Milwaukee County, by virtue of being the only county in the state with a population in excess of 750,000, has certain powers and is subject to certain procedures that are different from any other county.

Menominee County is also specifically exempted from state laws regarding terms of office and appointments to vacancies by virtue of being the only county with one town within the county limits. Its town board members and one supervisor representing the only incorporated village in the county also serve as the county board of supervisors; therefore, different provisions apply in the county that permit staggered terms that coincide with town and village elections. However, board members in Menominee County are still governed by the standard per diem compensation limits mentioned later in this chapter for non-self-organized counties.

How is Self-Organization Accomplished?

The county board may choose at any time to become a “self-organized county.” This is done by adopting an ordinance stating its intent to self-organize and citing its authority to do so under Wis. Stat. § 59.10(1). If the board enacts such an ordinance, the county clerk must file a certified copy with the Wisconsin secretary of state. Following this filing, the county board may adopt policies it desires regarding staggered terms, compensation for board members, and the method for filling county board vacancies. This is usually accomplished through the board’s adoption of a series of individual ordinances; each ordinance requires approval by a majority of the entire board membership. While the secretary of state’s office maintains a file of all ordinances passed by counties enacting their self-organized status, the office does not verify the facts behind such documents, nor does it ever withhold approval of any county’s claim of such status after the appropriate filing is made. It also does not exercise any ongoing oversight of counties’ use of such powers. Once the self-organized status is obtained, the board is not required to enact ordinances enabling any or all of these provisions under any particular time schedule.

County Government Structure

County boards have had the option to self-organize for over 40 years; the earliest county to take advantage of this provision was Dane County in 1974, followed by Taylor County in 1978. At the time of the publication of this handbook, over 50 counties have elected to be self-organized.

Terms of Office of Board Members

Counties must hold an election of the entire county board on the first Tuesday in April in even-numbered years. All terms run simultaneously. In the 2024 election, the Wisconsin Counties Association reported that 23% of supervisory seats across the state changed hands.

Compensation for Board Members

Unless a county has adopted an ordinance invoking its authority to self-organize under Wis. Stat. § 59.10(1), a county board member's compensation is to be paid on a per diem basis and must be based on actual board meetings attended by each member. Members may not be paid for meetings missed, including for legitimate reasons such as illness, family emergencies or business obligations.

In many counties, members must submit monthly per diem request forms to the county clerk's office in order to be compensated after attending meetings. The board sets its members' per diem at rates it determines. Typical per diems range from \$35 to \$50 per meeting. State statute limits the total number of days in which a county board member can claim the per diem regardless of whether additional meetings are required. Specifically, Wis. Stat. § 59.10(3)(h) limits the county from paying supervisors for attendance on the board for more than 20 days in a calendar year if the county's population is less than 25,000; for more than 25 days if the county population is 25,000 to 99,999; and for no more than 30 days total per year if the population is between 100,000 and 749,999. Milwaukee County, with a population of more than 750,000, has its own limitations on board member compensation as set forth in Wis. Stat. § 59.10(2)(c).

Similar limitations on additional compensation for attending committee meetings are applied to non-self-organized counties under Wis. Stat. § 59.13(2)(a) and (b). In counties of less than 25,000 population, supervisors are limited to no more than 20 days of per diem pay for committee meetings annually, of which not more than 10 days can be for services on any one committee. An exception is that the board may increase the number of committee meetings for which a member can be compensated by a two-thirds vote. In counties with a population of 25,000 or more, board members are limited to no more than 30 days of extra pay for performing committee duties, unless the board increases the number by a two-thirds vote. However, an attorney general's opinion states that counties may not pay multiple per diems for committee meetings held on the same day as board

meetings or for multiple committee meetings on the same day unless the county is self-organized.⁷ In addition, Wis. Stat. § 59.13(3) provides that in a county with a population of 750,000 or more (i.e., Milwaukee County), no supervisor may accept any compensation in addition to their regular salary for serving as a member of any committee, board or commission appointed by the county board or by the county executive.

In counties with a population of less than 750,000, the board may elect to pay members an annual salary if approved by a two-thirds vote at the annual meeting without declaring itself self-organized. State law permits higher compensation for the county board chair and up to two vice chairs. Under no circumstances may county boards adjust the compensation of their members or officers during the course of the members' term.

Reimbursement for Travel to Meetings

County board members are entitled to mileage reimbursement for actual miles traveled to county board and committee meetings. The allowable manner for calculating member mileage reimbursement is stipulated in Wis. Stat. § 59.10(3)(g). A member shall be compensated for actual mileage based on the “most usual traveled route” “in going to and returning from” board or committee meetings. Wis. Stat. § 59.22 adds that the rate at which mileage is compensated shall be determined by the county board itself and may be any amount deemed reasonable. The rate is set by resolution or ordinance by the governing body.

In many counties, this means that the county sets a per mile reimbursement rate at or below the Internal Revenue Service maximum allowance as the standard for both employee and board member reimbursement. Amounts over that figure are subject to personal income tax reporting and taxes. The provisions related to “most usual traveled routes” do not apply to counties with self-organized status, where the board may elect to pay members for routes that contain mileage over and above present statutory limits.

Filling Board Vacancies

From time to time, due to resignation or death, a vacancy occurs on the county board of supervisors. In self-organized counties, the board may determine the procedure for filling a vacancy. Without self-organized status, the county board chair, with the approval of the board, appoints a qualified elector who is a resident in the vacated supervisory district. The appointed person then serves for the remainder of the term, unless the vacancy occurs before June 1 in the year preceding the expiration of the term of office and the board orders a special election to fill the vacancy. If a vacancy occurs before June 1 in the year preceding expiration of the term of office, the board may order a special election to fill the vacancy. In the case that the board orders such a special election, the appointed person serves until a successor is elected and qualified. The person that is elected in a special election serves for the remainder of the unexpired term.

County Government Structure

Executive and Administrative Options

Prior to 1960, Wisconsin county boards functioned as both the legislative branch and the executive branch for counties. However, as county government became more complex and the population became more urbanized, state statute was amended to permit the creation of a separate, elected position of county executive to administer and monitor county departments and exercise other specified powers. This position was mandated for Milwaukee County in 1960. In 1969, the authority to create an executive position was extended to all counties, regardless of size.⁸ County executives are elected in the general nonpartisan election on the first Tuesday in April and serve four-year terms.

In 1985, the Legislature specified the powers of appointed county administrators. The county administrator is responsible for the annual budget, providing oversight to county department heads, and reporting to the county board.⁹ Wisconsin currently has 12 elected county executives and 35 appointed administrators. Wis. Stat. § 59.19 requires all counties that do not choose to create either an administrator or an executive position to designate an administrative coordinator. The administrative coordinator is “responsible for coordinating all administrative and management functions of the county government not otherwise vested by law in boards or commissions, or in elected officers.” Twenty-five counties have selected this form of administration.

County Executive (Wis. Stat. § 59.17). In this form of county government, a county executive is elected by the citizens specifically to act in the capacity of chief executive officer of the county. While Milwaukee County is required to have a county executive, any county in the state may choose this form of executive structure. This structure is often chosen for reasons such as political climate, complexity of governmental issues in the county, projected growth, or some other issue that compels the citizenry to elect a full-time county executive who answers directly to them.

The county executive coordinates and directs all administrative and management functions; appoints members to boards and commissions (subject to county board confirmation); supervises department heads; submits the annual budget; and holds veto authority over county board ordinances, resolutions and appropriations. The county board can override vetoes of the county executive with a two-thirds vote. In short, the county executive is the highest-level administrative leader in the county and has a relationship with the board that can be generally equated to those between a mayor and city council or the governor and Legislature. While the function of the county board of supervisors is devoted primarily to legislative duties and oversight, the county executive manages and supervises all departments and activities, both day-to-day operations and long-term planning.

County Administrative Options

TOPIC	EXECUTIVE (Wis. Stat. § 59.17)	ADMINISTRATOR (Wis. Stat. § 59.18)	ADMIN. COORDINATOR (Wis. Stat. § 59.19)
How created	Board resolution or citizen petition/referendum	Board resolution or citizen petition/referendum	Board resolution or ordinance
How chosen	Spring election every four years (nonpartisan)	Appointed by majority vote of board	Appointed by majority vote of board
Qualifications	U.S. citizen, 18 years of age, qualified elector	Training, experience, education (no consideration for residence, nationality or political affiliation)	Elected or appointed county official and other qualifications set by board
Source of powers	State statutes	State statutes	Limited state statutes and board resolution/ordinance
Removal	By governor for cause	By majority vote of board	By majority vote of board
Budget authority	Prepares and presents to board	Prepares and presents to board	Only as authorized by board
Veto board actions	Yes	No	No
Department heads	Appoints (subject to board confirmation), removes at pleasure	Appoints (subject to board confirmation), removes at pleasure	No authority unless granted by board
Advisory committees/ boards	Appoints, removes subject to board confirmation unless waived or made under civil service	Appoints, removes subject to board confirmation unless waived or made under civil service	No authority unless granted by board
Coordinate departments	Yes	Yes	Only management functions not assigned departments by ordinance or law

County Administrator (Wis. Stat. § 59.18). The county administrator form of government is optional. It can be chosen but its adoption is not required anywhere by statute. A county administrator form of government is very closely related to the city manager form at the municipal level. It is often chosen because population, growth and/or complexity of government issues within the county are seen to require a full-time professional manager/administrator to ensure efficient service provision. The county administrator is the chief administrative officer of the county. The administrator is appointed by a county board and Wis. Stat. § 59.18(6) requires the appointment be “solely on merit” with due regard for training, experience, administrative ability, and general qualifications and fitness, with no weight or consideration given to residence, nationality, religion or political affiliation. The county administrator coordinates and directs all administrative and management functions of a county government and appoints department heads subject to county board confirmation.

The county administrator appoints members to boards and commissions subject to board confirmation. The county administrator is responsible for preparing and submitting the annual budget that requires the board of supervisors’ approval before becoming official. The county administrator answers to the county board of supervisors as a whole, not to the county board chair. A key point here is that the county administrator “supervises” versus “coordinates.” Department heads work for, report to, and are evaluated by the county administrator, except for elected constitutional officers, such as the county clerk or

County Government Structure

the sheriff. Through this supervisory authority, the county administrator is expected to manage, or administer, the daily business of county government. The county administrator has hiring authority (subject to county board approval) and firing authority over department heads, unless the position is subject to civil service.

However, constitutional officers and elected department heads do not fall into this category. They do not “work for” the county administrator. Nevertheless, they must recognize the administrator’s authority regarding coordination between departments, resource allocation, and management issues outside of the non-supervised department, which require coordination and support from other county departments. Essentially, the county administrator must foster a relationship of trust and cooperation with those officers and department heads not under their supervisory control to effectively manage county operations. County administrators commonly assume additional duties, especially in less populated and rural counties, such as human resources director, emergency management director or media spokesperson. This further exemplifies the need for a broad education and experience level for prospective county administrators.

Administrative Coordinator (Wis. Stat. § 59.19). County administrative coordinator is the third form of county government and the least defined by statutes; consequently, it is probably the most misunderstood form. The law provides that if a county has not adopted the county executive or county administrator form of government, it must adopt the administrative coordinator form of government. The statute provides that an elected official, such as the county clerk, or an appointed official may be designated administrative coordinator, almost as an additional duty.

Historically, counties have filled this position in a variety of ways. Currently, 15 counties designate another elected or appointed official as “administrative coordinator” and 10 have a stand-alone position.

Statute provides that the administrative coordinator “is responsible for coordinating all administrative and management functions.” The administrative coordinator’s duties are comparable to those of a city or village administrator who works under a mayor or village board. A village administrator coordinates daily municipal operations but must defer to the village board for final decisions on non-routine matters. The county administrative coordinator performs in a similar manner with the county board holding final approval authority over non-routine decisions. With administrative home rule authority, the position of administrative coordinator can be made as strong or as weak as the board chooses. Although the statutes do not give the administrative coordinator supervisory authority over department heads, there are valid reasons for a board of supervisors to give a limited amount of such authority to the administrative coordinator.

The Judicial Branch

The 1977 Court Reorganization Act merged Wisconsin circuit courts and county courts into one trial court system under the administration of the Wisconsin Supreme Court and 10 district administrators. The circuit courts are divided into branches within counties, and at least one branch exists in every county, with the exception of six counties that are paired off and share a judge. The paired counties are Buffalo/Pepin, Florence/Forest, and Shawano/Menominee. Judges' and court reporters' salaries are paid by the state, but most court staff salaries and court facilities are funded by county tax levy. Circuit court judges are elected to a six-year term in the spring general election by the residents of the counties they serve. The county register in probate is appointed by the chief circuit court judge for that county.

Other Elected and Key Appointed Officials

Under state law, county residents elect certain other county officials who are referred to as Wisconsin's constitutional officers. These are the clerk, treasurer, sheriff, clerk of circuit court, register of deeds and district attorney. These officials are elected for four year terms in partisan, general elections that are held on the Tuesday after the first Monday in November in even-numbered years. Counties may also elect coroners and surveyors, but that local option is on the decline in Wisconsin counties. When a county chooses not to have an elected coroner, the office is appointed and is called a medical examiner. When no candidates file for county surveyor, the board usually hires a state certified land surveyor to perform the duties.

People wishing to hold these offices must be legal residents of the county, U.S. citizens, and at least 18 years of age. Other department head positions are appointed by the executive or administrator, and in rare cases by the administrative coordinator, and are confirmed by the county board. Wis. Stat. § 83.01 requires each county board in counties with an administrative coordinator to appoint a highway commissioner, whose term is for two years, unless otherwise set by local ordinance. Counties must also appoint a county social or human services director to oversee each county or multi-county department of social or human services, and a head of emergency management services.¹⁰ Many counties also have a finance director, corporation counsel, parks director, human resources director and other professional managers to perform specific duties. Counties may contract with private attorneys to provide corporation counsel services.

Functions and Duties of Wisconsin Counties

Unlike Wisconsin cities and villages, counties do not have constitutional "home rule" authority. This means that while cities and villages have broad authority to act for the

County Government Structure

health, welfare and safety of their citizens, counties may only undertake functions that are expressly granted by state statutes. Major responsibilities required of the county include the provision of most social service programs (e.g., child welfare, youth justice, services for the aged and disabled, public health, mental health, jail operation, etc.) and for local and state road maintenance. Counties also provide cultural and recreational amenities (e.g., parks, libraries and snowmobile trails), law enforcement, zoning, and road maintenance for citizens in rural, unincorporated areas within their borders. Some of these same services are also provided to cities and villages through joint agreements.

Sources and Resources

- Paddock, Susan C. “The Changing World of Wisconsin Local Government,” State of Wisconsin Blue Book 1997-98. Wisconsin Legislative Reference Bureau, 1997, p. 101-171.
- State of Wisconsin Blue Book 2019-2020, p. 380-381.
- UW-Madison Division of Extension, Local Government Education Center:
 - “Fact Sheet #8: Self-Organized Counties,” 1997.
 - “Fact Sheet #19: County Government in Wisconsin,” 2012.
 - “Fact Sheet #21: County Board Administrative Authority,” 2012.
- Wisconsin Counties Association. “County Government History, Services, and Funding,” educational brochure, 2026.
- The Wisconsin Taxpayers Alliance:
 - The Wisconsin Taxpayer, “County Organization and Administration,” April 1997, Vol. 65 No. 4.
 - “The Framework of Your Wisconsin Government,” 16th Edition 2001, p. 69-79.
- Wisconsin Statutes. (In general, Wis. Stat. Ch. 59 in its entirety deals with county structure and duties.)
- Opinion of Wis. Atty. Gen. to Bradley Lawrence, Price County Corp. Counsel, OAG 1-11 (Oct. 27, 2011).
- Opinion of Wis. Atty. Gen. to Dennis Kenealy, Ozaukee County Corp. Counsel, OAG 1-10 (Jan. 28, 2010).

Endnotes

1. Exceptions to state limits are Milwaukee County, which may establish its own number of supervisors (currently 18), and Menominee County, which is also a town and has the same seven members on both its town and county board, Wis. Stat. §§ 59.10(2) and (5).
2. Wis. Stat. § 59.10(3)(cm)2.
3. Wis. Stat. § 51.42.
4. Wis. Const. Art XI, s. 3, Wis. Stat § 59.03
5. Wis. Stat. § 59.10(1).
6. UW-Extension Local Government Center, Fact Sheet #8: Self-Organized Counties.
7. 79 Op. Atty. Gen. 122 (1990).
8. Wis. Stat. § 59.17.
9. Wis. Stat. § 59.18.
10. Wis. Stat. § 323.14(1)(a)2.

County Board Rules

■ *Written by Andy Phillips, Attorney, Attolles Law, s.c.*

County board rules are a critical component of effective governance. These “rules of the road” establish (1) clarity surrounding roles and responsibilities within county government; (2) the foundation for official board business; (3) the procedural guidelines that promote effective and efficient board and committee meetings; and (4) a process for ensuring the rules are followed. If drafted and implemented appropriately, county board rules provide a proactive mechanism for addressing issues that allows counties to focus on the important policy concerns confronting county government.

Foundation

State statutes, local rules and Robert’s Rules of Order all provide guidance on how county business is conducted. There is no statute that requires counties to adopt county board rules. However, there are a few statutes that require county boards to conduct business in a specified manner. For example, Wis. Stat. § 19.81, et seq., Wisconsin’s Open Meetings Law, requires that meetings of county boards and committees of the board be open to the public consistent with certain notice requirements. Beyond Open Meetings Law requirements, other statutes require that county boards maintain certain committees, such as the county highway committee, and specify committee membership and the method for appointing members to the committee. Still other statutes identify required county board officers and the method for electing those officers, such as board chair. With the exception of these relatively few required procedures, counties are free to organize and conduct business in a manner similar to any other deliberative assembly.

Process

It is important that counties address their board rules every two years to ensure they reflect how a board believes relationships should be established and business conducted. Typically, the review process starts in the fall of odd-numbered years with an eye toward adopting amendments prior to the elections occurring the following spring (in an even-numbered year). To begin the process of reviewing and suggesting modifications to the board rules, the board or a committee should review the rules and propose amendments, as necessary, in order to form a recommendation for the full county board. The updated rules should be in place in time for the organizational meeting in April of even-numbered years. Importantly, counties should strongly consider codifying the rules in ordinance such that they become a permanent feature of the county code.

County Board Rules

Content

In most counties, there are four basic components to a set of county board rules: (1) organization of the county board; (2) county board officers; (3) county board rules of procedure; and (4) enforcement.

County Board Rules Template

In 2024, the WCA produced a template set of county board rules to serve as a guide for counties in determining how to structure their own rules. A copy of the template can be found as Appendix A to this handbook, starting on page 189. The template board rules are merely a starting point to the conversation of which rules ought to be included in your county as each county's rules will be different, reflecting the local customs and values prevalent in each county. The template board rules are organized as follows:

Section 1. Purpose and Definitions

This section is a high-level explanation of the purpose for the rules and contains a statement on interpretation. In counties that have not elected self-governance under Wis. Stat. § 59.10, this is a good section to make such an election.

Section 2. County Board Organization

This section addresses the following topics:

- **County board meetings** (Note: It is important for parliamentary purposes to define a “session” of the county board. Typically, a “session” is the two-year term of supervisors.)
- **County board meeting agenda responsibilities**
- **The use of county email addresses**
- **Creation and existence of standing committees and other boards and commissions**
 - **Standing committees.** These are the “permanent” board committees. In some cases, the statutes require that the board establish certain committees (e.g., the county highway committee). In other instances, the board may want to establish a permanent committee even if not required by statute (e.g., the finance committee). The template rules contemplate an appendix containing details surrounding committee duties and composition. By using an appendix, the committee structure can be updated based upon varying need without the need to amend the board rules themselves. The rules or appendix, if used, should specify:
 - The number of members, odd number if possible, and how members are appointed — whether it is the board chair, board election, or a committee on committees
 - If members are allowed to serve on multiple committees

- The officers of each committee and whether they are elected by the committee or appointed by the chair
- If the board chair is a member, ex-officio member, or allowed to fill in for absent members
- The removal process of officers and members, whether: by the board chair, the county board or the committee; by a majority or super majority; and with or without cause
- The authority of the chair to preside at meetings, set agendas, schedule meetings and make reports on behalf of the committee
- **Ad hoc committees.** These committees are formed for a specific purpose and the rules should address when the committees may be formed and by whom. Importantly, the rules should specify that any “ad hoc” committees created are automatically discharged once the purpose for the committee’s creation is satisfied.
- **Other boards and commissions.** Aside from standing and ad hoc committees, statutes or agreements may require that a county form or be part of a commission or board. The rules should specify how these other boards and commissions are created and populated, oftentimes as required by statute (i.e., human services board).
- **Committee procedure.** All committees should follow a uniform set of procedural rules. The procedural rules should likely address: (a) meeting minutes; (b) staff involvement; (c) budget involvement; (d) process and time frame for introducing and considering items of business; (e) responsibility for the agenda (coordinate posting and notice form with county clerk); (f) committee officer appointments and removals; (g) rules for “ex officio” members; (h) meeting schedule; and (i) ability to call special meetings
- **County board member compensation**
- **Responsibility for meeting minutes** (Note: It is important to coordinate with the county clerk’s office on the form, content, and responsibility for taking and preparing minutes given the clerk’s responsibilities under Wis. Stat. § 59.23. While the county clerk is responsible for the minutes, the clerk may delegate functions to staff related to taking and filing the minutes.)
- **County board seating arrangements**
- **Board member interest forms and their utilization**
- **Board relationship with administration and staff**
- **Vacancies in the office of county board member**
- **Official statements by board members**
- **Closed session procedure**

County Board Rules

Section 3. County Board Officers

This section of the template rules is very straightforward in that it identifies the board's officers and explains their duties. The statutes require counties to elect a chair and vice chair. However, counties should consider whether additional officer positions, such as second vice chair or sergeant-at-arms, are desirable. A second vice chair is beneficial when the chair and vice chair are absent or they both wish to speak on an issue and need to step down as the presiding officer. Once the officer positions are established, any rules and duties relating to the particular office should be codified in the rules.

The statutory duties of the board chair and vice chair are contained in Wis. Stat. § 59.12; however, the statute only provides the minimum duties. Counties are free to add to those duties at the discretion of the board so long as the added duties are otherwise consistent with state statutes. For example, the rules could specify whether the board chair is an automatic member of a committee or committees, whether the board chair is able to fill in for absent committee members at committee meetings, how the vice chair assumes chair responsibilities in the absence of the chair, and what happens in the event the chair seat is vacated. In addition, the rules should specify whether the board chair makes committee appointments, serves as chair of other committees, and sets the county board agenda.

The primary duty of the vice chair is to perform the chair's duties when the chair is unable due to disability or absence, but the vice chair may also attend official events representing the county in the absence of the chair. Other rules to consider are whether the vice chair should receive the chair's salary if the chair is disabled or incapacitated for any length of time.

Section 4. Rules of Procedure

The fourth section of the template rules contains the procedural rules governing how official business is conducted through the county board and its committees. Topics in this section of the template board rules include:

- ❑ **Parliamentary authority** (latest edition of Robert's Rules of Order, Newly Revised)
- ❑ **Committee of the whole**
- ❑ **Remote attendance at meetings** (Note: There is no Wisconsin statute addressing remote (virtual) attendance at meetings and Robert's Rules of Order does not allow remote attendance in the absence of a board rule allowing it. Thus, if remote attendance is to be allowed at board and/or committee meetings, the board rules need to specify that such attendance is allowed and under what conditions.)
- ❑ **Order of business/agenda**
- ❑ **Use of personal electronic devices**
- ❑ **Recognition, debate and voting at county board meetings**

- **Public decorum and comment** (Note: While the Open Meetings Law allows the public access to public meetings, it does not require public participation in meetings. Certain matters, such as matters related to zoning, require public hearings. In other cases, committees may allow public comment on matters appearing on the meeting agenda.) The board rules should specify the process for public hearings and public comment. Common considerations for public participation include:
 - Is the public limited to speaking to a specific agenda item?
 - Is the public encouraged to speak at the committee level?
 - Is the public required to register?
 - Is there a time limit for comment?
 - Are board members allowed to speak as a matter of right at committee meetings?
 - Are board members allowed to discuss or participate in debate if not a member of the committee?
 - Are board members allowed to ask questions of a commenter?
- **Reconsideration of matters**
- **Resolutions — form and introduction** (Note: the transaction of official business should be in ordinance or resolution format. All resolutions and ordinance amendments should be sponsored by a committee or supervisor. Drafting of certain resolutions and ordinances can be limited to certain officials, such as the corporation counsel preparing ordinance amendments and the finance director preparing budget amendments. The rules should define the introduction process (e.g., submit to county clerk, board chair, committee by certain date, etc.). Likewise, if there is a preferred review process for the corporation counsel or finance director, that process should be codified.
- **Suspension and amendment to rules**

Section 5. Enforcement

The final section of the template board rules relates to enforcement. What happens if a county board supervisor violates a county board rule? Typically, counties will provide a procedural mechanism to address the alleged violation involving a review by a committee. If a violation is found, the committee is authorized to recommend sanctions to the full county board.

Conclusion

Codifying county board rules may seem like a daunting task. However, by utilizing the template board rules and breaking the task into the sections identified above, the task becomes much more manageable. In addition to the template board rules, there are a variety of resources available to assist counties in the process. If you would like additional information regarding the template board rules or the process for adopting board rules, contact the WCA at 866.404.2700.

County Departments and Offices

Wisconsin's county governments provide a wide array of services. While many of these services are mandated by state law, counties are statutorily authorized to provide certain discretionary services as well. The WCA enlisted the assistance of members of a variety of county-related organizations in an effort to identify the many functions performed by county government.

The following pages include a compilation of county departments, including a description of their duties, structures, funding mechanisms, statutory authorities, etc. Please keep in mind when reading this section that each of Wisconsin's 72 counties is unique in its delivery of services to the citizens of this state; therefore, your county may provide the service through an alternative structure or not provide the service at all.

For additional reference, a comprehensive list of services grouped by county department is printed in Appendix B, starting on page 213.

County Departments & Offices

Aging

Submitted by the Aging and Disability Professionals Association of Wisconsin (ADPAW)

The development of a comprehensive and coordinated aging service system, as well as the functions and responsibilities of the Aging Network, are outlined in Title III of the Older Americans Act of 1965, as amended. The creation of county/tribal aging units is further clarified in the Wisconsin Elders Act — 1991 Wisconsin Act 235, Wis. Stat. §§ 46.82 and 59.53(11). The Wisconsin Elders Act outlines the county/tribal process for establishing, by resolution, a county or tribal aging unit to administer and provide the services funded under 42 USC 3001 to 3057n, 42 USC 5001, and 42 USC 5011(b) of federal code.

Funding for county/tribal aging units comes from a variety of sources, including property taxes; fees; donations; and federal, state, and local grants.

Duties/Services:

- Ensure that all older individuals, regardless of income, have access to information, services and opportunities available through the aging unit and have the opportunity to contribute to the cost of services
- Plan for, receive and administer funds allocated under the state and area plan on aging
- Provide a visible access point of contact for individuals to obtain accurate and comprehensive information about public and private community resources that can meet the needs of older adults
- Provide older individuals with the services of a benefit specialist (Wis. Stat. § 46.81)
- Organize and administer congregate programs that shall include nutrition and may include senior center(s), adult day care or respite programs
- Secure a county/tribal-wide transportation system that makes community programs/opportunities accessible to, and meets the needs of, older adults
- Ensure that programs and services for older individuals are available to home-bound, disabled, and non-English speaking persons and to racial, ethnic and religious minorities
- Identify and publicize gaps in services needed by older adults and provide leadership in developing services/programs, including recruitment and training of volunteers
- Work cooperatively with other organizations to enable their services to function effectively for older adults
- Incorporate and promote the participation of older individuals in the preparation of a local comprehensive plan for aging services
- Provide information to the public about the aging experience and about resources for and within the aging population

- ❑ Assist in representing the needs, views and concerns of older individuals and assist older individuals in expressing their views
- ❑ Advocate on behalf of older individuals to assist in enabling them to meet their basic needs

In addition, the following duties may also be performed, “if designated,” by an aging unit:

- ❑ Administer the long-term support community options program under Wis. Stat. § 46.27(3)(b)6
- ❑ Administer pilot projects for home- and community-based long-term support services under Wis. Stat. § 46.271
- ❑ Administer the elder abuse reporting system under Wis. Stat. § 46.90
- ❑ Administer the Alzheimer’s family and caregiver support program under Wis. Stat. § 46.87
- ❑ Operate the specialized transportation assistance program for a county under Wis. Stat. § 85.21

Aging and Disability Resource Center (ADRC)

Submitted by the Aging and Disability Professionals Association of Wisconsin (ADPAW)

Beginning in 1998, some aging units applied for and received contracts from the Wisconsin Department of Health Services to operate Aging and Disability Resource Centers (ADRCs) under Wis. Stat. § 46.283. ADRCs are service 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. The public can contact ADRCs to receive information and assistance regarding not only the public benefits that may be available, but all of the programs and services available throughout the area. Individuals, concerned families or friends, or professionals working with issues related to aging, physical disabilities, developmental disabilities, mental health issues or substance use disorders, can receive information specifically tailored to each person’s situation. ADRC services can be provided either at the center, via telephone or through a home visit, whichever is more convenient to the individual seeking help.

ADRCs may be operated by aging units, by human/social service agencies, or by newly created public entities. An ADRC can serve a single county or multiple counties.

Duties/Services:

- ❑ Engage in a marketing, outreach and public education program to make ADRC services known to members of its target populations
- ❑ Provide information and assistance to members of the target populations and their families, friends, caregivers, advocates and others asking for assistance on their behalf

County Departments & Offices

- Provide long-term care options counseling and elderly and disability benefits counseling
- Provide access to publicly funded long-term care programs and services
- Provide access to mental health and substance use services
- Provide access to other public programs and benefits
- Provide short-term service coordination
- Provide access to emergency services
- Provide access to elder abuse/adults-at-risk and adult protective services
- Provide transitional services for young adults with disabilities entering the adult long-term care system and for adults with disabilities transitioning into aging services
- Provide prevention and early intervention services
- Provide client advocacy
- Conduct community needs assessments

Child Support

Submitted by the Wisconsin Child Support Enforcement Association (WCSEA)

Wisconsin's Child Support Program is coordinated by the Wisconsin Department of Children and Families (DCF), which contracts with 71 county child support agencies to administer the program on a day-to-day basis at the local level. Wisconsin also has several tribal child support agencies that administer the program for cases involving tribal members.

County child support agencies provide a broad array of services that reduce childhood poverty rates, establish parental rights, ensure children have access to health care, and promote the involvement of both parents in the lives of their children.

In 2023, Wisconsin's Child Support Program collected \$841 million in financial support, 98% of which went directly to Wisconsin children and families. County child support agencies work closely with programs across Wisconsin that administer employment and training programs for parents, such as the Children First program. Child support agencies also help custodial and non-custodial parents access educational resources and other needed services like Social Security.

Wisconsin's Child Support Program serves approximately 343,000 children. Families connect to the program in a number of ways, including: referrals from public assistance programs; court orders created through divorce; and applications submitted by individuals outside of public assistance. The Child Support Program also establishes and enforces support orders when children are placed in out-of-home care by DCF.

County child support agencies are funded by a combination of federal, state and county dollars. The program uses several tools to enforce child support orders and obtain payments for the family such as tax intercept, property liens, account seizures, license suspensions, contempt motions and criminal non-support.

Duties/Services:

- ❑ Paternity establishment
- ❑ Support order establishment and enforcement
- ❑ Support order modification
- ❑ Health insurance establishment for children
- ❑ Collection of current support
- ❑ Collection of past-due support (arrear)
- ❑ Refer parents to employment and training programs, including the Children First program
- ❑ Coordinate with other social service programs

Circuit Court Commissioner

Submitted by the Wisconsin Association of Judicial Court Commissioners

While all counties must have at least one part-time family court commissioner, some counties choose to appoint attorneys with all the powers of a circuit court commissioner. In Milwaukee County, several court commissioner positions are established by statute. In many cases the litigants will never see a circuit court judge, but they always have the option to request review of the commissioner's decision by a judge. In addition to family law matters, these judicial officers perform the duties and services listed below.

Duties/Services:

- ❑ Handle probate, guardianship and mental commitment proceedings
- ❑ Hear small claims trials
- ❑ Conduct initial appearances and set bail on traffic and ordinance civil cases, misdemeanors, and felonies
- ❑ Conduct preliminary hearings in felony matters to determine whether the case shall proceed
- ❑ Handle juvenile hearings that are not open to the public

County Departments & Offices

Clerk of Circuit Court

Submitted by the Wisconsin Clerks of Circuit Court Association (WCCCA)

Clerks of circuit court are public officials elected in partisan, countywide races. They are statutorily responsible for various record-keeping functions of the courts. As custodians of the courts' records, clerks of circuit court play a significant role in Wisconsin's judicial system.

Duties/Services:

- **Custodian of the record.** Record keeping for the courts is governed by state statute and Wisconsin Supreme Court rule. These require that clerks maintain records of all documents filed with the courts; keep a record of court proceedings; and collect various fees, fines, and forfeitures ordered by the court or specified by state statute. Clerks of circuit court must also establish and promote procedures for reasonable access to court records, as well as maintain the confidentiality of records as set forth by statute and court order.
- **Jury management.** Automation in the courts has made the process of selecting and notifying potential jurors more efficient and has improved record keeping for jury management. Improvements include decreasing the amount of time Wisconsin citizens are obligated to serve to no more than one month of jury service in a four-year period. Clerks work with the director of state courts and the Legislature to continue to improve jury management.
- **Court finances.** Millions of dollars in fees, fines and forfeitures are paid through clerks' offices annually. Clerks of circuit court work to meet this fiscal responsibility with accurate, efficient and effective accounting practices. Financial software, designed in accordance with generally accepted accounting principles, assists clerks in efficiently handling this money.
- **Court administration.** As local court administrative personnel, clerks of circuit court are at the center of a wide variety of activities and work daily with many different people. Law enforcement; the legal community; local, state, and federal agencies; businesses; and the general public depend upon the office of the clerk of circuit court to solve a wide range of problems. Clerks of circuit court provide an administrative link between the judiciary, county boards and the public. Clerks also work closely with other court staff to ensure that the courts run smoothly and efficiently. The administrative responsibilities at the circuit court level involve a variety of tasks, including budgeting and administering trial court resources, developing effective policies and procedures, and recruiting and maintaining competent staff.

Coroner/Medical Examiner

Submitted by the Wisconsin Coroner and Medical Examiners Association (WCMEA)

The Wisconsin Constitution mandates an office of coroner or medical examiner in every county. Each county, except those over 750,000 in population, may choose to elect a coroner or appoint a medical examiner, dependent upon county board action. A county under a coroner system may not transition to a medical examiner system while the office of coroner is occupied unless permission is granted by the elected coroner. Once nomination papers have been filed during an election year, a transition may not occur until after the election and with the permission of the newly elected coroner.

Counties with a population greater than 750,000 must use a medical examiner system. The duties and responsibilities of the coroner and medical examiner are equivalent. Neither the coroner nor medical examiner needs to be a physician; however, a strong understanding of disease process, pathology and investigative process is desirable. Both offices are governed by Wis. Stat. §§ 979.01, 979.10, Ch. 59 (excerpt), Ch. 69, 146.71, and 146.82(2)(a)18.

The coroner, medical examiner or their designee (chosen among deputies) is responsible for responding to death scenes that meet reportable criteria. They initiate an investigation, examine and photograph the deceased, and document the circumstances of death. Further, they determine the need for further investigation via autopsy or some other form of physical examination in a clinical setting. Often this requires traveling through unfamiliar regions of the county in all types of weather at any time of day or night. The job requires the ability to access the body in the location found. This may require the need to walk long distances, climb terrain or use special equipment, such as snowmobiles or ATVs.

Duties/Services:

- ❑ Initiate an investigation on all deaths reportable under Wis. Stat. Ch. 979 and contact the appropriate agencies for assistance
- ❑ Interact with the next of kin of the deceased, law enforcement personnel, attorneys and physicians
- ❑ Order medicolegal autopsies
- ❑ Obtain lab samples for testing or screening by the Wisconsin State Laboratory of Hygiene or an independent laboratory
- ❑ Record facts, observations and conclusions pertaining to the death scene
- ❑ Determine the cause and manner of death, as well as testify regarding such opinion if requested
- ❑ Sign death certificates, cremation permits and any other required documents
- ❑ Complete reports of inquests and investigations

County Departments & Offices

- Prepare a budget, develop department policies and enforce existing standard operating policies
- Interact with funeral homes, hospitals and other coroners/medical examiners in the state

Corporation Counsel

Submitted by the Wisconsin Association of County Corporation Counsel (WACCC)

The office of the corporation counsel is authorized by Wis. Stat. § 59.42 to provide necessary civil legal services to county government and its boards, commissions, committees, departments, employees, officers and officials with respect to their official duties. The corporation counsel is appointed by the county executive or administrator, subject to confirmation by the county board. In counties without an executive or administrator, the county board appoints the corporation counsel.

Duties/Services:

- Prosecute and defend civil legal actions involving the county; coordinate and supervise outside counsel, including counsel assigned by insurance carriers; assist the treasurer in the foreclosure of tax liens; and prosecute violations of health, zoning, and other ordinances
- Research and provide advice on civil matters including: ethics, open meetings, parliamentary procedure, and public records issues; draft and issue legal opinions; draft and review ordinances and resolutions; and prepare and/or review contracts, deeds, leases, real estate documents, and other legal papers
- Work with county departments to secure reimbursement of government expenditures, protect county subrogation rights and collect delinquent accounts
- Prosecute mental health, alcohol and drug commitments
- Provide legal services in certain cases relating to guardianships for minors and in certain cases relating to guardianship and protective placement that arise because of degenerative brain disorders, serious and persistent mental illness, developmental disabilities, or other like incapacities incurred at any age
- Prosecute or assist with the prosecution of certain matters relating to the determination of paternity and the establishment, modification and enforcement of court-ordered child support obligations
- Provide legal services in certain cases arising under the Children's Code (Wis. Stat. Ch. 48) for children who are in need of protection and services (Note: In some counties, these duties are performed by the district attorney.)
- Prosecute certain actions to terminate parental rights when it is in the best interests of the child to do so (Note: In some counties, these duties are performed by the district attorney.)

County Clerk

Submitted by the Wisconsin County Clerks Association (WCCA)

County clerks are elected constitutional officers established under Article VI, Section 4 of the Wisconsin Constitution. Historically, the county clerk was strictly a clerk for the board of supervisors. In Rev. Stats. 1858, the clerk was called the clerk of the board of supervisors. Duties were primarily to keep a record of the proceedings of the board, to make its entries of all resolutions and decisions, to record its votes, to sign its orders for payment and keep an account thereof, and to preserve and file the accounts acted upon by the board. In 1882, the position was then referred to as county clerk. The clerk of each county performs vital and invaluable services in those areas designated by the Legislature in Wis. Stat. § 59.23. However, the county clerk has been designated with additional duties per legislative approval under various state statutes. Some of these duties include issuing marriage licenses, acting as the secretary and official record keeper of the county board, administering the elections process, and filing/recording some financial transactions. Funding for the county clerk's office comes primarily from permit fees and the property tax levy.

Duties of the office vary greatly from county to county. In some counties, the county clerk's office is responsible for accounting, payroll, personnel and data processing functions. Several clerks also act as the county's administrative coordinator. In larger counties, however, these areas have become separate departments. Other duties clerks may perform include issuing conservation licenses, processing passport applications, administering property and liability insurance for the county, processing tax deeds and serving as purchasing agent.

Duties/Services:

Services to the County Board

- ❑ Serve as recording secretary
- ❑ Prepare and publish agendas for county board and committee meetings
- ❑ Record meeting minutes for county board and committee meetings
- ❑ Provide certification of county board actions
- ❑ Publish official proceedings
- ❑ Ensure compliance with the Open Meetings Law
- ❑ Ensure compliance with records retention laws
- ❑ Ensure compliance with freedom of information requests
- ❑ Compile/publish/maintain current county directory
- ❑ Sign contracts, deeds and agreements as approved by the county board

Election Administration

- ❑ Serve as election officer of the county
- ❑ Receive and file the official oaths and bonds of all county officers
- ❑ Serve as the filing officer for county candidates and referenda questions
- ❑ Prepare and publish election notices
- ❑ Prepare/print/distribute ballots and supplies to municipal clerks
- ❑ Program election tabulation equipment
- ❑ Provide voter registration services for local municipalities
- ❑ Tabulate and report election results
- ❑ Conduct Boards of Canvass and recounts
- ❑ Issue Certificates of Election
- ❑ Conduct election training for municipal clerks and school districts

Licenses and Permits

- ❑ Issue marriage licenses and maintain index

County Departments & Offices

Licenses and Permits, cont.

- ❑ Issue domestic partnership terminations and maintain indexes
- ❑ Distribute state dog licenses and supplies to municipal treasurers
- ❑ Administer dog license fee accounts
- ❑ Issue conservation licenses
- ❑ Issue hayrack and sleigh ride permits
- ❑ Issue pawnbroker and secondhand dealer licenses
- ❑ Issue temporary and/or permanent vehicle license plate and registration renewals
- ❑ Issue work permits for minors when required

Financial Functions

- ❑ Sign all orders for payment of money directed by the board
- ❑ Budgeting
- ❑ Apportionment of taxes
- ❑ General accounting
- ❑ Bonding/borrowing
- ❑ Payroll
- ❑ Purchase liability, property and other insurances
- ❑ Insurance maintenance

- ❑ GASB reporting
- ❑ Asset inventory
- ❑ Sale of tax deed property

Other Statutory Duties

- ❑ Annually compile and transmit list of municipal officers to secretary of state
- ❑ Zoning matters
- ❑ Farmland preservation
- ❑ Library reimbursement requirements
- ❑ Timber harvest notices
- ❑ Miscellaneous highway department records
- ❑ Contracts, leases and agreements
- ❑ Claims against the county
- ❑ Historical society

Other Non-Mandated Functions

- ❑ Administrative coordinator
- ❑ Personnel
- ❑ Data processing
- ❑ Process passport applications
- ❑ Purchasing
- ❑ Facilities maintenance
- ❑ Redistricting
- ❑ Website maintenance
- ❑ Mailroom services
- ❑ Other duties specific to local office

County Forests

Submitted by the Wisconsin County Forests Association (WCFA)

Wisconsin's county forests were originally established in the 1920s when farmlands and woodlands went tax delinquent and became a burden on local governments. Government leaders created a system to provide financial stability for counties and public access to forest lands for Wisconsin's citizens. In 1963, a revision to state statute created a permanent county forest program. Counties continue to purchase lands from willing sellers and enter these lands into the county forest program to ensure future public access, and to sustainably manage and protect these lands.

County forests are governed by the County Forest Law, Wis. Stat. §§ 28.10 and 28.11, which requires the lands be managed for forestry purposes including timber production, recreation, wildlife habitat and watershed protection. Currently, 30 Wisconsin counties own and manage a total of more than 2.4 million acres of public forest lands.

Each county forest is managed by a professional forest administrator and staff, who are accountable to county residents through their county board. These foresters and resource managers have access to assistance from the Wisconsin Department of Natural Resources (DNR) and the Universities of Wisconsin. County foresters also work cooperatively with the

DNR, the U.S. Forest Service, the National Park Service and forest-based industries, as well as a number of private conservation and recreation groups. The majority of county forests are third-party certified under the Forest Stewardship Council and/or Sustainable Forestry Initiative forest certification standards. Wisconsin's county forests truly are "unique to the nation" and counties manage the largest public forest ownership in the state.

Income from the sale of forest products on county forest land is used to run county forestry departments, fund recreational opportunities for Wisconsin citizens, and provide relief to county taxpayers through budgetary funding. In 2024, income from the sale of forest products from Wisconsin's county forests exceeded \$46 million. Counties are statutorily obligated to return a minimum of 10% of their annual gross timber revenue to the townships in which their lands lie.

Duties/Services:

- ❑ Provide a steady, reliable source of raw material for Wisconsin's \$24 billion timber industry
- ❑ Protect and manage over 62,500 acres of county-owned lands containing unique, rare, threatened and endangered, and/or special species ecosystems
- ❑ Maintain over 3,300 campsites for public use
- ❑ Manage over 1,800 miles of summer ATV trails, 370 miles of horse trails, 390 miles of mountain bike trails, 730 miles of designated hiking trails, over 9,000 miles of snowmobile trails, more than 400 miles of cross country ski and snowshoe trails for public use
- ❑ Provide disc golf courses, parks, boat landings, and shooting ranges
- ❑ Protect thousands of lakes and hundreds of miles of rivers and streams
- ❑ Provide landscape-scale management opportunities for floral and faunal species
- ❑ Provide access to over 2 million acres of land and water for recreational hunting, fishing, trapping and wildlife viewing

Emergency Management

Submitted by the Wisconsin Emergency Management Association (WEMA)

As authorized under Wis. Stat. Ch. 323, it is the role of the county emergency management director to develop and implement an emergency response plan that is consistent with the Wisconsin Emergency Response Plan. These plans allow counties to successfully mitigate, plan for, prepare for, and respond to any hazards that may affect our communities. These hazards range from acts of terrorism to severe weather. In the event the president makes a federal disaster declaration under the Robert T. Stafford Act, it is the responsibility of the county emergency management director to assist local government in obtaining and administering state and federal assistance funding following a disaster.

County Departments & Offices

In addition, the county emergency management director is responsible for creating plans in the event of a release of hazardous chemicals in the county. The emergency off-site plans are done in accordance with the Emergency Planning and Community Right to Know Act (EPCRA), which is also known as SARA Title III. The plans are essential for informing first responders and citizens of the hazards that exist within their communities and to prepare for an emergency response to a hazardous chemical spill.

Beyond emergency situations, there are many duties and responsibilities that the director attends to on a daily basis. Along with the duties listed below, additional roles and responsibilities can vary greatly from county to county.

Duties/Services:

- Administer state and federal grants (e.g., EMPG grant, EPCRA grant, EPCRA-Computer and Hazmat Response Equipment Grant, Homeland Security grants, etc.)
- Create and/or update emergency plans: emergency operation plan, all-hazards mitigation plan, strategic hazmat plan, off-site facility plan, and specialty plans (e.g., heat, severe cold, power outage, etc.)
- Develop public education programs
- Develop training programs for emergency response personnel and the public
- Develop tabletop, functional and full-scale exercises to test the response capabilities of local responders
- Provide guidance for emergency communications systems (e.g., outdoor warning sirens)
- Keep an inventory of public and private resources that would be available during a disaster
- Establish, maintain and inventory the county's emergency operations center

To accomplish these tasks, emergency management directors work closely with all of the first responders in their communities (e.g., fire; law enforcement; EMS; public health; public works; human services; volunteer agencies; hospitals; private industry; utilities; mapping professionals; federal, state, and local officials; etc.).

Family Court Commissioner

Submitted by the Wisconsin Family Court Commissioners Association

A circuit court commissioner is appointed in each county by the judge(s) of that county to supervise the office of the family court commissioner. A commissioner is a judicial officer who has powers similar to a judge. Those powers, duties and responsibilities are set by state statute and by the Wisconsin Supreme Court since a commissioner is part of the judicial branch of government. A commissioner must be a licensed attorney.

The family court commissioner handles a variety of family law matters and, in many counties, handles other types of cases as well. Family law cases include divorces, the establishment of paternity and setting orders for placement and support of children of unmarried or separated parents, and the enforcement and modification of orders previously rendered in family law cases.

In some counties, the commissioner also supervises mediators who assist parents in family law cases with resolving disagreements about the custody and placement of their children. Throughout the process, a commissioner exercises oversight of the conduct of all who take part in family law cases, including the parties to the case, witnesses who may testify at hearings, attorneys (including attorneys appointed as guardian *ad litem* for children), and court staff. A commissioner may also perform weddings. Funding for the office is received from a variety of sources, including property tax revenue, fees and state grants.

Duties/Services:

- ❑ Grant divorces and legal separations to parties who have appropriate written agreements (except a final, contested divorce trial, which must be held before a judge)
- ❑ Conduct court hearings and render decisions on issues in family court cases:
 - ❑ Paternity, custody and placement of children
 - ❑ Support for children, including responsibility for health insurance, medical expenses and other related financial issues
 - ❑ Assignment of tax dependency exemptions between the parents
 - ❑ Use of and division of property
 - ❑ Responsibility for payment of debts
 - ❑ Maintenance (alimony)
- ❑ Administrative responsibilities to ensure efficient yet fair administration of justice.

Finance/Financial Services

Submitted by the Wisconsin Government Finance Officers Association (WGFOA)

Financial services departments are responsible for accurately recording the revenues and expenditures of all county funds according to generally accepted accounting principles. Finance departments are required to report the utilization of the revenues and expenditures to the operating departments, the public and other governmental agencies. The department also provides assistance to the county in preparing and administering the annual budget, as well as provides financial analysis and advice to aid in the policymaking process.

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Duties/Services:

- Complete financial analysis for management and the county board
- Coordinate and implement the county payroll
- Coordinate and implement the general accounts payable and general accounts receivable functions
- Coordinate and implement the county purchasing functions
- Prepare the countywide budget
- Prepare the countywide annual financial reporting to the state and federal governments
- Oversee the annual audit process for the county
- Manage long-term debt for the county
- Coordinate and implement the risk management and insurance coverage for the county and its departments

Highway and Transportation/Public Works

Submitted by the Wisconsin County Highway Association (WCHA)

The mission of the county highway department is to construct and maintain the county trunk highway system and maintain the state trunk highway system for the state of Wisconsin on a contract basis. Additionally, the department provides road and bridge maintenance services to local units of government upon request on a cost charge-back basis. The goal is to provide safe, effective and efficient transportation services for the traveling public throughout the state of Wisconsin. The head of the department is the highway commissioner or public works director.

The highway department fulfills its responsibility to maintain a safe, effective and efficient transportation system for the public by performing construction as well as general and winter maintenance activities. Wisconsin county highway departments are unique within the nation because each of the 72 county highway departments has a yearly contract with the Wisconsin Department of Transportation to provide all maintenance on the state trunk system in their counties.

County government's involvement in transportation services often extends beyond highways, providing a wide array of services to county citizens. The public works department in some counties manages county facilities and property, such as parks and landfills. Many counties own and operate a county airport or provide assistance to municipal-owned and operated airports within their respective county. Further, counties are instrumental in providing elderly and disabled transportation services. All 72 counties provide this service to their county residents. In addition, some counties provide a countywide mass transit or commuter express service.

Duties/Services:

- ❑ General maintenance, including: patching, crack filling, and seal coating of pavement; shoulder maintenance; vegetation control; bridge and culvert maintenance; litter and trash pickup; guard rail installation and repair; signing; pavement marking; and traffic control
- ❑ Winter maintenance, including: installation and removal of snow fences; application of sand and salt; de-icing; and plowing, shoveling, and hauling snow
- ❑ Road construction activities, along with pavement resurfacing (blacktopping), and bridge and culvert installation
- ❑ Maintain and repair “park and ride” lots and waysides on the state trunk highway system
- ❑ Various planning, engineering and administrative functions, ensuring taxpayers receive the full benefit of quality transportation services throughout Wisconsin
- ❑ Operation of county-owned airports or assistance to municipal airports
- ❑ Assistance to rail infrastructure, as well as harbor infrastructure
- ❑ Countywide mass transit services or commuter express services
- ❑ Transportation services to elderly and disabled county residents
- ❑ Maintain storage and maintenance facilities at various locations throughout the county, with a main shop and numerous “satellite” or outlying shops in strategic locations throughout the county to provide effective and efficient salt storage

Human Resources

Submitted by the Wisconsin Public Employer Labor Relations Association (WPELRA)

The human resources (HR) department helps the county manage its relationships with county employees from hiring through retirement. It is an internal service department that exists to provide support to other county departments as well as the county board, committees and the county executive or administrator regarding personnel matters, wages and benefits. Wages and benefits often comprise more than half of the county’s total operating budget.

Some counties use the term “personnel” or “employee relations” instead of “human resources,” but the terms are synonymous (although one must be careful to distinguish human “resources” from human “services,” which is an altogether different department). In some counties, the HR function may be combined with other functions.

Policy development and enforcement is an area the county’s HR department continuously monitors and updates as legislation or internal practices change. Most counties have administration manuals and employee handbooks that are maintained through the HR department. In addition, internal county departmental policies are

County Departments & Offices

reviewed with the HR department to make sure they are not in conflict with overall county policies.

An HR department provides services as determined by the county board, but services typically include most of the duties listed below.

Duties/Services:

- Develop, administer and enforce county personnel policies
- Negotiate with unions to develop collective bargaining agreements that determine wages, and for public safety employees wages, hours of work and working conditions
- Assist county departments in interpreting, enforcing and applying the policies or collective bargaining agreements
- Administer employee classification and compensation systems
- Develop and administer employee performance evaluation systems
- Investigate and resolve grievances
- Administer the county's insurance programs for employees (e.g., health, life, dental, disability, etc.)
- Manage employee leave benefits, such as paid time off, vacation time, sick leave, holidays, and retirement
- Ensure that the county complies with legal requirements that affect its procedures with employees, such as the Fair Labor Standards Act, Family and Medical Leave Act, and the Americans with Disabilities Act
- Recruit and hire new employees
- Oversee compliance with federal and state equal opportunity laws
- Assist other departments in investigating and handling employee disciplinary issues, including terminations when necessary
- Manage workers' compensation and unemployment compensation programs
- Draft job descriptions for county positions and advise the board when it considers adding or deleting county positions
- Maintain personnel files for all employees
- Handle employee payroll functions in some counties
- Provide training programs for county employees
- Coordinate safety and loss control programs for the county

Human Services

Submitted by the Wisconsin County Human Service Association (WCHSA)

The majority of Wisconsin counties have human services departments, as defined in Wis. Stat. § 46.23, while other counties have separate social services departments and departments of community programs.

A social services department provides youth justice services (Wis. Stat. Ch. 938); child protective services and foster care (Wis. Stat. Ch. 48); services for the elderly and physically disabled (Wis. Stat. Ch. 46); adult protective services (Wis. Stat. Ch. 55); guardianships (Wis. Stat. Ch. 54); and economic support services, such as FoodShare, Medical Assistance, and the Child Care Subsidy.

Departments of community programs provide inpatient and outpatient mental health and substance use services, including crisis intervention, outpatient counseling, emergency detentions for the mentally ill, Comprehensive Community Services, inpatient treatment detoxification and case management services for the chronically mentally ill or chemically dependent (Wis. Stat. Ch. 51).

Counties may provide mental health and substance use services directly using county staff while others contract for these services. Departments that provide direct services with in-house staff still typically spend a significant proportion of their funds on purchased services.

Human service departments must include all social service and community program department functions. Some counties include public health, aging and child support services as part of their human services departments, while those functions are separate agencies in other counties.

Aging and Disability Resource Centers may be operated on an individual or multi-county basis. ADRCs may be organizationally included within a human or social services department or operated as a separate agency. See page 39 for more information on ADRCs.

Human services departments are overseen by and receive funds from the state through the Wisconsin Departments of Health Services and Children and Families. Human service funding comes from a mixture of state general purpose revenue, federal funding, and program revenues from services billed to Medicaid, health insurance or participants. County funding is used for many human services and may be required as local match for federal or state funds.

The most prominent services provided and purchased to serve clients in the particular program areas are as follows:

County Departments & Offices

Youth Justice

- ❑ Intake and assessment
- ❑ Court-ordered supervision
- ❑ Case management
- ❑ Foster care
- ❑ Group care
- ❑ Residential treatment
- ❑ Juvenile detention

Child Protective Services

- ❑ Intake and assessment
- ❑ Investigation
- ❑ Court-ordered supervision
- ❑ Case management
- ❑ Foster care
- ❑ Termination of parental rights
- ❑ Permanency planning

Adult Services

- ❑ Intake and assessment
- ❑ Day services
- ❑ Guardianships
- ❑ Case management
- ❑ Home care
- ❑ Adult family home
- ❑ Community-based residential facilities
- ❑ Adult protective services

Economic Support

- ❑ FoodShare
- ❑ Child care
- ❑ Energy assistance
- ❑ Medical assistance
- ❑ Fraud prevention/investigation

Mental/Behavioral Health

- ❑ Outpatient counseling
- ❑ Emergency detentions
- ❑ Court commitment
- ❑ Case management
- ❑ CBRF placement
- ❑ Intoxicated driver program
- ❑ Community support program
- ❑ Detoxification
- ❑ State institutional placements
- ❑ Crisis services

Land Conservation

Submitted by the Wisconsin Land and Water Conservation Association (WI Land+Water)

Land conservation committees (LCCs) were created in 1982 under Wis. Stat. Ch. 92 to oversee conservation programs that meet local priorities. LCCs serve as the primary local delivery system for natural resource programs.

Land and water conservation departments (LWCDs) consist of county employees who implement LCC policies and serve as the operational arm of the committee. LWCD staff exercise the powers granted to the LCC and serve as the public face of local conservation efforts.

Together, LCCs and LWCDs address critical resource issues, including agricultural runoff control, nutrient management planning, farmland preservation, groundwater protection, urban stormwater management, forestry projects, invasive species control, and conservation education.

LCCs provide policy leadership and oversight while LWCDs handle day-to-day implementation and technical expertise. Together, they establish conservation priorities, determine assistance programs, and coordinate with agencies to accomplish the shared goal of conserving the county's natural resources.

Duties/Services:

LCCs and LWCDs work together to:

- ❑ Prepare and implement land and water resource management plans
- ❑ Provide cost-sharing, technical assistance, and planning programs to landowners
- ❑ Distribute and allocate funds for conservation activities
- ❑ Engage the public in conservation planning and evaluation
- ❑ Adopt and administer soil and water conservation standards

Library Services

Updated by the Wisconsin Department of Public Instruction, Bureau of Libraries

While all counties in Wisconsin are required to assist in the provision of library services to their residents, each county can take a unique approach to fulfilling those responsibilities.

All Wisconsin counties have chosen to participate in a public library system. Public library systems are defined by Wis. Stat. §§ 43.19 and 43.21, and are funded by state aid and by payments for services from member libraries. They may also be funded in part by county taxes. Library systems provide professional assistance to local library staff and trustees, support effective and efficient resource sharing among libraries, and ensure library service to all residents of their member counties at whatever location is convenient for the resident. Federated library systems are governed by boards of trustees appointed by their member county boards, according to the requirements of Wis. Stat. § 43.19.

Participation in a public library system requires the county to adopt and maintain a plan of library service under Wis. Stat. § 43.11. The plan must include provisions for library services to residents of the county who do not live in a municipality that maintains a public library. This could include bookmobiles, books-by-mail, or other services provided through the creation of a county library service or through contracts with existing public libraries in the county, adjacent counties, or the public library system. The plan may also include minimum standards for library service in the county, if developed in cooperation with the local libraries in the county as described in Wis. Stat. § 43.11(3)(d).

Counties may play a more direct role in providing library services to their residents with a county consolidated library established under Wis. Stat. § 43.57(1), funded primarily by county taxes and serving all residents of the county. Counties are also authorized to establish a joint library under Wis. Stat. § 43.57(2) and (2m) or a county library service under Wis. Stat. § 43.57(3). A county library service has the specific charge of serving the needs of residents in the county who do not live in communities with libraries.

Counties are required by Wis. Stat. § 43.12 to make payments for library services to county residents living in municipalities that do not operate libraries. Libraries in the county and in adjacent counties may be eligible to submit a statement to the county clerk for such payments each year. County consolidated libraries are required to provide additional notices under Wis. Stat. § 43.12(1m). These payments are exempt from the county's levy limit by Wis. Stat. § 66.0602(3)(e)(4).

Public libraries are governed by library boards appointed by the library's municipality; by the establishing municipalities and/or county of a joint library; or by the county, for county consolidated libraries or county library services. If the county appropriates an annual sum to a local library greater than at least one-sixth of the amount appropriated by the library's municipality, the county board chairperson, with the approval of the county

County Departments & Offices

board, may appoint additional trustees to the local library board as authorized by Wis. Stat. § 43.60. The county may appoint one to five additional trustees, depending on the proportion of county funding to local funding. Such appointments may include up to one county board supervisor per local library board, with the rest being other county residents.

When requested by municipalities, counties must provide exemptions from the county library tax for residents of those municipalities that operate and fund a library at a level higher than the county library tax levy rate, according to the calculations specified in Wis. Stat. § 43.64.

The Bureau of Libraries within the Wisconsin Department of Public Instruction provides professional and technical advice on library topics to public libraries and library systems and to counties, municipalities, and their governing boards.

Duties/Services:

- ❑ Support the development of general library services for all ages
- ❑ Assist residents by providing resources and services in various formats to fulfill educational, informational, cultural, recreational, and life-long learning needs for all county residents
- ❑ Encourage residents to be knowledgeable and involved in all levels of their government
- ❑ Inform residents about issues relating to social, political, and economic concerns.
- ❑ Provide community centers to support discussion among residents

Local Public Health

Submitted by the Wisconsin Association of Local Health Departments and Boards (WALHDAB)

Local and tribal public health departments are established by Wis. Stat. Ch. 251. A local health department may be established at the county, municipal, city-county or multi-county level. All local health departments are governed or advised by a board of health that consists of not more than nine members and includes at least one physician and one nurse.

Local health departments provide population health services to promote and protect health. Wisconsin's local health departments vary in size and services offered. Chapter 251 of Wisconsin State Statutes and DHS 140 of the Wisconsin Administrative Code define the scope of services for three different levels of health departments.

Level I departments shall provide, at minimum, surveillance, investigation, control and prevention of communicable diseases, other disease prevention, emergency preparedness and response, health promotion, human health hazard control, policy and planning, leadership and organizational competencies, and public health nursing services. Level II departments provide all the above services and address additionally defined local needs, have a workforce development plan, conduct quality improvement, and develop

organizational performance measures as defined in DHS 140.05 of the Wisconsin Administrative Code. Level III departments provide all the above services and provide comprehensive environmental health services; collect local lead data; and implement policies or strategies to improve the physical, environmental, social, and economic conditions affecting health as defined in DHS 140.06 of the Wisconsin Administrative Code.

Funding for local health departments comes from a variety of sources. The largest single source is the local property tax levy. Other funding sources include fees, state and federal grants, Medical Assistance revenue, and private grants.

Duties/Services:

Specific services vary from department to department. Additional examples include:

- ❑ Public and partner communications
- ❑ Identify and address health inequities
- ❑ Policy development and support
- ❑ Maternal, child and family health
- ❑ Community partnership development
- ❑ Address substance use
- ❑ Childhood and/or adult immunizations
- ❑ Chronic disease and injury prevention
- ❑ Public health workforce development
- ❑ Community assessments
- ❑ Restaurant and hotel inspections
- ❑ Lead poisoning screening and education

Nursing Homes

Submitted by the Wisconsin Association of County Homes (WACH)

County nursing homes throughout the state have been serving the needs of Wisconsin residents for over 150 years. Currently, there are 30 counties that own and operate health care facilities, serving over 5,000 residents. These communities provide services for varying levels of care: skilled nursing care, assisted living, group homes and other types of supportive care environments. These counties have remained steadfast in their mission to provide services to those with limited care options and limited financial means. Most often, these residents have limited choices of care facilities outside of county homes due to the challenging nature of their care or source of payment. Many county-owned facilities have established themselves as experts in the field of long-term care and have become specialists in areas of care that few providers are able or willing to offer.

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The Wisconsin Medical Assistance (Medicaid) Program is the primary payer source for many county homes. The cost of care and services are not covered by the current payment system, which requires counties to plan a budget to offset the financial loss. A few counties have expanded services to offset the loss with services that require little to no county tax levy. These types of services include designated short-term rehabilitative care following a hospital stay for conditions such as a hip fracture, knee replacement surgery, or stroke; and/or other services such as residential care apartment complexes, community-based residential facilities (assisted living) and senior apartments.

County-owned facilities have a reputation for employee retention and satisfaction. There are over 14,500 community members who come to work every day in their respective service profession. High levels of workforce stability and employee satisfaction have consistently led to positive clinical outcomes overall. County homes have consistently outpaced the private sector in their employee retention rates, which has resulted in the undeniable results of consistent care delivery and quality standards rated above industry standards.

The relevancy of these statistics becomes greater when one considers that in nearly every county home across the state, residents with complex medical and behavioral needs can be found. The health care landscape remains in a constant state of uncertainty with challenges faced by the reimbursement system and regulatory demands. However, the demand for county services has been on the rise in the areas of post-acute care, dementia care, end-of-life care and specialty programs, such as bariatric care and behavioral care.

Some counties have entered into agreements or consortiums with one or more host counties that provide facilities to use for emergency protective placement or special behavioral issues. In such arrangements, counties share resources to offset the host county's cost for accepting out-of-county residents. Such arrangements offer a unique and invaluable service to Wisconsin communities and counties. The Wisconsin Association of County Homes supports and appreciates the continued provision of county nursing homes and their missions of service.

Planning and Zoning

Submitted by the Wisconsin County Code Administrators Association (WCCA)

County planning and zoning functions are authorized under Wis. Stat. § 59.69. Planning authority is granted under Wis. Stat. § 59.69(3) through the preparation and adoption of a county development plan. After the year 2010, if the county wishes to continue to engage in said land use administrative programs, the development plan process is further defined and described in Wis. Stat. § 66.1001. The county zoning function is prescribed in Wis. Stat. § 59.69(5) for a county zoning ordinance applicable to unincorporated towns.

All counties in the state are required to enact a shoreland and wetland protection program as a result of the Water Quality Management Act of 1965. Counties are required to adopt said shoreland regulations under Wis. Stat. § 59.692 for unincorporated shoreland pursuant to NR 115 of the Wisconsin Administrative Code. As part of that responsibility, most, if not all, of the counties have a sanitary code enforcement responsibility, which is authorized in Wis. Stat. § 59.70(5)(a), and those responsibilities were a major part of the shoreland regulation enacted in the late 1960s.

Some of the zoning code enforcement offices in counties also have responsibility for construction site erosion and stormwater management as specified in Wis. Stat. § 59.693. However, many have separate land conservation agencies responsible for this function. Counties are required to regulate land uses in floodplains, pursuant to Wis. Stat. § 87.30 and NR 116 of the Wisconsin Administrative Code. Further, as part of the administrative procedures for the regulation of zoning pursuant to Wis. Stat. § 59.694, a county board of adjustment is required to be in place to consider and decide upon appeals, special exceptions, and variances to the terms and conditions of the zoning ordinance and shoreland and floodland ordinance. Counties are also required to regulate nonmetallic mines pursuant to Wis. Stat. § 295.13 (1) and NR 135 of the Wisconsin Administrative Code.

Additionally, most counties exercise subdivision plat review authority set forth in Wis. Stat. Ch. 236, whereby subdivisions throughout the county, including incorporated areas, are reviewed pursuant to the provisions of that statute. Some counties, though not many, have also elected to perform building inspection services for the jurisdictional area of their zoning codes authorized in Wis. Stat. § 59.698. In some counties, the land information and county survey functions, set forth in Wis. Stat. §§ 59.72-59.75, provide for a county surveyor function, land information, land records, and for the relocation and perpetuation of section corners and section lines.

Duties/Services:

- ❑ Administer and enforce provisions of county zoning ordinances, including regular county zoning, shoreland and floodplain zoning
- ❑ Provide assistance and information to the public regarding land use regulatory controls
- ❑ Prepare comprehensive land use plans for the county or individual communities, and assist in their adoption and implementation
- ❑ Monitor and update comprehensive land use plans as required
- ❑ Evaluate land use decisions based upon adopted comprehensive land use plans.
- ❑ Review and approve subdivision plats
- ❑ Review and approve certified survey maps and county plats

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- Receive and prepare applications and provide recommendations for rezoning activities and conditional uses
- Receive applications for variances, appeals and special exceptions for the board of adjustment; make recommendations for zoning; keep records, prepare hearing notices, and other administrative duties
- Prepare notices for public hearings for rezonings, conditional uses, and in some cases, plats
- Issue zoning and land use permits, plan of operation and site plan permits, and conditional use permits
- Receive and issue sanitation permits for new septic systems
- Receive applications and issue permits for erosion and stormwater management activities where applicable
- Issue building permits and make site inspections where applicable
- Make field and site inspections for zoning and land use permits, board of adjustment variance applications, conditional use applications, site plan/plan of operation, and other enforcement activities
- Administer floodplain ordinances and make post-flooding site inspections for submittal of damage estimates to the Federal Emergency Management Agency
- Administer nonmetallic mining and reclamation ordinances mandated by Wis. Stat. Ch. 295 for NR 135 of the Wisconsin Administrative Code
- Administer the county land records modernization program
- Coordinate the county geographic information system (GIS) functions

Public Safety Answering Point (PSAP)

Submitted by the Wisconsin Chapters, National Emergency Number Association (NENA) and Association of Public-Safety Communications (APCO)

The organization of a Public Safety Answering Point, often referred to as a dispatch center or communications center, is built around the concept of the emergency number and the need to respond to calls for service through 911. The telecommunicator at a PSAP will answer 911 calls, non-emergency calls, and provide the radio communications required to dispatch appropriate emergency and non-emergency services.

Counties and municipalities throughout the state use different PSAP models. It may be an independent department or a branch of a larger department, such as the sheriff's office, police department, fire department or emergency management department.

Created under Wis. Stat. § 256.35, the PSAP is the hub of communication for all public safety needs.

Next Generation 911 (NG911) advancements in digital technology make it more critical than ever to plan and prepare for the future. Each change in technology, such as cell phones and Voice over Internet Protocol (VoIP), texting, vehicle telematics, GPS, and advanced medical systems, such as automated external defibrillators, have made it more challenging for the PSAP to provide a service that is consistent with the expectations of the public. The advancement of technology has prompted Wisconsin to create a gubernatorial-appointed 911 Subcommittee to assist with the deployment, education and training needed to keep pace with rapidly changing technology.

The mission of the 911 Subcommittee is to promote, assist and make recommendations for the implementation of a public safety system where anyone can use one number, on any device, at any time, from anywhere, using any media to obtain a standard level of emergency service.

Duties/Services:

- ❑ Answer 911 calls in varying formats (landline, cell phone, text messages)
- ❑ Coordinate mutual aid (such as via the mutual aid system for fire events)
- ❑ Provide CPR instruction over the phone (mandated by state statute)
- ❑ Provide emergency medical dispatching (medical assistance over the phone while EMS is en route)
- ❑ Coordinate with schools, hospitals and other organizations during life-threatening events
- ❑ Plan and prepare for scheduled events in communities where large groups of people gather
- ❑ Answer non-emergency calls
- ❑ Record phone and radio conversations
- ❑ Dispatch appropriate services (e.g., police, fire, EMS)
- ❑ Operate state Transaction Information for the Management of Enforcement (TIME) system for law enforcement officers (e.g., drivers' records and warrants)
- ❑ Operate Computer Aided Dispatch (CAD) system
- ❑ Work with GIS information
- ❑ Use electronic investigation to assist law enforcement
- ❑ Maintain and verify warrant records
- ❑ Provide public education

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Regional Planning Commissions

Submitted by the Association of Wisconsin Regional Planning Commissions (AWRPC)

Counties form the foundation and boundaries of Wisconsin's regional planning commissions. Local governments petitioning governors during the period of 1959 through 2007 created the nine regional planning commissions (RPCs) that exist today. Once authorized by the governor and their local governing bodies, a regional planning commission provides planning and coordination services for the physical, social and economic development of its region. Counties participating in a regional planning commission appoint commissioners and, in some cases, the governor and other local governments make appointments as well.

Under Wis. Stat. § 66.0309, regional planning commissions may undertake the following:

- Conduct all types of research studies; collect and analyze data; prepare maps, charts, and tables; and conduct all necessary studies for the accomplishment of its other duties
- Make plans for the physical, social and economic development of the region
- Publicize and advertise the RPC purposes, objectives and findings
- Provide advisory services on regional planning problems to the local governmental units within the region and to other public and private agencies in matters relative to its functions and objectives
- May act as a coordinating agency for programs and activities of local units and agencies as they relate to RPCs objectives
- Contract with any local unit within the region to conduct studies and offer advice on land use, thoroughfares, community facilities, public improvements, and encouragement of economic and other developments

Duties/Services:

- Prepare multi-county comprehensive regional plans and individual county, city, village and town comprehensive plans
- Prepare plans that address special local government concerns, such as parks and recreation; downtown development; hazard mitigation; pavement management; capital improvement; lake management; coastal zone management; economic development; housing assistance; solid waste; sewer service area; and waterfront, harbor, and transportation system plans
- Provide business and housing revolving loan administrative services, business incubator services, venture capital investment management, civil engineering assistance, forest resource management, air and water quality management, and traffic engineering

- ❑ Administer Metropolitan Planning Organization, economic development district, water quality planning, coastal zone management, and State Data Service Center duties as specified by various federal and state acts
- ❑ Serve as a resource provider, facilitator or liaison on cost-sharing and resource-pooling projects among governments involving shared administrative positions, delivery of government services and joint projects
- ❑ Write grants for public facilities, industrial parks, transportation access, park and recreation facilities, lake and river management projects, economic development projects, recreation trails, and brownfield clean up

Register of Deeds

Submitted by the Wisconsin Register of Deeds Association (WRDA)

The office of the register of deeds was established in 1836, before statehood, to protect the integrity of land ownership. Article VI, Section 4 of the Wisconsin Constitution established the elected constitutional office as a permanent element of the county-level governmental structure. Vital records duties were statutorily added in 1907. Each county in Wisconsin is required to have a register of deeds whose duties are outlined in Wis. Stat. § 59.43, Chap. 69, and other statutes.

The register of deeds is elected every four years during the same term as the president of the United States. Vacancies within the register of deeds offices are filled by appointment of the governor of Wisconsin. The person appointed to fill the vacancy shall hold office for the unexpired term to which appointed and until a successor is elected.

The records maintained in the register of deeds office are used by many internal and external business partners. Every constituent utilizes some record within the office at one time or another during their lifetime.

The real estate records housed in the office of register of deeds are the cornerstone of the county's economic system. Every parcel of land is represented by a recorded document that the register of deed's office protects and guards.

Duties/Services:

- ❑ Appoint one or more deputies, who shall hold office at the register's pleasure and perform the duties in the register's absence (Wis. Stat. §§ 59.43(3) and 69.07(3))
- ❑ Review, record, e-record scan and permanently maintain all documents authorized by law to be recorded in the office of the register of deeds (Wis. Stat. § 59.43(1c)(d))
- ❑ Endorse upon each document the day, hour and minute of reception, which shall be used as evidence of such fact for race notice and must be recorded in the order in which they are received (Wis. Stat. § 59.43(1c)(e)) (Race notice statute: A recording act that gives priority of title to the party that records first, but only if the party also lacked notice of prior unrecorded claims on the same property.)

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- Collect recording and real estate transfer fees as required, state on the face of conveyance documents any real estate fee paid or reason for exemption from fee (Wis. Stat. §§ 59.43(1c)(c) and 59.43(2))
- Implement quality control and establish procedures to permanently store and back up documents (Wis. Stat. § 59.43(4))
- Make and deliver to any person, on demand and upon payment of proper fees, certified and uncertified copies of recorded documents (Wis. Stat. § 59.43(1c)(i))
- Record subdivision, cemetery, condominium plats, certified survey maps, firm names, and related documents as authorized by law to be recorded (Wis. Stat. § 59.43)
- Record/file, index and maintain military discharges; prepare certified copies for the county veterans service office, veterans, or their dependents eligible to receive military benefits (Wis. Stat. §§ 45.05, 59.535(1)(b) and 59.53(1c)(k))
- Record and index documents pertaining to security interests in real property, crops or fixtures (Wis. Stat. §§ 409.501 and 59.43(1c)(l))
- Record and index marital property agreements (Wis. Stat. §§ 59.43(1c)(r) and 766.58(11))
- Record and index all conveyances of mineral rights (Wis. Stat. §§ 59.43(1c)(s) and 706.057(7))
- Record and index statements of non-profit authority (Wis. Stat. §§ 59.43(1c)(v) and 184.05)
- Safely keep and return documents to the party entitled thereto (Wis. Stat. § 59.43(g))
- Perform all other duties that are required of the register of deeds by law (Wis. Stat. § 59.43(1c)(p))
- Perform the duties related to vital records (Wis. Stat. § 59.43(1c)(b))
- Preserve, amend and certify vital records as directed by the state registrar (Wis. Stat. § 69.05)
- Review and accept marriage, death, and domestic partnership termination into the State Vital Records System (Wis. Stat. § 69.07)
- Determine direct and tangible interest for disclosure of vital information (Wis. Stat. § 69.20)
- Issue certified or uncertified copies of birth, marriage, divorce, domestic partnership, domestic partnership termination, and death records (Wis. Stat. § 69.21)
- Serve as a statutory member of the County Land Information Council (Wis. Stat. § 59.72(3m))

Register in Probate

Submitted by the Wisconsin Register in Probate Association (WRIPA)

Pursuant to Wis. Stat. § 851.71(1), the judge(s) of each county shall appoint a register in probate. Appointment may be made only with the approval of the chief judge. Registers in probate are statutorily responsible for various record-keeping functions of the court. As custodians of the courts' records, registers in probate play a significant role in Wisconsin's judicial system. Many registers are also appointed probate registrars and court commissioners authorized in probate who independently oversee informal probate court proceedings and select probate court matters.

Duties/Services:

- ❑ **Custodians of the Record.** Record keeping for the courts is governed by statute and Wisconsin Supreme Court Rule. These require that registers in probate maintain court records of every proceeding in court so that the court record is a complete index or brief history of each proceeding from beginning to final disposition, including records of all proceedings of the court during its sessions. Registers in probate are responsible for the processing and model record keeping of all case types under their supervision, as well as maintaining the confidentiality of those records as set forth by statute and court order.
- ❑ **Court Finances.** Millions of dollars in fees and reimbursements are receipted and disbursed through the registers' offices annually. Registers in probate strive to maintain this fiscal responsibility with accurate, efficient and effective accounting practices.
- ❑ **Court Administration.** Registers in probate have various administrative duties and work daily with a variety of people. District attorneys; law enforcement; the legal community; local, state, and federal agencies; businesses; corporation counsel; social workers; and the general public rely upon the office of the register in probate to answer questions and assist in the administrative process of the various case types that fall under the jurisdiction of the register in probate office. Registers in probate provide an administrative link between the judiciary, the county board and the public. Registers also work closely with other court staff to ensure that the courts run smoothly and efficiently. The administrative, fiscal and public relations responsibilities of the registers in probate involve a variety of tasks. These include, but are not limited to, budgeting and administering county and court resources; developing policies and procedures; recruiting, training, maintaining and managing competent staff; acting as liaison between local and state agencies; and assisting the public.

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Sheriff

Submitted by the Badger State Sheriff's Association (BSSA)

The office of sheriff is created by the Wisconsin Constitution, Article VI, Section 4. Duties of the sheriff are set forth by Wis. Stat. §§ 59.26 – 59.33. The sheriff is an elected office in each Wisconsin county. Elections for sheriff are held every four years and coincide with the years Wisconsin elects a governor.

The sheriff is the chief law enforcement officer in each county. The sheriff has the authority and duty to enforce state statutes throughout the county regardless of municipal boundaries. The sheriff operates the jail, attends to the circuit court(s) and attends to the service of court papers. Funding for the sheriff's office comes from a variety of sources, including property tax revenue, fees and state grants.

Duties/Services:

- ❑ Keep and preserve the peace in their respective counties
- ❑ Conduct criminal investigations
- ❑ Provide traffic enforcement
- ❑ Respond to citizen calls for service, both emergency and non-emergency
- ❑ Maintain and operate the county jail
- ❑ Transport inmates
- ❑ Attend upon the circuit court(s)
- ❑ Serve and execute all processes, writs, subpoenas and orders from the courts issued or made by lawful authority and delivered to the sheriff

Solid Waste

Submitted by the Wisconsin County Solid Waste Management Association (WCSWMA)

In the late 1970s, Wisconsin counties were given the authority and statutory obligation to conduct solid waste management planning. However, the law did not require that a county have a formal structure or governing body for the implementation and administration of a solid waste plan. Many counties opted to instead allow private sector firms to meet the waste management needs of its citizens.

Today, counties across the state are teaming up with each other and with cities, villages and towns to provide Wisconsin residents with state-of-the-art waste management programming and facilities. From landfill disposal to recycling education, county solid waste departments are focused on protecting human health and the environment, reducing waste and recycling more.

Most county solid waste departments are enterprise fund activities (see "Proprietary/Enterprise Accounts," page 147), and use no county tax dollars. They use earnings to invest in a wide variety of community programs, such as hazardous waste clean sweeps and old

medication collections/disposal. Because county solid waste facilities accept waste from all waste haulers, small and large, they serve as catalysts for economic development and allow even the smallest business access to affordable, convenient services.

Duties/Services:

- ❑ Operate county landfills
- ❑ Operate landfill gas-to-energy facilities
- ❑ Operate port authorities
- ❑ Operate waste-to-energy incinerator programs
- ❑ Operate construction and demolition recycling facilities
- ❑ Operate waste diversion programs, such as shingle recycling
- ❑ Provide waste/recycling collection services
- ❑ Serve as the responsible unit of recycling for recycling programs and services pursuant to NR 544 of the Wisconsin Administrative Code
- ❑ Conduct recycling and environmental education programming
- ❑ Operate yard waste composting sites
- ❑ Provide collection and proper disposal services of household hazardous waste, including pharmaceutical waste
- ❑ Collaborate with the Universities of Wisconsin on research to advance waste resource management and provide employment opportunities for students
- ❑ Conduct advocacy focused on waste reduction, recycling, product stewardship and modern waste disposal options

Surveyor

Submitted by the Wisconsin County Surveyors Association (WCSA)

The county surveyor position was one of the original constitutional offices in county government. Today in Wisconsin, counties can appoint, elect or leave vacant the position of county surveyor. As of January 2025, Wisconsin has 60 county surveyors — 32 counties have a full-time county surveyor (all appointed) and 28 counties have a part-time county surveyor. Only Vilas County has an elected county surveyor, serving on a part-time basis.

The duties and responsibilities of the county surveyor vary greatly from county to county depending on whether the position is full- or part-time. Statutorily, the duties of the county surveyor are set forth in Wis. Stat. § 59.45. The county surveyor may appoint and remove deputies at will by filing a certificate with the county clerk. The county surveyor plays a critical role in creating and maintaining accurate tax parcel mapping. In addition, the county surveyor may also serve as a department head, administrator or manager of other county departments or offices, such as real property listing, geographic information systems (GIS) or the land information office. Currently, two county surveyors serve as the

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land information officer for their respective counties. The county surveyor may also be a part of another county department, such as highway, land information, zoning, planning, or land conservation.

The responsibilities of the county surveyor position can be broken down into five main components:

- **Re-establish, maintain and preserve the corners of the Public Lands Survey System.** This network of corner markers — set at roughly half-mile intervals — is the key component in nearly every property description in Wisconsin and serves as the foundation of all parcel mapping projects. County surveyors also provide protection for other geodetic survey marks.
- **Maintain survey records.** These unique records have been filed with the county surveyor’s office since Wisconsin became a state in 1848. Today, survey maps continue to be submitted to the county surveyor for filing. In many instances, these maps are being digitized and made available on county websites.
- **Survey map review.** In most counties, the county surveyor reviews subdivision plats and certified survey maps. These maps are checked for compliance with state statute and the administrative code, as well as local codes and ordinances.
- **Provide services and assistance to other county departments.** This work includes providing survey services in the field (e.g., verification of existing monuments, field measurements, installation of new monuments, and marking lines), as well as in the office (e.g., computations, analysis, writing real property descriptions, and drafting of maps).
- **Assist general public, private sector businesses and government agencies with land surveying and land ownership questions.** The county surveyor is uniquely qualified to provide professional assistance when it comes to these varying and often complex and difficult questions.

Duties/Services:

- Preserve and maintain all established Public Land Survey System corners (remonumentation)
- Preserve other geodetic monuments
- Index, file and maintain all survey records
- Conduct certified survey map and subdivision plat review
- Conduct surveys and provide support and assistance to other county departments
- Conduct accident and reconstruction surveys
- Prepare legal descriptions
- Testify in court as an expert witness

- ❑ Prepare volumes and quantities acquisition and construction staking
- ❑ Provide oversight of/assistance with GIS development
- ❑ Assist and prepare parcel mapping
- ❑ Provide ground control for orthophotography and LiDAR projects
- ❑ May serve as the land information officer (LIO) for the Land Records Modernization Program
- ❑ Assist the public and other entities with land surveying and land ownership questions

Treasurer

Submitted by the Wisconsin County Treasurers' Association (WCTA)

The duties of the county treasurer are set forth by Wis. Stat. § 59.25, which includes receiving all monies from all sources belonging to the county, such as real estate taxes, state and federal aids, credits, grants, and fees for services provided.

The treasurer's office pays out all monies belonging to the county on the order of the county board, including disbursement for expenses incurred, debt payment and the county's payroll.

Duties/Services:

- ❑ Receipt and deposit of all money; keeping daily balances of bank accounts
- ❑ Imprint signatures of treasurer, county clerk and county board chair and distribute all checks, including payroll for all county employees
- ❑ Serve the public and other units of government by researching tax and property information upon request
- ❑ Invest excess funds to maximize earnings while minimizing risk
- ❑ Maintain records of all paid and delinquent taxes
- ❑ Take tax deed on delinquent properties or assist county clerk with same
- ❑ Assist local municipal treasurers with January and February tax settlements
- ❑ Provide support and guidance to local municipal treasurers and banks throughout tax collection seasons
- ❑ Furnish complete and balanced tax settlement sheets to the Department of Revenue by March 15
- ❑ Settle with all taxing jurisdictions in August for all taxes collected and uncollected
- ❑ Maintain and certify all tax records in the county, print assessment rolls, tax rolls, and assist local clerks to balance the same
- ❑ Maintain and certify current lottery credit file, seeking all eligible taxpayers on real and personal property
- ❑ Administer the ag-use penalty

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- ❑ Serve as treasurer for drainage districts
- ❑ Issue tax certificate to parcels with unpaid taxes September 1 each year
- ❑ Distribute national forest income to municipalities
- ❑ Forward fines and forfeitures, including court fees, real estate transfer fees, Wisconsin Land Information Program recording fees, probate fees and vital records fees, to the appropriate state department
- ❑ Reconcile all bank accounts monthly
- ❑ Report and publish unclaimed funds
- ❑ Prepare and mail delinquent tax notices
- ❑ Report and pay managed forest land and private forest crop settlements to the Wisconsin Department of Natural Resources
- ❑ Prepare and file sales and use tax reports
- ❑ Certify and sign off that there are no unpaid taxes on properties for purpose of recording plats
- ❑ Certify and sign off that there are no tax certificates or tax deeds on properties for timber cutting
- ❑ Prepare yearly budget
- ❑ Serve as treasurer for the county land council
- ❑ Prepare financial reports for the finance committee/county board
- ❑ Collect tax payments for municipalities as contracted

University of Wisconsin–Madison Division of Extension

Submitted by UW-Madison Division of Extension

UW–Madison Extension brings the Wisconsin Idea to every corner of the state, extending university knowledge and connecting campuses to communities through six institutes: Agriculture; Community Development; Health and Well-Being; Human Development and Relationships; Natural Resources; and Positive Youth Development. Extension works closely with communities on complex problems that require unbiased, research-based information, developing educational programming to address real-world issues.

Extensions' statewide network of educators delivers services through local partnerships and relationships to develop practical applications of research while also using community input to inform future studies. Educators support local volunteers and leaders so they can take action and serve as role models in their communities.

Duties/Services:

- ❑ Provide educational programs and research services in:
 - ❑ 4-H and positive youth development
 - ❑ Agriculture, agribusiness, and horticulture

- ❑ Community development, organizational leadership, and local government education
- ❑ Health, nutrition, and well-being
- ❑ Human development, relationships, parenting, and finances
- ❑ Natural resources, forestry, and water quality

Veterans Services

Submitted by the County Veterans Service Officers Association of Wisconsin (CVSOAWI)

The duties and responsibilities of the County Veterans Service Officers (CVSOs) are set forth in Wis. Stat. § 45.80. The CVSO is selected by the county board or appointed by the county executive/county administrator. All CVSOs have served in the U.S. military and are professional representatives accredited by the U.S. Department of Veterans Affairs. Their primary function is to act as an advocate for veterans, their dependents and survivors. In Wisconsin, the CVSO serves as the state’s frontline representative in its efforts to assist veterans and their families. CVSOs, by statute, are to perform their duties “separately and distinctly” from any other county department.

Duties/Services:

- ❑ Advise persons living in the service officer’s county who served in the U.S. armed forces regarding any benefits to which they may be entitled, assist in any complaint or problem arising out of such service, and render to veterans and their dependents all possible assistance
- ❑ Make reports to the county board as the county board requires
- ❑ Cooperate with federal and state agencies that serve or grant aids and benefits to former military personnel and their dependents
- ❑ Furnish information about veterans’ burial places within the county
- ❑ Apply and manage case files for federal and state veterans’ service programs that may include compensation, pension, education, burial, survivor benefits, VA loans, grants, insurance, and Dependency Indemnity Compensation
- ❑ Assist with applications for the Veterans Service Commission Emergent Needs Program
- ❑ Assist with applications for the Wisconsin G.I. Bill education benefits for veterans and eligible dependents
- ❑ Assist with vocational rehabilitation benefits for disabled veterans
- ❑ Assist with federal VA home loan Certificate of Eligibility
- ❑ Assist with application for burial benefits (e.g., cemeteries, markers, burial flags, funeral honors, etc.)
- ❑ Assist dependents and survivors in applying for benefits (e.g., health care, education, pensions, etc.)

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- Assist with the enrollment of veterans into the federal VA health care system and assist with the transportation of veterans to and from medical care
- Register discharge papers/DD-214 with county register of deeds
- Assist military retirees and their surviving families with U.S. Department of Defense benefits and services
- Help determine eligibility and complete paperwork for veterans' homes and long-term care
- Provide and/or refer veterans to appropriate federal, state and non-governmental emergency financial aid
- Assist homeless veterans and those at risk of becoming homeless
- Assist with applications for Wisconsin Department of Veterans Affairs benefits
- Assist with applications and approve the Wisconsin Department of Natural Resources Veterans Free State Park/Forest/Trail Pass and the Wisconsin Department of Motor Vehicle WI/ID License Veterans Identifier

Victim/Witness Services

Submitted by the Wisconsin Victim/Witness Professionals Association (WVWP)

Crime victims and witnesses are entitled to certain rights and services to ensure they are treated with dignity, respect for their privacy, courtesy, sensitivity and fairness. In 2020, Wisconsin voters ratified an amendment to the Wisconsin State Constitution entitling rights to crime victims. These rights are to be honored and protected by law enforcement agencies, prosecutors and judges in a manner no less vigorous than the protections afforded criminal defendants. County-based victim/witness assistance programs, generally located in the district attorney's offices, are tasked by the county board with providing information and services to crime victims and witnesses.

The Wisconsin Constitution, Chapters 949 and 950 of the Wisconsin State Statutes, and Chapter JUS 12 of the Wisconsin Administrative Code seek to ensure that all crime victims and witnesses are informed of their rights and are provided assistance to exercise those rights. These statutes provide a general description of the minimum level of services to be provided to crime victims and witnesses. Additionally, Wis. Stat. § 950.07 requires that the county board, district attorney, local law enforcement agencies, local social services agencies, victim/witness assistance programs, and courts all cooperate with each other to ensure that victims and witnesses of crimes receive the rights and services to which they are entitled under this chapter.

In order to receive partial reimbursement by the state for program-related costs, counties must adhere to the administrative rules outlined in JUS 12 and provide all of the services outlined by statute. Additionally, victim/witness assistance programs

are encouraged to provide services specifically tailored to child victims/witnesses. By providing assistance to crime victims and witnesses and keeping them informed about their rights, available resources and the criminal justice system in general, victim/witness assistance programs contribute to successful prosecutions and case dispositions by the local district attorney. Victim/witness assistance programs also provide efficient, streamlined referrals to needed resources and an easily accessible point of contact for the criminal justice system. County victim/witness assistance programs ensure that community members affected by crime receive services in a manner that is professional, compassionate and fiscally responsible.

Duties/Services:

The following services are provided to adult and child victims and witnesses, as well as family members of homicide victims:

- ❑ Court appearance notification, including cancellation of court-ordered appearances
- ❑ Victim compensation referral
- ❑ Social services referral
- ❑ Witness fee assistance
- ❑ Public information
- ❑ Court escort
- ❑ Transportation intercession
- ❑ Assistance in providing the court with information pertaining to the economic, physical and psychological effect of the crime upon the victim
- ❑ Restitution
- ❑ Employer intercession
- ❑ Expedited return of property
- ❑ Protection from the offender
- ❑ Secure waiting area

Wisconsin Technical College District Boards

Submitted by the Wisconsin Technical College District Boards Association

While not a formal county department or office, Wisconsin statutes provide an important role for almost all county board chairs in ensuring Wisconsin technical colleges are well-governed. Wisconsin was the first state (1911) to create local schools for vocational, technical and adult education. When the Legislature transformed those schools into a system covering the entire state in 1965, counties largely organized and petitioned for the creation of districts that would become today's Wisconsin Technical College (WTC) System. As the petitioning authority, counties continue to play a major role in shaping the governing bodies of most WTCs.

County Departments & Offices

County officials serve as the appointing authority for WTC district board members in 14 of the state's 16 districts. County board chairs serve as the appointing authority for 13 districts. The Milwaukee Area Technical College's appointing authority includes its three county board chairs plus the Milwaukee county executive. Any county having territory within these WTC districts is part of the district's appointing authority, ranging from two to 12 counties. School board presidents serve as the appointing authority in two college districts: Fox Valley and Southwest Wisconsin (Wis. Stat. § 38.10).

While it is common for technical and community college boards to be appointed, Wisconsin is unique in that the nine members are specifically selected to represent district employers, employees, a school district administrator and a local elected official (Wis. Stat. § 38.08). In addition to these categories, board members are appointed based on a "plan of representation" that is established by the appointing county officials. The plan serves to balance board representation according to county population and other demographic factors.

The appointment process takes place beginning on or about March 1 annually or when required to fill a mid-term vacancy. WTC System district board members serve for staggered three-year terms as unpaid volunteers. The appointment committee holds public hearings to consider the plan of representation and the appointments themselves. Candidates, whether first-time or incumbent, must submit applications and references and must be interviewed in person by the appointment committee.

Wisconsin Open Meetings Law

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Policy (Wis. Stat. § 19.81)

The Open Meetings Law begins by recognizing that a representative government depends on an informed electorate. An informed electorate needs access to information. The Wisconsin State Legislature declares that the policy of the Open Meetings Law is to:

- Enable the public to have “the fullest and most complete information regarding the affairs of government as is compatible with the conduct of government business;”
- Ensure that meetings of governmental bodies are held in places reasonably accessible to the public; and
- Ensure that such meetings are open to the public unless otherwise expressly provided by law.

The Open Meetings Law is to be “liberally construed” (i.e., broadly interpreted) to achieve the purpose of open government.¹ The law ensures that there is public access and open decision-making, which includes the information gathering stages, discussions and voting.²

The policy provisions of the Open Meetings Law are not idle rhetoric. Almost all court decisions enforcing the law begin by invoking the above policies stated in Wis. Stat. § 19.81.³ To implement these policies, the law requires advance notice of meetings and that those meetings be open and accessible to the public. Closed sessions are limited to exceptions specifically provided by statute.⁴

Coverage

“Governmental bodies” subject to the Open Meetings Law

The definitions in the Open Meetings Law not only explain terms used in the statute, they also determine which bodies are covered and what gatherings constitute a “meeting” under the law. A “governmental body” under the Open Meetings Law includes any state or local agency, board, commission, committee or council created by law, ordinance, rule or order.⁵ “Rule or order” includes motions, resolutions, and directives by a governmental body or officer that sets up a body and assigns it duties.⁶ At the local level, bodies covered include county, village, and town boards, city councils, and school boards as well as all their committees, commissions and boards. It is how the body is created, not its members or authority, that is the determining factor. Thus, a citizen study or advisory committee created by a county board is considered a governmental body.⁷

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A committee could be a governmental body under the Open Meetings Law even if it is not a typical subunit of the county board. A committee is considered a governmental body under the Open Meetings Law if it takes the form of a body with defined membership, is created by “rule,” and has the power to take collective action.⁸ The key element is whether it is created by “rule.” A rule can be a statute, ordinance, resolution or policy, including handbooks or bylaws, that creates or authorizes the committee. The WCA recommends reviewing ordinances, bylaws, policies and handbooks that are approved by the county board to determine what committees or other bodies are created by rule.⁹

In addition, the term “governmental body” under the law includes governmental and quasi-governmental corporations, as well as other specified entities.¹⁰ A governmental or quasi-governmental corporation includes corporations created by the Legislature or by other governmental bodies under statutory authorization. Quasi-governmental corporations are not just those created by a governmental body, but are those corporations that resemble governmental corporations.¹¹ Determining if an entity resembles a governmental corporation depends on the total facts and circumstance about the entity and is determined on a case-by-case basis.¹² Thus, no single factor is determinative, but courts consider several factors: (1) whether the entity performs or serves a public function, as opposed to a purely private function, even if public function is merely recommending action to a governmental body;¹³ (2) the degree of public funding;¹⁴ (3) government access to the entity’s records;¹⁵ (4) express or implied representations that the entity is affiliated with government;¹⁶ and (5) extent government controls the entity’s operation, such as appointing directors, officers or employees, or officials serving in those positions.¹⁷ No one factor will determine the outcome, but a primary consideration will be the funding source.¹⁸

If a citizen body creates itself by its own authority (independent of any governmental unit or statute, ordinance, rule or order) and sets its own charter, bylaws, membership requirements or rules, most likely it is not a quasi-governmental corporation. In order to constitute a governmental corporation or quasi-governmental corporation, the organization must in fact be incorporated and not another type of entity such as a nonprofit association.¹⁹

The Open Meetings Law provides that a local governmental body conducting collective bargaining is not subject to the law. Nonetheless, notice of reopening a collective bargaining agreement must be given under the Open Meetings Law and final ratification of the agreement must be done in open session under such law.²⁰

“Meetings” under the Open Meetings Law

A meeting is defined as a gathering of members of a governmental body for the purpose of

exercising responsibilities and authority vested in the body.²¹ The courts apply a purpose test and a numbers test to determine if a meeting occurred. The law applies to a meeting when both the numbers and purpose tests are met.²²

The “purpose test” is met when there is discussion, information gathering or decision-making on matters over which the governmental body has authority. Social or chance gatherings where there is no discussion on the topics over which the body has jurisdiction are excluded. The “numbers test” asks if there are enough members to determine the outcome of an action. The statute presumes that a gathering of one-half of the membership is a meeting, because one-half could determine the outcome of a vote by preventing a majority in favor of a proposal. Thus, less than a majority could determine the outcome of an issue. This is called a “negative quorum,” and can meet the numbers test. Use caution when gathering with other members because less than half can also be a negative quorum. There could be less than half the county board together, but a quorum or a negative quorum of a committee may exist. Votes requiring a two-thirds vote, like a budget amendment, can meet the numbers test if one-third plus one of the members are together discussing the amendment.²³

There are other special cases where a meeting exists for the purposes of the law. A series of conversations, phone calls or emails to “line up votes” or conduct other business is known as a “walking quorum,” which violates the law.²⁴ Such conduct addresses the business of the governmental body without public notice, information or participation. An essential feature of a “walking quorum” is the agreement, whether express or tacit, to act uniformly in enough numbers to reach a quorum.²⁵

Emails, instant messages, blogs, social media sites and other electronic message forms could also create a meeting. While no court decision has clarified the Open Meetings Law on this issue, the state attorney general’s office advises that if the communications are like an in-person discussion with a prompt exchange of viewpoints by members, then it raises the possibility of an Open Meetings Law violation. To avoid the risk of violating the law, the attorney general’s office discourages the use of electronic messages between members to discuss issues within the authority of the body. Certainly, avoid the “reply” or “reply all” email functions.²⁶

If enough members of one government body satisfy the numbers test and attend the meeting of another government body in an effort to gather information on a subject over which the body has authority, a meeting under the law may occur. Unless the gathering is by chance, it should be treated as a meeting of both bodies and notice must be given.²⁷ The attorney general’s office recommends giving notice of when a body is attending the meeting of another body and to be as specific as possible. It is further recommended to avoid stock or boilerplate language such as “a possible quorum may attend.” Instead, be specific as to which government body will attend the other government body’s meeting, and include when it is scheduled to occur.²⁸

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Not all gatherings of members become a meeting under the law. As previously mentioned, the Open Meetings Law does not require notice for social gatherings, gatherings by chance or conferences if there is no business conducted (that is, the purpose test is not met).

Finally, the place of meeting must be reasonably accessible to the public, including persons with disabilities.²⁹ Accordingly, the facility chosen for a meeting must be sufficient for the number of people reasonably expected to attend.³⁰

Public Notice Requirements

If the public did not know the subjects of a governmental meeting or were not made aware of the location, date and time of the meeting, a meeting open to the public would be almost meaningless. Thus, public notice is required before every governmental meeting.³¹ Further, separate notices must be given for each meeting.³²

Notice can be given by posting notice in places where the public is likely to see it; generally, three places is required unless the website exception (discussed below) is utilized.³³ The Open Meetings Law does not require paid published newspaper notices, but other statutes may require a published notice for certain types of meetings or hearings. If a paid newspaper publication is used to give notice, it should be ensured that it was published in a timely fashion before the meeting convenes.³⁴ Posting online is a good supplement to other methods, but it is not recommended as a substitute for other means of notice to the public.³⁵ In 2021, the statutes were amended to allow publishing legal notices on the governmental body's website and post in one location; however, the legislation did not change the requirement that notice "be given in a manner reasonably likely to apprise the public," and the policy favoring full and complete information (see Wis. Stat. § 985.02 regarding electronic posting of legal notices).

The Open Meetings Law also requires providing notice to the news media.³⁶ Notice may be in writing, by telephone, voice mail, fax or email. Written methods are best because doing so creates a record of the notice that can later be used as proof of compliance with the notice to news media requirement.

Notice must be given to any news media that has made a written request, as well as to the official newspaper for the governmental unit. If there is no official newspaper, then notice must be sent to the newspaper that is likely to give notice in the area. The newspaper does not have to print the notice and you do not have to pay to publish the notice, but you must send the notice to the newspaper whether they publish it or not.³⁷ The law does not define the term "news media," so caution must be exercised in determining who may or may not be entitled to request notices.

The notice must state the time, date and place of the meeting. If a closed session is anticipated, the notice must include the item to be considered and a citation to the particular

statute justifying the closed session (see “Permitted Exemptions for Holding Closed Sessions,” page 82).³⁸

The notice must also state the subject matter of the meeting. Discussion on any action or matter is limited to the topics specified in the notice (there is a limited exception for a public comment period, which is discussed below). The content of the notice must be “reasonably likely to apprise the public” of what will be addressed at the meeting.³⁹ In other words, the subject matter must be specific enough to let people interested in a subject matter know that it will be addressed at the meeting. In most situations, a meeting agenda will suffice as notice.

Courts reviewing and enforcing compliance with the Open Meetings Law will determine if the notice is specific enough on a case-by-case basis. That means what may be adequate subject matter notice in one instance may not be adequate in a different instance. For example, a notice stating “employee contracts” could be adequate, but if it includes the contract of a controversial employee, then “employee contracts” would not be specific enough to satisfy the Open Meetings Law.⁴⁰

The Wisconsin Supreme Court has identified three factors to consider when determining if notice of subject of a meeting is reasonably specific:

1. The burden of providing more detailed notice. This factor balances specificity with the efficient conduct of public business.
2. Whether the subject matter is of particular interest to the public. This factor considers the number of people interested and the intensity of interest.
3. Whether the subject involves a non-routine action that the public would be unlikely to anticipate. This factor recognizes there may be less need for specificity with routine matters and more need for specificity where novel issues are involved.⁴¹

The attorney general’s office advises that any generic notice that contains expected reports or comments by a member, official or presiding officer should state the topics that will be addressed in the report. The attorney general’s office further advises that generic subjects, such as “old business,” “new business,” “agenda revisions,” “such other matters as authorized by law,” or other subjects that fail to include further subject matter identification are inherently insufficient notice.⁴²

A separate notice is required before each meeting of the governmental body. A general notice that is meant to cover a period of time (e.g., a week, a month) is not allowed. Notice must be given at least 24 hours prior to the meeting. The Open Meetings Law says that for “good cause,” a shorter time for notice may be given; however, it must be at least two hours in advance of the meeting. Forgetting the notice or negligence is not good cause. Remember that the purpose of the law is a well-informed public, so any doubts about good cause should be resolved in favor of the public.

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The presiding officer, or their designee, of the governmental body is responsible to give notices under the Open Meetings Law.⁴³ The statute only assigns responsibility and accountability for meeting notices to the presiding officer, but agenda-setting procedure is more properly the subject of the body's local procedural rules.

The Open Meetings Law does not mandate the public be allowed to participate in a meeting. A governmental body may, but is not obligated to, provide for a period of "public comment" during a meeting. During that period, the governmental body may receive information from members of the public, but only limited responses or discussion is permitted if comments are on a subject matter not included in the notice.⁴⁴

Meetings must be open to all persons, except when closed for a specific permitted purpose (see below). An open meeting means that it is reasonably accessible to members of the public.⁴⁵ Accessible also means "reasonable effort" to accommodate persons who want to record, video or photograph the meeting, provided that those activities do not interfere with the meeting or rights of other participants.⁴⁶

Permitted Exemptions for Holding Closed Sessions

Some subjects, if discussed in an open meeting, could actually be adverse to the public interest. Consider if the meeting subject is purchasing a parcel of real estate the county needs and the board wants to consider acceptable terms to authorize for negotiation. Typically, an administrator or staff person is given an acceptable range of prices to use in negotiation, but if the possible terms and prices are discussed in open session, bargaining power will be compromised as the seller will know the highest price the county has authorized. Similarly, staff investigation and discipline issues must be treated with caution given the potential legal concerns and reputations at stake. To avoid possible harm to the public interest in these circumstances and others, the Open Meetings Law sets forth specific exemptions that permit conducting business on limited subject matters in a closed session.

Remember that the purpose of the Open Meetings Law is providing the public with "the fullest and most complete information regarding the affairs of government as is compatible with the conduct of government business," and the Open Meetings Law is to be construed liberally in favor of achieving that purpose.⁴⁷ Another general requirement of the Open Meetings Law is that all governmental business shall be conducted in open session.⁴⁸ Considering these requirements of the statutes, the exemptions in Wis. Stat. § 19.85 must be construed strictly and narrowly.⁴⁹ If there is any doubt of whether a closed session exemption applies to the meeting subject matter in question, whether to close the meeting should be resolved in favor of openness.⁵⁰ Similarly, when making decisions surrounding the propriety of closed session, counties should work closely with their corporation counsel to ensure legal requirements are satisfied.

A closed session may be held for one or more of 11 specified exemptions in the statutes.

The following exemptions are of the most interest to local government bodies:

- ❑ **“Case” deliberations. Wis. Stat. § 19.85(1)(a).** This narrow exemption considers a “case” to be the subject of a quasi-judicial hearing that has many aspects of a court case: adversaries, witnesses, direct and cross examination of witnesses.⁵¹
- ❑ **Employee discipline, licensing, tenure and employee evaluation. Wis. Stat. § 19.85(1)(b) and (c).** Two open meeting exemptions involve one or more public employees. Closed sessions are permitted under Wis. Stat. § 19.85 (1)(b) when the subject is the dismissal, demotion, licensing, tenure or discipline of a public employee. Wis. Stat. § 19.85(1)(c) permits closed session when considering employment, promotion, compensation or performance evaluation. These two exemptions do not include all employee-related subjects, but facts and information about a specific employee(s). It does not grant an exemption when discussing policies involving a department or all employees in general.⁵² Neither consideration of action to fill a vacancy on the governmental body nor appointments to committees can be in closed session.⁵³

If a closed session is to consider employee dismissal, demotion or discipline and an evidentiary hearing or final action is contemplated, then the employee may demand that the hearing or meeting be in open session. Employees must be given notice of such closed hearings or sessions and be advised of their right to have it take place in open session. However, the employee does not have the right to demand the meeting be in closed session.⁵⁴

- ❑ **Criminal matters. Wis. Stat. § 19.85(1)(d).** This exemption allows closed sessions to consider strategies for crime prevention or detection. It also allows closed session to consider probation or parole, but this is not a local government function.
- ❑ **Purchases and competitive bargaining. Wis. Stat. § 19.85(1)(e).** As mentioned above, closed sessions are allowed when deliberating or negotiating the purchase of public property, investment of public funds, or other specified public business, when competitive or business reasons require a closed session. The competitive or bargaining reasons must relate to reasons benefiting the governmental body, not a private party’s desire for confidentiality.⁵⁵
- ❑ **Damaging personal information. Wis. Stat. § 19.85(1)(f).** Closed session is permitted when considering financial, medical, social or personal histories, or disciplinary data of specific persons. It also includes preliminary consideration of specific personnel problems or investigation of charges against a specific person, except when that person’s right to an open meeting applies. This exception can only be used if discussion in an open session would have a substantial adverse effect on the reputation

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of the person involved. This exemption applies to “specific persons” as compared to a small classification of public employees (see “Employee discipline, licensing, tenure and employee evaluation,” above).

- **Legal consultation.** Wis. Stat. § 19.85(g). Conferring with legal counsel who is giving written or oral advice about strategy to be adopted in litigation in which the governmental body is or is likely to be involved. Legal counsel must be present at the meeting to invoke this exemption.
- **Confidential ethics opinion.** Wis. Stat. § 19.85(1)(h). Used to consider a request for confidential written advice from a local ethics board.

Conducting Permitted Closed Session

The Open Meetings Law spells out a specific process to meet in closed session. Notice must be given of a contemplated closed session, and the notice must describe the subject matter and specify the specific statutory exemption(s) allowing the closed session.⁵⁶ The notice of the subject matter of a closed session must be specific enough to allow the members voting on a motion for closed session and the public to discern whether the subject is authorized for closed session under Wis. Stat. § 19.85(1). Recent case law encourages governmental bodies to preface a motion to proceed in closed session with an explanation of why a closed session may be appropriate and providing time for questions and discussion surrounding the need for closed session.⁵⁷

To go into a closed session, the meeting must begin in open session. The body’s presiding officer must announce the authority and subject matter of the proposed closed session. The announcement must be included in the meeting minutes or record. A motion to go into closed session must be made and seconded, followed by a vote so that each member’s vote can be determined. The motion, the second and the vote must be part of the meeting record.⁵⁸ Once a body goes into closed session, it cannot reconvene in open session for 12 hours unless public notice was given in the original notice of its intent to return to open session.⁵⁹

If the need arises, the body can go into closed session on an item specified in the public notice.⁶⁰ In such a case, the closed session item should be placed at the end of the agenda because the body cannot reconvene in open session when there was not a notice of the closed session. This is a very narrow provision, and whenever time allows, 24-hour notice must be given, or if there is good cause, at least two-hour notice could be used to give an amended notice that includes an indication that a closed session was not originally contemplated.

As with open sessions, motions and votes in closed session must be recorded. However, in almost all circumstances, votes should be taken in open session, unless voting is an integral part of the closed session and the reason for going into closed session would be defeated or compromised by votes in open session.⁶¹

Only matters for which the session was closed may be considered in closed session.⁶² All governmental body members may participate in closed session, including those who voted against closed session. This includes a committee meeting in closed session, even if members are not on that committee, unless the governing body has a formal rule or ordinance allowing for the exclusion of members who are not serving on the committee.⁶³ The body has discretion to admit anyone to a closed session they deem necessary to conduct the business of the closed session.⁶⁴

Voting and Records

Generally, motions, seconds and any roll call votes must be recorded, preserved and made available to the extent prescribed by the Public Records Law (see the chapter, “Wisconsin Public Records Law,” page 89).⁶⁵ Certain statutes require each member’s vote to be recorded; for example, Wis. Stat. § 19.85, discussed above, requires each member’s vote to be recorded in order to convene into closed session. The Open Meetings Law and Wis. Stat. § 59.23(2)(a) provide that any supervisor may require a roll call vote.⁶⁶

Conducting Meetings in a Virtual Environment

Many counties have found meeting by teleconference or videoconference is a convenient and, at times, necessary way for the governmental body to convene. Meeting through remote communication allows members of a governmental body to participate without being physically present (if the county specifically allows for remote attendance by board rule). But while a virtual meeting may be more convenient, it is important to remember that all of the rules relating to Open Meetings Law compliance applicable to an in-person meeting apply in equal force to a virtual meeting. Specifically, the public has a right to notice of the meeting and the right to access the meeting, in addition to the myriad other requirements discussed herein.

On March 20, 2020, at the outset of the COVID-19 pandemic, the attorney general issued guidance on Open Meetings Law compliance for virtual meetings. The guidance provided counties with significant comfort in navigating the legal and practical challenges brought about by virtual meetings. Specifically, the attorney general’s guidance provided:

- ❑ Governmental bodies must ensure that they follow the notice requirements of Wis. Stat. § 19.84, and such notice should inform the public that the meeting will be held remotely and provide all information necessary for the public to monitor the meeting.
- ❑ Notices should provide instructions for how the public may access the remote meeting, whether it is to be held via a telephone conference call or a videoconference. This includes providing the telephone number, videoconference link, and any necessary passcodes or other login information. As the Wisconsin Department of Justice’s Office of Open Government advised in its March 17, 2020 advisory, a governmental body

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conducting a meeting remotely should be mindful of the possibility that it may be particularly burdensome or even infeasible for one or more individuals who would like to observe a meeting to do so remotely — for example, for people without telephone or internet access or who are deaf or hard of hearing — and appropriate accommodations should be made to facilitate reasonable access to the meeting for such individuals.

- When conducting a videoconference or internet-based meeting, the governmental body should strongly consider providing the public with an alternative telephone dial-in option for observing such a meeting so that lack of internet access is not a barrier to monitoring the meeting.
- At the beginning of each meeting conducted remotely, the chair of the governmental body should encourage all members to identify themselves before they begin speaking and not to speak over one another. This will help all those listening to the meeting better understand who is speaking.

As a bottom line, governmental bodies meeting remotely can and should consider steps that ensure that their meetings remain open and accessible to the public.

Penalties and Enforcement (Wis. Stat. §§ 19.96 and 19.97)

Violations of the Open Meetings Law are punishable by a court imposing a civil forfeiture penalty or a fine of \$25 to \$300 against members who attended a meeting in violation of the law, or a presiding officer who violated the notice requirement. These amounts are the base penalty and, with mandatory court costs and assessments, a \$300 forfeiture can reach over \$500. Any forfeiture imposed must be paid by the members themselves and cannot be reimbursed by the governmental unit.⁶⁷ If the enforcement involves an improper closed session, members who voted against convening in closed session have a defense to the charge.⁶⁸

In addition, a court enforcing the Open Meetings Law has the power to void any action taken at a meeting in violation of the Open Meetings Law. There may be other remedies, such as an injunction, that the court may order.⁶⁹ A court also can order that the reasonable costs of prosecuting the violation can be recovered.

To start an enforcement action, any person may file a complaint under oath, known as a “verified complaint,” with the county district attorney (DA). If the DA does not bring an enforcement action within 20 days, the person may bring their own enforcement action in the name of the state. If successful, violators can be required to pay the actual costs and reasonable attorney fees of bringing the court action. In some cases, the attorney general’s office may bring an enforcement action.

These penalties are serious, but even allegations of Open Meetings Law violations often have a devastating effect on public trust in the governmental body and its members. There is also the personal embarrassment to the members. On the other hand, being mindful of the

purpose and requirements of the Open Meetings Law is a means to build public trust.

Reference and Advice

Refer to Wis. Stat. §§ 19.81 – 19.98 for the specific wording of the law. The state Department of Justice has created the Office of Open Government, which has a website where you will find Open Meetings Law statutes, the “Wisconsin Open Meetings Law Compliance Guide” (2025), and other resources. Visit wisdoj.gov and click on “Open Meetings” under the “About Us” tab. Advice on the Open Meetings Law is also available from the county corporation counsel and the Department of Justice.

Endnotes

1. Wis. Stat. § 19.81 (3).
2. State ex rel. Newspapers, Inc. v. Showers, 135 Wis.2d 77, 79 (1987); State ex rel. Badke v. Village Board of the Village of Greendale, 173 Wis.2d 553, 571 (1993).
3. For example: Badke, 173 Wis.2d 553 at 570 (1993); Journal Times v. City of Racine Bd. of Police and Fire Comm’rs, 2015 WI 56 ¶ 46.
4. Citizens for Responsible Development v. City of Milton, 2007 WI App 114, ¶16.
5. Wis. Stat. § 19.82(1).
6. 78 Op. Atty. Gen. 67.
7. Open Meeting Law Compliance Guide, p. 2-4 (2019).
8. Krueger v. Appleton Area School District, 2017 WI 70, ¶¶24-26.
9. Wisconsin Supreme Court Interprets “Governmental Body” Broadly in Latest Ruling, Christine V. Hamiel and Andy Phillips, von Briesen and Roper, s.c., Wisconsin Counties, September 2017, p.12.
10. Wis. Stat. § 19.82(1).
11. State v. Beaver Dam Area Development Corp., 2008 WI 90, ¶44.
12. Beaver Dam, ¶45.
13. Beaver Dam, ¶72.
14. Beaver Dam, ¶66.
15. Beaver Dam, ¶78.
16. Beaver Dam, ¶¶73,74.
17. Beaver Dam, ¶75.
18. State ex rel. Flynn v. Kemper Ctr., Inc., 2019 WI App 6, ¶¶15-16.
19. Wis. Professional Police Association, Inc. v. Wis. Counties Association, 2014 WI App 106.
20. Wis. Stat. §§ 19.82(1) and 19.86.
21. Wis. Stat. § 19.82(2).
22. See note 2, above.
23. This was the situation in the Showers case, above.
24. Showers, 135 Wis.2d at 92, 100 (quoting State ex. rel. Lynch v. Conta, 71 Wis.2d 662, 687 (1976)).
25. State ex rel. Zecchino v. Dane Cnty., 2018 WI App 19, ¶10.
26. Open Meeting Law Compliance Guide, p. 11 - 12 (2019).
27. Badke, 173 Wis.2d 553, 561.
28. July 26, 2016, correspondence from Assistant Attorney General Paul Ferguson to John Bodnar, Winnebago County Corporation Counsel, and Scott Ceman, Winnebago County District Attorney.
29. Wis. Stat. § 19.82(3).
30. Badke, 173 Wis.2d 553, 580-81.
31. Wis. Stat. §§ 19.83 and 19.85.
32. Wis. Stat. § 19.84(4).
33. 66 Op. Atty. Gen. 230, 231 (1977); Martin v. Wray, 473 F. Supp. 1131, 1137 (E.D. Wis. 1979).
34. Open Meeting Law Compliance Guide, p. 15 (2019).
35. AG-Peck Informal Correspondence, April 17, 2006.
36. Wis. Stat. § 19.84(1)(b).
37. Wis. Stat. § 19.84(1)(b).
38. Wis. Stat. § 19.85(2).
39. Wis. Stat. § 19.84(2).
40. State ex rel Buswell v. Tomah, 2007 WI 71.
41. State ex rel Buswell, ¶¶29-31.
42. Compliance Guide, p. 17-18 (2019); AG-Thompson Informal Correspondence, September 3, 2004.; AG-Ericson Informal Correspondence, April 22, 2009.
43. Wis. Stat. § 19.84(1)(b).
44. Wis. Stat. § 19.85(2).
45. Wis. Stat. § 19.82(3).
46. Wis. Stat. § 19.90.
47. Wis. Stat. §§ 19.81(1) and (4).
48. Wis. Stat. § 19.83(1).
49. State ex rel. Hodge v. Town of Turtle Lake, 180 Wis.2d 62, 70 (1993).
50. The open meeting exemptions permit conducting certain business in closed session, but do not require it. Therefore, they do not create a legal confidentiality privilege protecting disclosure of the content of a closed meeting, such as from discovery in a civil lawsuit. Any confidentiality requirements arise under other laws. Sands v. Whitnall School Dist., 2008 WI 89.
51. See Hodge, above.
52. Oshkosh NW. Co. v. Oshkosh Library Bd., 125 Wis. 2d 480, 486 (Ct. App. 1985).
53. 76 Op. Atty. Gen. 276 (1987) an 74 Op. Atty. Gen. 70, 72 (1985).
54. State ex rel. Schaeve v. Van Lare, 125 Wis. 2d 40, Ct. App. 1985).
55. State ex rel. Citizens v. City of Milton, 2007 WI App 114, ¶¶14-15.
56. Wis. Stat. §§ 19.84(2) and 19.85(1).
57. State ex re. Oitzinger v. City of Marinette, 2025 WI App 19.
58. Wis. Stat. § 19.85(1).
59. Wis. Stat. § 19.85(2).
60. 66 Op. Atty. Gen. 106 (1973).
61. Open Meeting Law Compliance Guide, p. 30 (2019).
62. Wis. Stat. § 19.85(1).
63. Wis. Stat. § 19.89(2).
64. Informal correspondence, December 15, 1988.
65. Wis. Stat. §§ 19.88 and 985.01(6).
66. Wis. Stat. § 19.88(2).
67. 66 Op Atty. Gen. 226 (1977).
68. Wis. Stat. § 19.96.
69. Wis. Stat. §§ 19.97(2) and (3).

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Policy of Access

Local governments keep a variety of records dealing with citizens, businesses and government activities. To further the goal of having an informed public, Wisconsin’s policy is to give the public “the greatest possible information regarding the affairs of government. . .”¹ Accordingly, the Public Records Law (Wis. Stat. §§ 19.32 – 19.37) must “be construed in every instance with a presumption of complete public access, consistent with the conduct of government business.” The statute further provides that “denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied.”²

What is a Public Record?

A public record is a “record” of an “authority.”

Items covered. A “record” is defined as “any material on which written, drawn, printed, spoken, visual or electromagnetic or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by an authority.” The term record includes, “but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical disks, and any other medium on which electronically stored data is recorded or preserved.”³ A website maintained by a public official about government business is also a public record, and access cannot be restricted.⁴ A record also includes emails and other correspondence sent to an elective official.⁵ Importantly, it does not matter where the record is stored. If it meets the definition, it is a record even if stored on a personal device.

Items not covered. The term “record,” “does not include drafts, notes, preliminary computations and like materials prepared for the originator’s personal use, or prepared by the originator in the name of a person for whom the originator is working...” This exception is narrowly interpreted. If a draft or other preliminary document is used as if it were a final document, it is not excluded from the definition of record.⁶ Therefore, a so-called “draft report” used to determine policy, notes circulated outside the chain of the originator’s supervision, as well as notes used to memorialize a governmental body’s activity or used to communicate information, are records under the law. Notes used solely to refresh the originator’s memory, even if used at a later time, although arguably a document used in government, still are not records.⁷

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A record does not include materials that are the personal property of the custodian and do not relate to the custodian's office. Consistent with that, the Wisconsin Supreme Court has determined that solely personal emails of public employees are not public records.⁸ However, the attorney general's office advises that if any part of an email sheds light on governmental functioning, then it is subject to disclosure.⁹

Materials to which access is limited by copyright, patent or bequest are not public records although in certain situations copyrighted material may, under the fair use doctrine, be considered a public record.¹⁰ Likewise, published materials of an authority available for sale and published materials available for inspection in a public library are not records.¹¹

“Authority.” This term is broadly defined in the law to include state and local offices, elective officials, agencies, boards, commissions, committees, councils, departments and public bodies created by the constitution, statutes, ordinances, rules or orders.¹²

Local governing bodies, offices, elective officials and their committees, boards, and commissions are covered. An “elective official” is an individual who holds an office that is regularly filled by the vote of the people.¹³ However, when an elective official leaves office, they are no longer an “authority.”¹⁴ Authority also includes governmental corporations; quasi-governmental corporations; a local exposition district; a long-term care district; any court of law; and nonprofit corporations that receive more than 50% of their funds from a county, city, village or town and provide services related to public health or safety to those units. Other factors are applied on a case-by-case basis when determining if a corporation is a quasi-governmental corporation, such as whether it performs a governmental function, degree of government access to its records, express or implied representations of government affiliation, and extent of government control of the corporation.¹⁵ Finally, subunits of the above are also authorities.¹⁶

Management and Destruction of Records; Requested Records

Every public officer is the legal custodian of the records of their office.¹⁷ The statutes provide standards for retaining records and also provide procedures and timetables for transferring obsolete records to the Wisconsin Historical Society or destroying them.

The otherwise legal destruction of records cannot be used to undermine a person's public records request. No record may be destroyed until after a request to copy or inspect has been granted, or until at least 60 days after the date of denial of such request (90 days in the case of a request by a committed or incarcerated person).¹⁸ Likewise, records that are subject to litigation may not be destroyed. However, the records retention law, Wis. Stat. § 19.21, is not a part of the Public Records Law, which provides limited remedies for a requester seeking destroyed records, such as deleted emails.¹⁹ Also, it is not a prohibited destruction of a requested public record if an identical copy is destroyed.²⁰

What is a Local Public Office?

“Local public office” is a term used in Public Records Law provisions concerning an authority’s posting requirement and a requester’s right of access to job applications and to other records with personally identifiable information. “Local public office” covers elected officers of local governmental units; a county administrator, administrative coordinator, or a city or village manager; appointed local officers and employees who serve for a specified term; and officers and employees appointed by the local governing body, executive, or administrative heads who serve at the pleasure of the appointing authority.²¹ The term also includes appointed offices or positions in which an individual serves as head of a department, agency or division of the local governmental unit.

“Local public office” does not include persons who perform only clerical or ministerial tasks (i.e., jobs with duties involving little or no discretion), such as non-supervisory clerical support positions or manual laborers. Independent contractors are also not considered a “local public office.”²² Thus, contracted municipal assessors are not subject to the law.²³ However, local governments may not avoid responsibilities under the Public Records Law by contracting for collection, maintenance and custody of public records and directing document requesters to that contractor.²⁴ Also, the term “local public office” does not include any “municipal employee” as defined under Wis. Stat. § 111.70(1)(i), the municipal employment relations law.

Legal Custodians (Wis. Stat. § 19.33)

In general. The legal custodian maintains public records and has the duty to make decisions regarding access to the records.²⁵ Specific statutes outside of the Public Records Law may establish record-keeping duties. For example, local clerks, including county clerks, are designated as records custodians.

Elective officials. The Public Records Law provides in general that elective officials are the custodians of the records of their offices, unless they have designated an employee on their staff to act as custodian. Chairs and co-chairs of committees and joint committees of elective officials, or their designees, are the custodians of that body's records.

Other custodians; designations. If one authority (other than an elective official, committee or joint committee of elective officials) appoints another authority or provides administrative services for the other authority, the parent authority may designate the legal custodian for such other authority.²⁶

State and local authorities (other than elective officials and their committees and joint committees), under the Public Records Law, must designate custodians in writing and provide their names and a description of their duties to employees entrusted with records under the custodian. If the statutes do not designate a custodian and the authority has not

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designated one, the highest ranking officer and the chief administrative officer, if any, are the authority's custodian. An authority or legal custodian (other than members of local governmental bodies) must designate a deputy legal custodian to respond to requests for records maintained in a public building.

Records in a public building. The legal custodian of records kept in a public building must designate one or more deputies to act in their absence. This requirement does not apply to members of any local governmental body, such as a county board supervisor.

Office Hours and Facilities; Computation of Time

Posted notice required. Wis. Stat. § 19.34(1). Each authority must adopt and prominently display a notice describing its organization, the times and locations at which records may be inspected, the identity of the legal custodian, the methods to request access to or copies of records, and the costs for copies. If the authority does not have regular office hours at the location where records are kept, its notice must state what advance notice is required, if any, to inspect or copy a record.²⁷ The posted notice must also “identify each position of the authority that constitutes a local public office or a state public office” (see “What is a Local Public Office?” above).²⁸

The posting requirement, however, does not apply to members of the Legislature or to members of any local governmental body, such as a county board supervisor.

Hours. Wis. Stat. § 19.34(2). An authority with regular office hours must, during those hours, permit access to its records kept at that office, unless otherwise specified by law. If the authority does not have regular office hours at the location where the records are kept, it must permit access upon 48 hours written or oral notice. Alternatively, an authority without regular hours at the location where records are kept may establish a period of at least two consecutive hours per week for public access to records, and may require 24 hours advance written or oral notice of intent to inspect or copy a record within the established access period.

If a record is at times taken from the location where it is regularly kept and inspection is allowed at the location where the record is regularly kept upon one business days' notice, inspection does not have to be allowed at the occasional location.

Computation of time. Wis. Stat. § 19.345. Under the public records provisions in Wis. Stat. §§ 19.33 – 19.39, Saturdays, Sundays and legal holidays are excluded from the computation when the time in which to do an act (e.g., provide a notice) is specified in hours or days.

Facilities. Wis. Stat. § 19.35(2). The authority must provide a person who is allowed to inspect or copy a record with facilities comparable to those used by its employees to

inspect, copy and abstract records during established office hours. The authority is not required to provide extra equipment or a separate room for public access. The authority has the choice of allowing the requester to photocopy the record or providing a copy itself.²⁹ In order to protect the original, the custodian may refuse to allow the requester to use their own photocopier to copy the record.³⁰

Priority and Sufficiency of Request

Response to a public records request is a part of the regular work of the office. An authority must “as soon as practicable and without delay” fill a public records request or notify the requester of the decision to deny the request in whole or in part, and the reasons for that decision.³¹ In some cases, the custodian may delay the release of records to consult legal counsel. Specified time periods apply for giving notice of the intended release of certain records containing personally identifiable information on employees and individuals who hold public office (see “Personally Identifiable Information,” page 98).

A request must reasonably describe the record or information requested.³² A request is insufficient if it has no reasonable limitation as to subject matter or length of time represented by the request. For example, a request that would have resulted in 180 hours of audio tape and a request for three years of all of a county department’s emails were found by courts to be excessive. However, a request to a school district for a list of parent email addresses that were sent an invite from the school district to a webinar focused on race and privilege was deemed reasonable.³³ Although filling a request may involve a large volume of records, at some point a broad request can become so excessive that it may be rejected.³⁴

Form of Request and Response; Separation of Information

A request may be either oral or written.³⁵ If a mailed request asks that records be sent by mail, the authority cannot require the requester to come in and inspect the records; rather, it must mail a copy of the requested record, assuming that it must be released and any required prepayment of fees has been made (see “What Fees May Be Charged” and “Limitations on Access,” pages 95 and 96).³⁶ Also, a response that requires unauthorized costs or conditions is considered a denial even though the response does not use words like “deny” or “refuse.”³⁷

A request that is granted does not often present a problem. However, denials of requests must be made in accordance with legal requirements. An oral request may be denied orally, unless a demand for a written reply is made by the requester within five business days of the oral denial.³⁸

The request must be in writing before an action to seek a court order or a forfeiture may be started. Any written request that is to be denied by the authority must receive a written denial that must state the reasons for the denial. The denial must also inform the requester

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that they may request the district attorney or attorney general to file a mandamus action in the local circuit court. Further, the denial must include that the court action will review the custodian's denial of access and a court order can be granted to release the record (see "Enforcement and Penalties," page 104).³⁹

If a record contains both information that is subject to disclosure and information that is not, the information that may be disclosed must be provided and the confidential information deleted.⁴⁰

Form of Record

Photocopies. Many requested records can be photocopied. The authority may either provide a photocopy of such record to the requester or allow the requester to make the copy (as noted above under "Facilities").⁴¹ If the form of the record does not permit photocopying, the requester may inspect the record and the authority may permit the requester to photograph the record.⁴² If requested, the authority must provide a photograph.

Audio Recordings. For audio recordings, the authority may provide a copy of the recording substantially as audible as the original or a transcript.⁴³ When an audio recording or handwritten record would reveal a confidential informant's identity, the authority must provide a transcript if the record is otherwise subject to inspection.⁴⁴ A requester has a right to a copy of a video recording that is as substantially as good as the original.⁴⁵

Digital records. An authority must provide relevant data from digital records in "an appropriate format." It is not necessary for a requester to examine the exact information in an authority's electronic database. This is because the data may be at risk of damage or unwitting exposure of confidential information by complete access to the database. For example, providing property assessment information for all properties in the database as PDF documents satisfied a request for all property data from the digital record.⁴⁶ However, when a request specifically asked for emails in "electronic form," the requester was "entitled to the emails in electronic form."⁴⁷

Putting records into comprehensible form. If the record is in a form not readily comprehensible, the requester has the right to information assembled and reduced to written form, unless otherwise provided by law.⁴⁸ Except to put an existing record into a comprehensible form, the authority has no duty to create a new record by extracting and compiling information.⁴⁹ However, the custodian does have to separate information that may be disclosed from that which is being withheld.⁵⁰

Published records; restrictions on access. A record that has been published, or will be promptly published and available for sale or distribution, need not be otherwise offered for public access.⁵¹ Note that the definition of record above does not include published materials of an authority available for sale or published materials available for inspection at a public library.⁵²

Protecting records from damage. Reasonable restrictions may be placed on access to protect irreplaceable or easily damaged original records.⁵³

What Fees May Be Charged?

Fees that do not exceed the “actual, necessary and direct” cost of copying, photographing, or transcribing, and mailing or shipping a record may be charged to a requester of public records, unless another fee is set or authorized by law.⁵⁴ The authority may reduce or waive fees if that is in the public interest. The Wisconsin Department of Justice recommends careful examination of actual costs for copying documents. The state attorney general advises that an authority may not profit on its responses to public records requests.⁵⁵ The exception is when a statute provides for a fee other than actual costs. As an example of a statute providing for a different fee, the register of deeds may charge \$2 for the first page and \$1 for additional pages for copies of records under Wis. Stat. § 59.43(2)(b). Also, the register of deeds, with the approval of the county board, may enter into a contract for the provision of records in electronic format at a price set as provided under Wis. Stat. § 59.43(2)(c).⁵⁶

A copy fee may include a charge for the time it takes a clerical worker to copy the records on a copy machine, and it is recommended that the fee be based on the wages of the lowest paid employee in the particular office.⁵⁷ Costs associated with locating a record may be passed on to the requester only if the location costs are \$50 or more. Computer programming expenses required to respond to a request may be charged.⁵⁸ Importantly, the costs associated with redacting public records (to separate information that may be disclosed from that which may not) cannot be charged.

Prepayment of fees may be required only if the fee exceeds \$5. However, if the requester is a prisoner who has failed to pay any fee for a previous request, the authority may require prepayment of both the previous and current fee.

There are special rules on what fees may be charged for access to video records of a law enforcement agency. Corporation counsel should be consulted in these situations to ensure the proper calculation of the fee.

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Inspection of Public Records

Any requester has a right to examine a public record unless access is withheld according to law. As noted above, the presumption is that public records are open to inspection. Access to a public record, in accordance with Wis. Stat. §§ 19.35(1)(a) and 19.36(1), may be denied when:

- A state or federal law exempts the record from disclosure.
- The courts have established a limitation on access. This is known as a “common law exemption.”
- The harm to the public interest from disclosure outweighs the public interest in inspection. This requires the custodian to perform the “balancing test” (see below), often with the advice of legal counsel. The balancing test is also a common law doctrine.

Limitations on Access Under the Common Law; The Balancing Test

The statute provides that common law principles (i.e., the law developed in published court decisions) on the right of access to records remain in effect.⁵⁹ For example, the common law provides an exception to public access to a district attorney’s prosecution files.⁶⁰ Most importantly, the common law has created the concept of the balancing test to weigh the competing public interests in making the disclosure decision. In a 2008 case, the court ruled that the above common law exception for records in the custody of the district attorney’s office does not allow another custodian, the sheriff’s department in this case, to withhold the same record held by the district attorney’s office although the sheriff’s department may withhold the record for a sufficient policy reason after applying the balancing test.⁶¹

The balancing test. Often, no statutory provision or common law ruling answers the question of whether access to a public record may be denied. When the custodian has some doubt about whether the record should be released, the balancing test must be performed. Under the common law, public records may be withheld only when the public interest in nondisclosure outweighs the public interest in disclosure.⁶² Essentially, any reasons for nondisclosure must be strong enough to outweigh the strong presumption of access.⁶³ The custodian must state specific policy reasons for denying access; a mere statement of a legal conclusion is inadequate.⁶⁴ In explaining the denial, it may be helpful to cite statutory provisions (such as the Open Meetings Law exemptions, if applicable) that indicate a public policy to deny access, even if these provisions may not specifically answer the access question.

Before refusing a request in an unclear situation, or granting a request that may invade a person's privacy or damage a person's reputation, the custodian should consult the county corporation counsel. The attorney general's office may also be consulted (see "Reference and Advice," page 106).

Using Open Meetings Law exemptions in the balancing test. The statutory exemptions under which a governmental body may meet in closed session under Wis. Stat. § 19.85(1) of the Open Meetings Law indicate public policy, but the custodian must still engage in the balancing test and may not merely cite such an exemption to justify nondisclosure.⁶⁵

Examples of Statutory Limitations on Access

- ❑ **Records requested by prisoners and committed persons. Wis. Stat. § 19.32.** The definition of "requester" itself results in a limitation on access. Requester does not include any person who is committed or incarcerated unless the person requests inspection or copies of a record that contain specific references to that person or to their minor children if the physical placement of the children has not been denied to the person. Release of records to a committed or incarcerated person is subject to records that are otherwise accessible under the law.
- ❑ **Certain law enforcement investigative records. Wis. Stat. § 19.36(2).** Access to these records is limited where federal law, as a condition for receipt of aid, provides limitations.
- ❑ **Computer programs; trade secrets. Wis. Stat. §§ 19.36(4) and (5).** The computer program itself is not subject to inspection and copying although the information used as input is subject to any other applicable limitations (see also "Digital records," page 94).
- ❑ **Identities of applicants for public positions. Wis. Stat. § 19.36(7).** Records that would reveal the identities of job applicants must be kept confidential if the applicants so request in writing. However, the identities of final candidates to local public office may not be withheld. A final candidate is an individual who is one of the five most qualified applicants, or a member of the final pool if the pool is larger than five. If there are fewer than five candidates, each one is a final candidate.
- ❑ **Identities of law enforcement informants. Wis. Stat. § 19.36(8).** Information that would identify a confidential informant must be deleted before a requester may have access to the record.
- ❑ **Employee personnel records and records of public officers (see below). Wis. Stat. §§ 19.36(10) – (12).**
- ❑ **Records subject to Judicial Privacy Act, Wis. Stat. §§ 19.36(15) and 757.07(4).**

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- ❑ **Financial identifying information.** Wis. Stat. § 19.36(13). Personally identifiable data that contains an individual’s account or customer number with a financial institution (such as credit card, debit card and checking account numbers) may not be released, unless specifically required by law.
- ❑ **Ambulance records.** Wis. Stat. §§ 146.881(4) and 146.82(1). Records made by emergency medical technicians and ambulance service providers are confidential patient health care records although certain information on the run is open to inspection.
- ❑ **Patient health care records.** Wis. Stat. §§ 146.81 – 146.84.
- ❑ **Law enforcement officers’ records of children and adult expectant mothers.** Wis. Stat. §§ 48.396 and 938.396.
- ❑ **Public library user records.** Wis. Stat. § 43.30.
- ❑ **Certain assessment records.** Personal property tax returns are confidential, except that they are available for use before the board of review.⁶⁶ Property tax income and expense information, used in property valuation under the income method, are confidential.⁶⁷ Real estate transfer returns are also confidential, with specified exceptions.⁶⁸
- ❑ **Personnel files.** Wis. Stat. § 103.13. An employer (whether a government or non-government employer) must allow an employee to inspect their personnel file, at least twice a year, within seven working days after the request is made. The employee may submit a statement for the file that disputes information in the file. If the employee and employer cannot agree to a correction, the statement must be attached to the disputed portion of the record and included with the record when released to a third party. Exceptions to the employee’s right to inspect include the following records: investigations of possible criminal offenses; letters of reference; test documents, other than section or total scores; staff management planning materials, including recommendations for future salary increases and other wage treatments, management bonus plans, promotions and job assignments, and other comments and ratings; personal information that would be a “clearly unwarranted invasion” of another person’s privacy; and records relevant to a pending claim in a judicial proceeding between the employee and employer.

Personally Identifiable Information

In 1991, the Legislature created provisions in the Public Records Law to help preserve the privacy of individuals. Generally, a person who is the subject of a record with personally identifiable information has greater access to that record than is otherwise available under the Public Records Law and may seek corrections to the information contained in

the record. Legislation also created a subchapter on “personal information practices.” This section covers the legislation that was designed to provide clarification on access to certain records containing personally identifiable information, primarily related to records of employees and local public officers.

- **Definitions. Wis. Stat. § 19.32.** “Personally identifiable information” means “information that can be associated with a particular individual through one or more identifiers or other information or circumstances.”⁶⁹ Refer to the exceptions below for what this term does not include. A “person authorized by the individual” means a person authorized in writing by the individual to exercise the rights to access records with personally identifiable information; the individual’s parent, guardian or legal custodian, if the individual is a child; the guardian of an individual adjudicated incompetent in this state; or the personal representative or spouse of a deceased individual.⁷⁰
- **Right to inspect: exceptions. Wis. Stat. § 19.35(1)(am).** In addition to a requester’s general right to inspect public records under Wis. Stat. § 19.35(1)(a)(above), a requester, or a person authorized by that individual, has the right to inspect and copy any record containing personally identifiable information pertaining to the individual that is maintained by an authority. However, this right of access does not include the following records:
 - **Investigations, etc.** Any record with information collected or maintained in connection with a complaint, investigation or other circumstances that may lead to an enforcement action, administrative proceeding, arbitration proceeding or court proceeding, or any record collected or maintained in connection with any such action or proceeding.⁷¹
 - **Security issues.** Any record with personally identifiable information that, if disclosed, would:
 - Endanger an individual’s life or safety
 - Identify a confidential informant
 - Endanger the security of specified facilities and institutions, including correctional, mental health and other secured facilities, centers for the developmentally disabled and for the care of sexually violent persons
 - Compromise the rehabilitation of a person incarcerated or detained in one of the facilities listed above
 - **Record series.** Any record that is part of a record series, as defined in Wis. Stat. § 19.62(7), that is not indexed or arranged so that the authority can retrieve it by use of an individual’s name, address or other identifier.

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- **Special Rule for Election Officials and Election Registration Officials.** If a written request is filed, personally identifiable information about these officials shall not be released.
- **Contractors' records.** Wis. Stat. §§ 19.36(3) and (12). The general right to access records of a contractor produced under a contract with an authority under Wis. Stat. § 19.36(3) does not apply to personally identifiable information. Such information on an employee of a contracting employer subject to the prevailing wage law cannot generally be accessed, except information on employee work classification, hours of work, and wage or benefit payment information may be released.
- **Responding to requests.** Wis. Stat. § 19.35(4)(c). The authority must follow a specific procedure when it receives a request from an individual, or a person authorized by the individual, to inspect or copy a record with personally identifiable information pertaining to the individual. In these cases, the requester generally has a right to inspect and copy a record.⁷² However, this right does not extend to a number of situations and records (see “Right to inspect; exceptions” and “Contractors' records” above).

The authority must first determine whether the requester has a right, under the general Public Records Law, to inspect or copy the record with personally identifiable information. If the requester has such a right, the authority must grant the request. This determination may involve the balancing test that is explained above. If the authority determines that the requester does not have the right to inspect or copy the record under the general Public Records Law, then the authority must determine whether the requester has the right to inspect or copy the record under the specific provisions of the law applicable to personally identifiable information, and grant or deny the request accordingly.

If the requested record contains information pertaining to a record subject other than the requester, or other than the record subject in a situation where the request is by a person authorized by that record subject, the provisions of Wis. Stat. § 19.356 on notice to a record subject apply (see the section below on “Personally Identifiable Information on Employees, Local Public Officers and Other Record Subjects”).

- **Correction of personally identifiable information.** Wis. Stat. § 19.365. An individual or person authorized by the individual may challenge the accuracy of personally identifiable information pertaining to the individual in records to which they have access by notifying the authority in writing of the challenge. The authority must then either correct the information or deny the challenge. If the challenge is denied, the authority must notify the challenger of the denial and allow the individual or person authorized by the individual to file a concise statement with the disputed portion of the record setting forth the challenge to the information. Only a

state authority is required to give reasons for a denial of a challenge. The challenge provision does not apply to records transferred to an archival depository or when a specific state or federal law governs challenges to the accuracy of the record.

- ❑ **Personal information practices. Wis. Stat. §§ 19.62 – 19.80.** Wis. Stat. § 19.65 provides that an authority must develop rules of conduct for employees who collect, maintain, use, provide access to, or archive personally identifiable information, and must ensure that these persons know their duties relating to protecting personal privacy.

Wis. Stat. §§ 19.65 – 19.80 also have provisions concerning the accuracy of data collection and the sales of names or addresses. An authority that maintains personally identifiable information that may result in an adverse determination against an individual’s rights, benefits or privileges must, to the greatest extent possible, collect the information directly from the individual or verify the information if obtained from another person.⁷³ Also, an authority may not sell or rent a record containing an individual’s name or address of residence unless specifically authorized by state law.⁷⁴

Personally Identifiable Information On Employees, Local Public Officers and Other Record Subjects

The release of records affecting the privacy or reputational interests of public employees has involved a good deal of legal uncertainty. Under Wisconsin Supreme Court decisions, custodians have been required to notify the subject when such records were requested and proposed to be released in order to give the record subject an opportunity to seek judicial review.⁷⁵ However, those cases did not establish criteria for determining when privacy and reputational interests are affected or for giving notice to affected parties.

The Legislature, in Wis. Stat. § 19.356, codified these cases in part, but under this statute, the rights apply only to a limited set of records. The statute’s procedure for notice and review now applies to four categories of records relating to employees, local public officers and other record subjects:

- ❑ Records of “record subjects” (i.e., persons who are the subject of personally identifiable information in public records) that, as a general rule, do not require notice prior to allowing access
- ❑ Records of employees and other record subjects that may be released under the balancing test only after providing the record subject with notice of impending release of the record and the right to judicial review prior to release of the record
- ❑ Records of local public officers that may be released under the balancing test only after providing notice to the record subject of the impending release of the record and the right to augment the record
- ❑ Records of employees and local public officers that are generally closed to access

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General rule regarding notice and judicial review. Wis. Stat. § 19.356(1). An authority is not required to notify a record subject prior to allowing access to a record containing information on the person except as provided in Wis. Stat. § 19.356 (see below) or as otherwise provided by statute. Additionally, the record subject is not entitled to judicial review prior to release of the record. Of course, a specific statute concerning access may apply and the authority may need to conduct the balancing test. The statute provides when notice and an opportunity for judicial review are required prior to release of records.

When notice to employee/record subject is required; opportunity for judicial review. Wis. Stat. §§ 19.356(2) – (8). The authority must provide written notice to the record subject, as specified in the statute, prior to releasing any of the three following types of records containing personally identifiable information pertaining to the record subject if the authority decides to allow access to the record. The authority in its notice must specify the requested records and inform the record subject of the opportunity for judicial review. The notice must be served on the record subject within three days of deciding to allow access; service is accomplished by certified mail or by personal delivery. The records requiring notice prior to release are as follows:

- ❑ **Disciplinary matters.** A record containing information relating to an employee that is created or kept by the authority and is the result of an investigation into a disciplinary matter involving the employee or the possible employment-related violation by the employee of a statute, ordinance, rule, regulation or policy of the employee’s employer. The attorney general’s office interprets this provision to be limited to disciplinary matters or possible employment-related violations by an employee of the employer in which the record was prepared by the employer, rather than by another entity.⁷⁶ In addition, if a private employer is involved, the attorney general’s office reasons that the private employee may block access to the record, as noted below under “Records of other employers.”
- ❑ **Subpoenas; search warrants.** A record obtained by the authority through a subpoena or search warrant. Note that this provision does not limit its applicability to employees; it applies in general to any record subject to whom the record pertains.⁷⁷
- ❑ **Records of other employers.** A record prepared by an employer other than an authority if the record contains information relating to an employee of that employer, “unless the employee authorizes the authority to provide access to that information.” The attorney general interprets this provision to mean that an authority may not release personally identifiable information pertaining to the employee of a private employer unless the employee consents.⁷⁸

The requirement of notice prior to release of the above information does not apply to the release of the information to the employee or to the employee's representative under Wis. Stat. § 103.13, relating to an employee's access to their own personnel records; nor does the notice requirement apply to release of the information to a collective bargaining representative.

Within 10 days of service of the notice of the intended release of the records, the record subject may start a court action to have the access to the records blocked. The statute provides a procedure for expedited judicial review of the authority's decision to release records and also provides that the records may not be released within 12 days of sending a notice or during judicial review periods.

When notice required to persons holding local public office; opportunity for comments. Wis. Stat. § 19.356(9). A different approach applies to the release of records with personally identifiable information pertaining to a person who holds a "local public office" (e.g., a governing body member, elected or appointed officer, or department head) or a "state public office" (e.g., a district attorney or a judge). Under this procedure, the authority must inform the record subject within three days of the decision to release the records to the requester. This notice is served on the officer by certified mail or personal delivery, and must describe the records intended for release and the officer's right to augment the record. Note that the officer (unlike an employee under the previous heading) who is the record subject does not have the right of judicial review. Instead, the officer who is the record subject has the right to augment the record that will be released to the requester with their written comments and documentation. This augmentation of the record must be done within five days of receipt of the notice.

Employee/officer records generally closed to public access.

- ❑ **Employee records closed to public access. Wis. Stat. § 19.36(10).** An authority is generally prohibited from releasing the records listed below. However, this general prohibition on release does not apply if another statute specifically authorizes or requires release. Further, the prohibition on release does not apply to an employee, their representative accessing the employee's personnel records under Wis. Stat. § 103.13, or to a collective bargaining representative for bargaining purposes or pursuant to a collective bargaining agreement. The employee records that are not generally open to public access are as follows:
 - ❑ Home address, home telephone number and social security number, unless the employee authorizes the authority to provide access to such information.
 - ❑ Current possible criminal or misconduct investigations prior to disposition of the investigation.⁷⁹

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- Employment examinations, except an examination score if access to that score is not otherwise prohibited.
- Employee evaluation information as to one or more specific employees used by an authority or the employer for staff management planning. This includes performance evaluations, recommendations for future salary adjustments or other wage treatments, management bonus plans, promotions, job assignment, letters of reference, or other comments or ratings relating to employees.
- **Local public officers' records closed to public access. Wis. Stat. § 19.36(11).** As with employees, certain records on individuals holding a local public office may not generally be released to the public. However, this general prohibition on release does not apply if another statute specifically authorizes or requires release. The prohibition on release also does not apply to a local public officer who is an employee accessing their personnel records under Wis. Stat. § 103.13. The records on local public officers that may not generally be open to public access are as follows:
 - **Address, telephone number, social security number:** Information concerning the individual's home address, home email address, home telephone number and social security number unless the individual authorizes the authority to provide access to such information.
 - **Exceptions:** This prohibition on release, however, does not apply to the release of the home address of an individual who holds an elective public office or who, as a condition of employment as a local public officer, is required to reside in a specific location. This exception allows the public to verify that its elected officials and other officers or high-level employees (who fill a position that falls under the definition of "local public office") subject to residency requirements actually live in the community or meet the applicable requirement.

Enforcement and Penalties

The Public Records Law provides for forfeitures, court orders, and actual and punitive damages to enforce the law (Wis. Stat. § 19.37).

Court order to allow access. A person who has made a written request for access to a public record may bring an action for a writ of mandamus asking the court to order release of withheld information. This procedure does not require following the notice-of-claim law applicable to many lawsuits against the government. In contrast to the procedure under the Open Meetings Law, a person seeking release of a public record does **not** have to initially refer the matter to the district attorney. However, the person may request the district attorney or the attorney general to seek mandamus. A committed or incarcerated person has no more than 90 days after denial of a record request to begin an action in court challenging the denial.

A requester who prevails in whole or substantial part in their request for access to a public record may receive reasonable attorney fees, actual costs and damages of at least \$100.⁸⁰ The question of when a requester is deemed to have statutorily “prevailed” in a records request was recently considered in *Friends of Frame Park, U.A. v. City of Waukesha*, which held that “[a]bsent a judicially sanctioned change in the parties’ legal relationship, attorney’s fees are not recoverable by a prevailing requester under § 19.37(2)(a).”⁸¹ A necessary precondition to the award of attorney’s fees following a public records request, then, is a judicial decree indicating that the custodian or authority violated public records law in denying the initial request.⁸² The court in *Friends of Frame Park* declined to rule on whether attorney’s fees are likewise owed to the requester if the custodian or authority submits to the request after a mandamus action is filed and before the court hearing the matter has adjudged the authority in violation of the law.⁸³

In addition, an authority cannot render moot a mandamus action filed in response to its denial of a public records request by voluntarily producing the requested records during the mandamus litigation, and doing so will not allow the authority to avoid an award of attorney’s fees to the requester if the court finds — in line with *Friends of Frame Park* — that the authority violated Wisconsin public records law in initially denying the request.⁸⁴

Any costs and fees awarded by a court following a mandamus action must be paid to the requester by the authority or the governmental unit of which it is a part, and are not the personal liability of the custodian or any other public official. A committed or incarcerated person, however, is not entitled to the minimum \$100 damages although the court may award damages. Also, in a request for personally identifiable information under Wis. Stat. § 19.35(1)(am), there is no minimum recovery of \$100 in damages. Instead, actual damages may be recovered if the court finds that the authority acted in a willful or intentional manner.

The law also provides for the award of punitive damages to the requester if the court finds that the authority or legal custodian arbitrarily and capriciously denied or delayed their response or charged excessive fees. However, punitive damages may only be awarded as part of a mandamus action to compel delivery of records, not as a separate claim for violation of the Public Records Law after documents were released.⁸⁵

Forfeiture. The district attorney or the attorney general may seek a forfeiture against an authority or custodian who arbitrarily and capriciously denies or delays response to a records request or charges excessive fees. The statute provides for a forfeiture of not more than \$1,000 along with the reasonable costs of prosecution.

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Reference and Advice

County officials who have questions on the Public Records Law should contact the county's corporation counsel. Also, any person may contact the Wisconsin attorney general to request advice on the Public Records Law.⁸⁶

Refer to Wis. Stat. §§ 19.31 – 19.39 for the specific wording of the law. The Wisconsin Department of Justice has an Office of Open Government with a webpage containing many resources on the Public Records Law, including the “Wisconsin Public Records Law Compliance Guide (June 2025),” a link to the statute and other materials. Visit wisdoj.gov and click on “Public Records” under the “About Us” tab.

Information on public records management and destruction are found on the Wisconsin Historical Society and Public Records Board websites. Go to wisconsinhistory.org and enter “Wisconsin Municipal Records Schedule” in the search box for an updated version of the previously published Wisconsin Municipal Records Manual. The Wisconsin Municipal Records Schedule has been approved by the Public Records Board and is intended to provide municipal governments with an easily accessible retention schedule for common public records. Additional resources for local government records may also be found on the Wisconsin Historical Society website by searching for “Local Government Records.” The Public Records Board website can be found at publicrecordsboard.wi.gov.

Endnotes

1. Wis. Stat. § 19.31.
2. *Id.*
3. Wis. Stat. § 19.32(2).
4. See the Compliance Guide, p. 3, cited above under “Reference and Advice.” Opinion of Atty. Gen. to Gail Peckler-Dziki, OAG 6-09 (Dec. 22, 2009).
5. John K. MacIver Inst. for Pub. Policy, Inc. v. Erpenbach, 2014 WI App 49.
6. Fox v. Bock, 149 Wis. 2d 403 (1989); 77 Op. Atty. Gen. 100, 102-03 (1988).
7. Voice of Wis. Rapids, LLC v. Wis. Rapids Pub. Sch. Dist., 2014 WI App 53.
8. Schill v. Wis. Rapids Sch. Dist., 2010 WI 86, ¶137.
9. Memorandum from J.B. Van Hollen, Attorney General, to Interested Parties (July 28, 2010), available online at doj.state.wi.us/sites/default/files/dls/memo-ip-schill.pdf
10. Zellner v. Cedarburg School District, 2007 WI 53, ¶¶ 25-31, 56.
11. Wis. Stat. § 19.32(2).
12. Wis. Stat. § 19.32(1).
13. Wis. Stat. § 19.32(1bd).
14. AG-Seiser and Bunge Informal Correspondence, Oct. 4, 2010.
15. State v. Beaver Dam Area Development Corp., 2008 WI 90, ¶¶44-45, 66, 72-75, 78.
16. Wis. Stat. § 19.32(1).
17. Wis. Stat. § 19.21.
18. Wis. Stat. § 19.35(5).
19. Gehl v. Connors, 2007 WI App 238, ¶¶ 12-15.
20. Stone v. Board of Regents of the University of Wisconsin, 2007 WI App 223, ¶¶ 11-27.
21. Wis. Stat. § 19.32(1dm).
22. Wis. Stat. § 19.32(1dm).
23. WIREdata, Inc. v. Village of Sussex, 2008 WI 69, ¶78.
24. WIREdata, Inc. at ¶89.
25. Wis. Stat. §§ 19.21 and 19.
26. Wis. Stat. § 19.33(5).
27. Wis. Stat. § 19.34(2)(c).
28. Wis. Stat. § 19.34(1).
29. Wis. Stat. § 19.35(1)(b).
30. Grebner v. Schiebel, 240 Wis.2d 551 (Ct. App. 2001).
31. Wis. Stat. § 19.35(4).
32. Wis. Stat. § 19.35(1)(h).
33. Schopper v. Gehring, 210 Wis. 2d 209 (Ct. App. 1997), Gehl v. Connors, 2007 WI App 238, ¶¶ 17-24. Gierl v. Mequon-Thiensville Sch Dist. 2023 WI App 5 ¶2.
34. Gehl v. Connors, 2007 WI App 238, ¶¶ 17-24.
35. Wis. Stat. § 19.35(1)(h).
36. Wis. Stat. § 19.35(1)(h).
37. WIREdata, Inc. v. Village of Sussex, 2007 WI App 22 ¶57; application distinguished by WIREdata, Inc. v. Village of Sussex, 2008 WI 69 ¶55 (WIREdata II).
38. Wis. Stat. § 19.35(4)(b).
39. *Id.*
40. Wis. Stat. § 19.36(6).
41. Wis. Stat. § 19.35(1)(b).
42. Wis. Stat. § 19.35(1)(f).
43. Wis. Stat. § 19.35(1)(c).
44. Wis. Stat. § 19.35(1)(em).

45. Wis. Stat. § 19.35(1)(d).
46. WIREdata, Inc. v. Village of Sussex, 2008 WI 69, ¶¶ 97-98.
47. Lueders v. Krug, 2019 WI App 36 ¶¶ 15 and 16.
48. Wis. Stat. § 19.35(1)(e).
49. Wis. Stat. § 19.35(1)(L).
50. Wis. Stat. § 19.36(6).
51. Wis. Stat. § 19.35(1)(g).
52. Wis. Stat. § 19.32(2).
53. Wis. Stat. § 19.35(1)(k).
54. Wis. Stat. § 19.35(3).
55. Office of Open Government Advisory: Charging Fees Under the Public Records Law (Aug. 8, 2018).
56. Opinion of Atty. Gen. to John Muench, Barron County Corp. Counsel, 1-03 (October 2, 2003).
57. Office of Open Government Advisory: Charging Fees Under the Public Records Law (Aug. 8, 2018).
58. WIREdata, Inc. v. Village of Sussex, 2008 WI 69, ¶ 107.
59. Wis. Stat. § 19.35(1)(a).
60. State ex rel. Richards v. Foust, 165 Wis. 2d 429 (1991).
61. Portage Daily Register v. Columbia Co. Sheriff's Department, 2008 WI App 30, ¶¶ 15-22.
62. Wis. Stat. § 19.35(1)(a); State ex rel. Youmans v. Owens, 28 Wis. 2d 672, 683 (1965).
63. Matter of Estates v. Zimmer, 151 Wis. 2d 122 (Ct. App. 1989).
64. Village of Butler v. Cohen, 163 Wis. 2d 819 (Ct. App. 1991).
65. Wis. Stat. § 19.35(1)(a); Zellner v. Cedarburg School District, 2007 WI 53, ¶¶ 47-58.
66. Wis. Stat. § 70.35(3).
67. Wis. Stat. § 70.47(7)(af).
68. Wis. Stat. § 77.265.
69. Wis. Stat. §§ 19.32(1r) and 19.62(5).
70. Wis. Stat. § 19.32(1m).
71. Seifert v. School District of Sheboygan Falls, 2007 WI App 207, ¶¶ 35-36.
72. Wis. Stat. § 19.35(1)(am).
73. Wis. Stat. § 19.67.
74. Wis. Stat. § 19.71.
75. Woznicki v. Erickson, 202 Wis. 2d 178 (1996); and Milwaukee Teachers' Education Association v. Milwaukee Board of School Directors, 227 Wis. 2d 779 (1999).
76. Opinion of Atty. Gen. to James R. Warren, OAG 1-06 (Aug. 3, 2006).
77. Ibid.
78. Ibid.
79. Zellner v. Cedarburg School District, at ¶ 32-39.
80. Wis. Stat. § 19.37(2)(a).
81. Friends of Frame Park, 403 Wis. 2d 1, ¶ 4.
82. See Friends of Frame Park, 403 Wis. 2d 1, ¶ 3.
83. Id.
84. Wisconsin State J. v. Blazel, 2023 WI App 18, ¶ 40.
85. The Capital Times Co. v. Doyle, 2011 WI App 137.
86. Wis. Stat. § 19.39.

Conflicts of Interest and Ethics

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Conflicts of Interest

State law prohibits public officials and public employees from using their official position for personal gain. Specifically, Wis. Stat. § 946.13 prohibits a public officer from negotiating, bidding for, or entering into a contract in which they have a private monetary interest if, at the same time, they have a role to play in an official capacity in the making of that contract or performs in regard to that contract some official function requiring the exercise of discretion. Any public officer or public employee who violates Wis. Stat. § 946.13 is guilty of a Class I felony.

Wis. Stat. § 946.13 is not directed at corruption but at conduct presenting an opportunity for corruption. Because a public officer's judgment may be impaired when the officer transacts government business in which they have a personal economic interest, the statute attempts to prevent public officers from succumbing to temptation by making it illegal for them to enter into relationships that are fraught with the potential danger of advancing a private interest rather than a public good.¹

There are several exceptions to the prohibition in Wis. Stat. § 946.13. The most common exception is contracts that do not involve receipts and disbursements by the state or its political subdivision aggregating more than \$15,000 in any year.²

Court cases and attorney general opinions addressing various applications of the statute have concluded the following:

- ❑ A county board supervisor who votes to pay vouchers for county purchases from a store owned by the supervisor violates Wis. Stat. § 946.13.³ However, the supervisor can avoid a violation by abstaining from voting on the vouchers related to his business.
- ❑ A village board member may not accept a Community Development Block Grant program loan in excess of the statutory sum or perform work for a third person who has obtained a loan under the program in excess of the statutory sum.⁴
- ❑ A county board supervisor violates Wis. Stat. § 946.13 by selling land owned by the supervisor to the county where the value of the sale exceeds the statutory limit.⁵
- ❑ A county board member, employed by a law firm that is retained by a third party to negotiate the purchase of a county facility, may avoid a violation through abstention from acting on the contract in an official capacity and through noninvolvement in

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negotiating, bidding or entering the contract with the county on behalf of the third party.⁶

- A contract does not have to be in existence for a violation to occur. Because negotiation ordinarily precedes the formation of a contract, and it is these pre-contractual bargaining relationships that raise the specter of self-interest if one of the parties is also a public official, the negotiation itself may trigger a violation.⁷

A contract entered into in violation of Wis. Stat. § 946.13 is void and the state or the political subdivision on whose behalf the contract was made incurs no subsequent liability. The attorney general’s office has provided guidance on how an official can avoid violating Wis. Stat. § 946.13(1)(b) by:

- Abstaining from voting on or debating the contract or any matter relating to the contract;
- Refraining from personally or by agent negotiating or entering into the contract in a private capacity; and
- Refraining from performing in regard to the contract some official function requiring the exercise of discretion.⁸

However, abstaining from voting and debating does not avoid a violation of Wis. Stat. § 946.13(1)(a) because a violation only requires authority to act, not actual action.⁹ For example, where the county board as a whole must decide whether to purchase land, a county board supervisor would violate Wis. Stat. § 946.13(1)(a) if land owned by the supervisor’s partnership was sold to the county for a purchase price in excess of \$15,000.¹⁰ Even though the supervisor abstains from all deliberations and voting on the contract, they have the authority to act on the contract as a supervisor while also having a private monetary interest in the contract. In addition, performance of an official function requiring the exercise of an official’s discretion with regard to the contract either before or after execution violates Wis. Stat. § 946.13.¹¹

Ethics for Local Government Officials

Wis. Stat. § 19.59 sets forth a code of ethics for local public officials. A “local public official” is defined as a person who holds “local public office.” “Local public office” as defined by Wis. Stat. § 19.42(7w) includes:

- An elective office of a local governmental unit such as a county
- A county administrator or administrative coordinator
- An appointive office or position of a local governmental unit in which an individual serves for a specified term, except a position limited to the exercise of ministerial action or a position filled by an independent contractor

- An appointive office or position of a local government that is filled by the governing body of the local government or the executive or administrative head of the local government and in which the incumbent serves at the pleasure of the appointing authority¹²

The statutory code of ethics for local public officials prohibits the following actions:

1. A local public official cannot use their public position or office to obtain financial gain or anything of substantial value for the private benefit of themselves, their immediate family or for an organization with which they are associated.¹³

“Immediate family” is defined as an individual’s spouse and an individual’s relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of their support from the individual or from whom the individual receives, directly or indirectly, more than one-half of their support.¹⁴

An individual is “associated” with an organization if the individual or a member of their immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity or of which an individual or a member of their immediate family is an authorized representative or agent.¹⁵

However, a local public official is **not** prohibited from using the title or prestige of their office to obtain campaign contributions that are permitted and reported as required by Wis. Stat. Ch. 11. A local public official may also receive and retain from the Wisconsin Economic Development Corporation and the Department of Tourism anything of value that the organizations are authorized to provide by Wis. Stat. Ch. 19.¹⁶

Moreover, public officials may communicate their public role to potential customers or clients in their private capacity. A Wisconsin Ethics Commission (WEC) opinion concluded that an attorney may include a description of their public service in a biography or resume so long as it is in the same style and prominence as the attorney’s other positions and experience. However, public officials must still avoid using their position as a significant selling point in advertisements as this would likely qualify as the public official seeking to obtain financial gain by use of their official title. It should be noted that the WEC replaced the Government Accountability Board (GAB) on June 30, 2016. The GAB also previously replaced the State Ethics Board. Currently, the WEC oversees the administration of state government ethics in Wisconsin and accordingly adopted the ethics opinions previously issued by the GAB and WEC.¹⁷

2. A public official cannot solicit or accept from any person, directly or indirectly, anything of value if it could be reasonably expected to influence the local public official’s vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the local official.¹⁸

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- “Anything of value” includes money, property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not cover “hospitality” unrelated to government business.
- A local public official is permitted to engage in outside employment.¹⁹
- In the event a public official receives an item of value they are not permitted to accept or retain, the public official shall do one of the following:²⁰
 - Give the item to the official’s agency to use or sell, except that the agency may not sell the item to any government employee or official
 - Give the item to another local agency or to a public institution, such as a school, library or museum, that can use the item
 - Give the item to a charitable organization, as defined in Wis. Stat. § 11.0101(4), not including a charitable organization with which the official or their immediate family is associated
 - Return the item to the donor
 - Purchase the item at its full retail value and keep the item if the donor is neither a lobbyist, as defined in Wis. Stat. § 13.62(11), nor a principal, as defined in Wis. Stat. § 13.62.(12)

In interpreting a parallel statute applicable to state officials (Wis. Stat. § 19.45(3)), the WEC interprets “expected to influence” in the following manner: “It would be unreasonable to expect a gift of not more than \$25 to influence an individual’s judgment. It would be unreasonable to expect a favor or service from an individual or from an organization without any special interest in the actions of a public body to influence an official affiliated with that body.”²¹

3. No local public official may give or withhold their vote or influence or refrain from taking official action with respect to any proposed or pending matter upon condition that any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to a candidate, a political party or any committee registered under Wis. Stat. Ch. 11.²²
4. No local public official may take any official action substantially affecting a matter in which the official, a member of their immediate family, or an organization with which the official is associated has a substantial financial interest.²³
 - In interpreting parallel state statute applicable to state officials (Wis. Stat. § 19.46(1)(a)), WEC issued a memorandum indicating that a state official may participate in an action “...even though the action will affect the official or an organization with which the official is associated...” as long as:
 - The official’s action affects a whole class of similarly situated interests;

- Neither the official's interest nor the interest of a business or organization with which the official is associated is significant when compared to all affected interests in the class; and
 - The effect of the official's actions on the interests of the official, or of the related business or organization, is neither significantly greater nor less than upon other members of the class.²⁴
 - For example, the WEC advised that a state legislator who was also an attorney could vote on a joint resolution regarding a constitutional amendment that would prohibit the Supreme Court from assessing lawyers to pay for legal services for the indigent. The WEC concluded that the legislator's interest in the subject of the joint resolution is insignificant when compared to the entire class of 15,000 licensed Wisconsin lawyers — all of whom would be equally affected by the proposal.²⁵
 - The WEC has also advised:
 - If a matter before the board is reasonably likely to have more than a trivial, insignificant or insubstantial financial impact on a supervisor, then the supervisor should abstain from discussion, deliberation and votes on the matter.
 - If the matter before the board will have no effect or only a trivial, insignificant or insubstantial financial effect on a supervisor, then the supervisor may participate.
 - If reasonable people cannot foresee the effect of a board of supervisors' action on a supervisor's financial interests or disagree about whether the effect will be positive, negative, or will be substantial or insignificant, then the supervisor's financial interest is too speculative to deny the supervisor's participation in related discussion, deliberation and votes. The supervisor may participate unless, in the supervisor's judgment, to do so would undermine public confidence in the decision or in government.²⁶
5. No local public official may use their office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.²⁷

Wis. Stat. § 19.59 does not prohibit a local public official from taking any action concerning the lawful payment of salaries, employee benefits or reimbursement of actual and necessary expenses, or prohibit a local public official from taking official action with respect to any proposal to modify a county or municipal ordinance.²⁸

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The application of the statutory code of ethics to local officials has the potential to raise particular concerns in the insurance arena. For example, the WEC analyzed the statute in the following manner:

- 2000 Wis. Eth. Bd. 02. In the case of a county board supervisor selected as a member of an insurance company's board of directors by the company's organizer, the supervisor should not participate in county board consideration, discussion or votes to award a contract to the company, or to change county policy to permit the purchase of services from the company.
- 2000 Wis. Eth. Bd. 04. On the other hand, the WEC advises that in the case of a local official who has been elected to serve on the board of directors of a municipal mutual insurance corporation by a government-approved process to represent the local government's interests on the board, Wis. Stat. § 19.59 does not bar the official from participating in the local government's consideration, discussion or votes to award a contract to, or change government policy to permit the purchase of services from the corporation.

If a local public official violates the ethics code, criminal penalties could apply if the violation is found to be intentional. For example, the penalty for intentionally violating Wis. Stat. § 19.59(1)(a) (using office to obtain financial gain or anything of substantial value), 19.59(1)(b) (acceptance of anything of value if reasonably expected to influence official action), or 19.59(1)(c) (taking official action on a matter in which a public official has a financial interest) is a fine of not less than \$100 or more than \$5,000, imprisonment of not more than one year in the county jail, or both. Any person who intentionally violates Wis. Stat. § 19.59(1)(br) (official action in exchange for a campaign contribution) is guilty of a Class I felony punishable by a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months.

One sure way for an official to insulate themselves from liability under the ethics statute is to take advantage of the mechanism in the statutes that allows for requests for advisory opinions. In short, an individual may request an advisory opinion, in writing, either personally or on behalf of an organization or governmental body pursuant to Wis. Stat. § 19.59(5)(a). Such request should be directed to the county ethics board, if there is one, or in the absence of a county ethics board, a county corporation counsel or attorney for a local governmental unit.

An official is presumed to have complied with Wis. Stat. § 19.59, or any ordinance enacted under Wis. Stat. § 19.59, when the official complies with a written advisory opinion that the official received from a county ethics board, a county corporation counsel or an attorney for a local governmental unit (assuming the material facts presented by the official are accurate).

Pursuant to Wis. Stat. § 19.59(6), the WEC must review (but is not required to respond to) opinion requests concerning the statutory local code of ethics submitted by:

- ❑ Any county corporation counsel
- ❑ Any attorney for a local governmental unit
- ❑ Any “statewide association of local governmental units”

County Ethics Codes (Wis. Stat. § 19.59(1m)-(4))

Any county, city, village or town may enact an ordinance establishing a code of ethics for public officials, employees of the county or municipality, and candidates for county or municipal elective offices.

Any such ordinance must specify the positions to which it applies. The ordinance may apply to members of the immediate family of individuals who hold positions or who are candidates for positions to which the ordinance applies. An ethics ordinance may contain any of the following provisions:

- ❑ A requirement for local public officials, other employees of the county or municipality, and candidates for local public office to identify any of the economic interests specified in Wis. Stat. § 19.44.
- ❑ A provision directing the county or municipal clerk or board of election commissioners to omit the name of any candidate from an election ballot who fails to disclose their economic interests as required by the ordinance.
- ❑ A provision directing the county or municipal treasurer to withhold the payment of salaries or expenses from any local public official or other employee of the county or municipality who fails to disclose their economic interests as required by the ordinance.
- ❑ A provision granting administration and civil enforcement of the ordinance to an ethics board. The ethics board is appointed in the manner specified in the ordinance.
- ❑ Provisions prescribing ethical standards of conduct and prohibiting conflicts of interest on the part of local public officials and other employees of the county or municipality, or on the part of former local public officials or former employees of the county or municipality.
- ❑ A provision prescribing a forfeiture for violation of the ordinance in an amount not to exceed \$1,000 for each offense. A minimum forfeiture not to exceed \$100 for each offense may also be prescribed.

Incompatibility of Public Offices

Common Law Doctrine that Exists Independent of Any Statutory Conflict of Interest

The doctrine of compatibility of public offices exists separate and distinct from conflict of

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interest and ethics regulations. In short, two offices or positions are incompatible if there are potential conflicts of interest between the duties of the offices or positions.

General Tests for Incompatibility

- ❑ If one of the offices or a position is subordinate to the duties of the other in one or more significant ways, such as being subject to the disciplinary, appointment, or removal power of the superior office or position, or the superior office regulates the compensation of the other, then the two may be said to be incompatible.
- ❑ The mere physical inability of a person to perform the duties of both offices or the position and the office does not, of itself, have any bearing on incompatibility. Rather, incompatibility is determined based on the character of the offices, not the physical condition or ability of the individual holding the position and the office or the two offices.
- ❑ Where the existence of the second office precludes the continued existence of the first office or position, no incompatibility exists. For example, if several school districts were dissolved and consolidated into a newly created district, a school board member of any of the dissolved districts could ordinarily become a school board member of the newly formed school district.
- ❑ A situation that involves two different persons in two different positions does not raise questions of incompatibility of offices and positions (e.g., one spouse occupies an office or position and the other spouse assumes an apparently incompatible office or position). Although the incompatibility doctrine is not implicated, there may be serious potential conflicts of interest.²⁹
- ❑ When an individual accepts an office that is incompatible with the one they presently hold, the consequences are severe. The individual vacates the first office by operation of law.³⁰

Offices Found to be Incompatible

- ❑ County supervisor and county employee. Wis. Stat. § 59.10(4) provides that “no county officer or employee is eligible for election or appointment to the office of supervisor, but a supervisor may also be a member of a committee, board or commission appointed by the county executive or county administrator or appointed or created by the county board, a town board, a mosquito control district, the common council of their city, the board of trustees of their village or the board of trustees of a county institution appointed under s. 46.18.”
- ❑ County supervisor and tribal law enforcement officer if the tribal law enforcement officer has been deputized by the county sheriff, even if the tribal law enforcement officer is not paid by the county.³¹
- ❑ County supervisor and county administrative coordinator.³²
- ❑ Public office and a position. Conflict can exist between a public office and a position;

for example, the office of alderperson was found to be incompatible with the position of residential appraiser in the assessor's office.³³

- ❑ County board member and county/city hospital board member.³⁴
- ❑ Town clerk and town treasurer.³⁵
- ❑ School board member and school district employee.³⁶
- ❑ Town board member and sanitary district commission member.³⁷
- ❑ Office of coroner and deputy coroner, and the position of city police officer.³⁸

Offices Found to be Compatible

- ❑ Office of coroner and deputy coroner, and positions of medical services practitioner, emergency medical responder, or fire fighter.³⁹
- ❑ Office of county supervisor and position of assistant state public defender.⁴⁰
- ❑ Register of deeds and office of school board member.⁴¹
- ❑ Offices of county assessor and town supervisor.⁴²
- ❑ Village president and supervisory deputy sheriff.⁴³
- ❑ School board member and chair of town board — probably compatible.⁴⁴
- ❑ School board member and position as unpaid coach in the school district — likely compatible.⁴⁵

Endnotes

1. State v. Venema, 2002 WI App 202, ¶ 13, 257 Wis. 2d 491, 650 N.W.2d 898.
2. Wis. Stat. § 946.13(2)(a).
3. OAG 42-87.
4. 76 Op. Atty. Gen. 278 (1987).
5. OAG 22-87.
6. 75 Op. Atty. Gen. 172 (1986).
7. Venema, 2002 WI App 202.
8. 52 Op. Atty. Gen. 367 (1963).
9. Venema, 2002 WI App at ¶ 11, n. 3; 76 Op. Atty. Gen. at 93.
10. 76 Op. Atty. Gen. 90 (1987).
11. 63 Op. Atty. Gen. 44 (1974).
12. The statute excludes a clerical position, a position limited to the exercise of ministerial action or a position filled by an independent contractor.
13. Wis. Stat. § 19.59(1)(a).
14. Wis. Stat. § 19.42(7).
15. Wis. Stat. § 19.42(2).
16. Wis. Stat. § 19.56(3)(f).
17. 2017 ETH 01.
18. Wis. Stat. § 19.59(1)(b).
19. Id.
20. Wis. Stat. § 19.59(1b).
21. The local ethics code for public officials does not include a provision parallel to Wis. Stat. § 19.56 allowing state elected officials to “retain reasonable compensation, for a published work or for the presentation of a talk or participation in a meeting” related to a topic of legislative, administrative, executive or judicial processes or proposals.
22. Wis. Stat. § 19.59(1)(br).
23. Wis. Stat. § 19.59(1)(c)1.
24. See Wisconsin Ethics Board memorandum Private Interest in Official Action (November 1, 1989).
25. 2008 GAB 02.
26. 2007 GAB 09.
27. Wis. Stat. § 19.59(1)(c)2.
28. Wis. Stat. § 19.59(1)(d); see also Miller v. Zoning Board of Appeals of the Village of Lyndon Station, 2023 WI 46, 407 Wis. 2d 678, 991 N.W. 2d 380 (a party objecting to a proposed re-zoning has no right to an impartial decision maker because rezoning is a legislative decision).
29. See Otradovec v. City of Green Bay, 118 Wis. 2d 393, 347 N.W.2d 614 (Ct. App. 1984); 58 Op. Atty. Gen. 247 (1969); 74 Op. Atty. Gen. 50 (1985); 76 Op. Atty. Gen. 156 (1987).
30. State v. Jones, 130 Wis. 572, 110 N.W. 431 (1907); but see also Otradovec v. City of Green Bay, 118 Wis. 2d 393, 347 N.W. 2d 614 (Ct. App. 1984)(the public officer can choose which position to keep).
31. OAG 3-13
32. OAG 01-11.
33. Otradovec v. City of Green Bay, 118 Wis. 2d 393, 347 N.W. 2d 614 (Ct. App. 1984).
34. 66 Op. Atty. Gen. 145 (1977).
35. 68 Op. Atty. Gen. 393 (1970).
36. Unpublished Op. Atty. Gen. May 31, 1985; See also Tarpo v. Bowman Public School District No. 1, 232 N.W.2d 67 (N.D. 1975); Vistocky v. City Council of City of Garfield, 273 A. 2d 597 (1971).
37. 69 Op. Atty. Gen. 108 (1980).
38. 78 Op. Atty. Gen. 178 (1989)
39. Wis. Stat. § 59.34(2).
40. 75 Op. Atty. Gen. 178 (1986).
41. Unpublished Op. Atty. Gen. (1977).
42. 63 Op. Atty. Gen. 599 (1974).
43. 76 Op. Atty. Gen. 156 (1974).
44. 74 Op. Atty. Gen. 50 (1985).
45. 2006 Wis. Eth. Bd. 01.

Public Bidding Requirements

■ Written by Andy Phillips and Ben Conard, Attorneys, Attolles Law, s.c.

Counties must put contracts out for bid and award such contracts to the lowest responsible bidder when required by Wis. Stat. § 59.52(29) (bidding procedures applicable specifically to counties) and Wis. Stat. § 66.0901 (bidding procedure applicable to all political subdivisions). The Wisconsin Legislature has enacted bidding statutes like Wis. Stat. §§ 59.52(29) and 66.0901 to encourage the public policy goals of fostering legitimate competition; guarding against favoritism, improvidence, extravagance, fraud, and corruption; and securing the best work or supplies at the lowest price applicable.¹

When determining whether competitive bidding requirements apply, counties must first determine whether the contract is for the provision of “public work.” If the contract is not for the provision of public work, then a competitive bidding process is not required.² If the contract is for the provision of public work, then there are three classes of contracts with different notice and bidding requirements under Wis. Stat. § 59.52(29).

The first class consists of those public work contracts having a value of less than \$5,000. Contracts falling within this classification are not required to be advertised or let in accordance with any competitive bidding structure. The second class consists of those public work contracts having a value between \$5,000 and \$25,000. While it is not required that these contracts be let to the lowest responsible bidder, the statute mandates that a county publish a Class 1 notice prior to awarding the contract or, in the alternative, award the contract to a qualified bidder under Wis. Stat. § 66.0901. The third and final class of public work contracts consists of those contracts having a value in excess of \$25,000. These contracts must be let to the “lowest responsible bidder” in accordance with Wis. Stat. § 66.0901, unless the county board approves by three-fourths vote to have the county perform the public work directly without submitting the same for bids.³

(Note: The WCA’s Government Affairs team is actively working to increase the bidding thresholds. Please consult your corporation counsel for the latest information on those thresholds and the status of any legislation that may impact them.)

Notably, Wis. Stat. § 59.52(29)(a), which ordinarily requires competitive bidding on county public work projects, “does not apply to highway contracts which the county highway committee or commissioner is authorized by law to let or make.”⁴ Instead, Wis. Stat. §§ 83.03 and 83.04 apply to the advertisement of county highway contracts.

Wis. Stat. § 83.03 authorizes a county board to construct, improve or repair any highway

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or bridge in the county. Wis. Stat. § 83.04 requires that “[a]ll highway improvements made by the county highway committee shall be by contract, unless the committee determines that some other method would better serve the public interest.” “The manner of advertising for bids and the forms of bids, contracts, and bonds” for this class of contracts must be substantially similar to the process used by the Wisconsin Department of Transportation.⁵

Further, “[i]f it is deemed inadvisable to let a contract for highway construction, the county highway committee may direct the county highway commissioner to proceed with the construction as non-contract work, and the commissioner may, under the supervision of the committee, employ and purchase the necessary labor and materials.”⁶ It is important to note, however, that other requirements may apply to contracts involving county highways, which requirements are beyond the scope of this discussion.

In determining who is the “lowest responsible bidder,” the Wisconsin Supreme Court has stated that “the determination of the question of who is the lowest responsible bidder does not rest in the exercise of an arbitrary and unlimited discretion, but upon a bona fide judgment, based upon facts tending to support the determination.”⁷ In fact, a bidder may ask the court to issue an injunction if the reviewing court determines that the bidding authority acted in an arbitrary or unreasonable manner in deciding to award the contract to one other than the lowest responsible bidder.⁸ An unsuccessful bidder could pursue injunctive relief and recover its reasonable and necessary expenditures in preparing its bid, plus the costs of obtaining the bonds required by the specifications, but not its loss of profit.⁹

Public Work, Materials and Supplies

The Wisconsin Supreme Court has concluded that a county is free to let its contracts without notice and competitive bidding restraints for any contract that falls outside statutory requirements specifying how a contract must be let.¹⁰ This means that if a contract is not for: (1) the construction, repair, remodeling or improvement of any public work; or (2) the provision of supplies or materials to be incorporated into any public work, the county does not need to follow a competitive bidding process unless the county, by ordinance or policy, requires a competitive bidding process.

In addition, the Wisconsin Court of Appeals has held that contracts for the purchase of “equipment” are not included within the definition of those items that must be let by competitive bid.¹¹ In reaching this conclusion, the Court of Appeals agreed with the state attorney general’s long-held opinion that items classified as equipment, as opposed to supplies or materials, are exempt from the statutory bidding requirements even though a municipality may contract for hundreds of thousands of dollars of equipment without competitive bid.¹² The first part of any analysis of a county’s obligation to let a contract by

competitive bid requires a determination of whether the contract calls for the provision of “equipment.”

In addition, Wisconsin courts have consistently held that the procurement of services requiring professional or technical expertise is not subject to the bidding statutes.¹³ For example, counties contracting for the design and implementation of computer systems, programs and applications are not required to let those contracts according to the competitive bidding statute as these types of contracts clearly involve services requiring technical and professional expertise.

Acquisition or Transfer of Real Property

Questions often arise concerning the application of the bidding statute to contracts for the acquisition or transfer of real property. Unlike public work contracts, contracts for the acquisition or transfer of property are not subject to the competitive bidding requirements in Wis. Stat. § 59.52(29). Pursuant to Wis. Stat. § 59.52(6), a county has the authority to acquire, lease or rent property without regard to the bidding requirements in Wis. Stat. § 59.52(29).¹⁴ In addition, the board may direct the county clerk¹⁵ to “lease, sell or convey or contract to sell or convey any county property, not donated and required to be held for a special purpose, on terms that the board approves” without regard to competitive bidding requirements.¹⁶

However, it is important to remember that many counties have enacted ordinances regarding bidding on certain contracts. Such ordinances are separate and distinct from the requirements set forth in Wis. Stat. § 59.52(29) and should be consulted prior to making a final determination as to the bidding requirements in a particular situation.¹⁷

Other than local ordinances, the only constraint upon a county’s authority to enter into contracts involving the acquisition or disposition of property is that a county must exercise “reasonable business judgment” when entering into the contract.¹⁸ In determining whether a county has exercised “reasonable business judgment,” courts have consistently held that because a county board is a legislative body directly responsible to its electorate, a court will not question a board’s exercise of discretion “except for an abuse equivalent to fraud.”¹⁹

Therefore, while a county board is required to exercise “reasonable business judgment” with respect to purchasing or leasing property, if the board has complied with applicable statutes, ordinances and rules, a court will, in all but the most egregious of cases, defer to the board’s exercise of discretion.

Cooperative Bidding Among Counties, the State and Other Municipalities

Counties may enter into cooperative purchasing arrangements with other counties and municipalities for any contracts that are not required to be competitively bid by Wis. Stat.

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§ 59.52(29) and are not subject to the procedural requirements of Wis. Stat. § 66.0901. In situations where Wis. Stat. § 66.0901 is inapplicable, Wis. Stat. §§ 16.73 and 66.0301 encourage a cooperative bid-sharing system.²⁰

Read in conjunction with one another, these two statutes provide a sound legal basis for counties to cooperate with one another in making purchasing decisions. Wis. Stat. § 66.0301 demonstrates a strong legislative presumption in favor of a cooperative effort in making purchasing decisions. Moreover, Wis. Stat. § 16.73(1) represents an explicit statutory authorization to share purchasing responsibilities for materials that are not subject to the requirements of Wis. Stat. § 66.0901.

Using a Reverse Auction to Let Contracts

A county may also consider using an online reverse auction system to let contracts. A “reverse auction” is a procedure in which a county seeking to purchase supplies or services advertises the maximum price that it is willing to pay for the supply or service. Vendors then are instructed to offer bids at or below the price listed by the county, with the county authorized to select a winning bid from those submitted.

The reverse auction system can be used by a county if the contract is for the provision of: (1) equipment;²¹ (2) public work and public work-related materials or supplies, the value of which is less than \$5,000;²² or (3) public work and public work-related materials or supplies, the value of which is between \$5,000 and \$25,000 if the county has given a Class 1 notice of the reverse auction or the person to whom the contract is awarded is a qualified bidder under Wis. Stat. § 66.0901. For a public work contract with a value that exceeds \$25,000, a county is subject to the competitive bidding requirements in Wis. Stat. § 59.52(29).

Application of the Public Purpose Doctrine

When reviewing a county’s authority to enter into a contract, whether through a competitive bidding process or otherwise, it is necessary to consider the impact of the public purpose doctrine. The public purpose doctrine is the rule “that public funds may be expended only for public purposes, and that the expenditure of such funds for a private purpose is unconstitutional.”²³ The Wisconsin Supreme Court explained the public purpose doctrine as follows:

“The course or usage of the government, the objects for which taxes have been customarily and by long course of legislation levied, and the objects and purposes which have been considered necessary for the support and proper use of the government are all material considerations as well as the rule that to sustain a public purpose the advantage to the public must be direct and not merely indirect or remote.”²⁴

Therefore, while a county may not be required to follow the bidding statute in a particular situation, it still must ensure that its expenditure passes constitutional muster by having a public purpose.

Endnotes

1. See *Blum v. Hillsboro*, 49 Wis. 2d 667, 671, 183 N.W. 2d 47 (1971) citing *McQuillin, Municipal Corporations*, 29.29.
2. However, counties may enact their own bidding requirements for contracts that are not subject to the statutory bidding requirements if they choose.
3. Note that counties may impose additional and/or stricter public bidding requirements if they choose.
4. Wis. Stat. § 59.52(29)(a); see also OAG 5-09.
5. Wis. Stat. § 83.04(1).
6. Wis. Stat. § 83.04(2).
7. *Aqua-Tech v. Como Lake Protect. and Rehab. Dist.*, 71 Wis. 2d 541, 549, 239 N.W.2d 25 (1976) (internal quotation marks and citation omitted).
8. *Id.* at 551-52.
9. *Id.* at 553-54.
10. *Cullen v. Rock County*, 244 Wis. 237, 12 N.W.2d 38 (1943). Subsequently, in *Menzl v. City of Milwaukee*, 32 Wis. 2d 266, 145 N.W.2d 198 (1966), the Court reaffirmed this position by holding that “[i]f the contract in question is not subject to the provisions of the bid section, the city is not bound by that type of procedure and . . . may contract on the basis of reasonable business judgment with one who is not the low bidder.” *Id.* (citing *Cullen*).
11. *Joyce v. County of Dunn*, 192 Wis. 2d 699, 531 N.W.2d 628 (Ct. App. 1995).
12. *Id.*
13. *Aqua-Tech*, *supra*, 71 Wis.2d at 546; OAG 43-87.
14. Wis. Stat. § 59.52(6)(a) states that a county board may “acquire, lease or rent property, real and personal, for public uses or purposes of any nature.”
15. See Wis. Stat. 59.17(2)(b)3. for special rules surrounding disposition of property in Milwaukee County.
16. Wis. Stat. § 59.52(6)(c). The applicability of the bidding statutes when leasing property was addressed in *Kranjec v. City of West Allis*, 267 Wis. 430, 66 N.W. 2d 178 (1954). The Supreme Court upheld the dismissal of a claim that alleged the City of West Allis was without authority to lease city property without first complying with the competitive bidding process. In its decision, the Court stated: “Our attention is not directed to any statute that requires the city to lease property by the competitive bid method, such as the statute prescribes for contracts for public works. Municipalities have the same right, unless restricted by statute, to convey property as they have to acquire property, and such matters are within the reasonable discretion of the proper municipal authorities.”
17. *Id.* at 434. Implicit in the Court’s decision is the recognition that the statutes regarding competitive bidding do not cover the acquisition or transfer of real property. Importantly, counties may not enact ordinances or other measures requiring a prevailing wage rate for workers on projects of public works or on publicly funded private construction projects. Wis. Stat. § 66.0903(1m)(c). Counties also may not use a bidding method that gives preference to local bidders for county public works projects (unless required to secure federal aid). Wis. Stat. § 66.0901(1m)(b).
18. *Cullen v. Rock County*, *supra*, at 240.
19. *Joyce*, *supra*, 192 Wis. 2d at 709.
20. Wis. Stat. § 16.73(1) states (in relevant part): “The [Department of Administration] may enter into an agreement with a municipality or group of municipalities, and municipalities may enter into agreements with each other, under which any of the parties may agree to participate in, administer, sponsor or conduct purchasing transactions under a joint contract for the purchase of materials, supplies, equipment, permanent personal property, miscellaneous capital or contractual services. This subsection does not apply to construction contracts that are subject to s. 16.855 or 66.0901.” Similarly, Wis. Stat. § 66.0301(2) provides as follows: “Subject to s. 59.794 (2) [limiting action by Milwaukee County], and in addition to the provisions of any other statutes specifically authorizing cooperation between municipalities, unless those statutes specifically exclude action under this section, any municipality may contract with other municipalities and with federally recognized Indian tribes and bands in this state, for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law. . . . This section shall be interpreted liberally in favor of cooperative action between municipalities and between municipalities and Indian tribes and bands in this state.”
21. Contracts for equipment and contracts having a value of less than \$5,000 are not regulated, as discussed above. Therefore, there is no statutory impediment to implementing a reverse auction system for these two types of contracts.
22. *Id.*
23. *State ex rel. Hammermill Paper Co. v. La Plante*, 58 Wis. 2d 32, 48, 205 N.W.2d 784 (1973).
24. *State ex rel. Wisconsin Dev. Authority v. Damman*, 228 Wis. 147, 280 N.W. 698 (1938).

Parliamentary Procedure FAQs

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Most county boards have adopted the latest edition of Robert's Rules of Order, Newly Revised as their parliamentary authority and for those which have not, it should be strongly considered. Robert's Rules of Order spells out the rules of engagement so that debate, discussion and decision-making are transacted in an orderly way — balancing the protection of the rights of individual members with the rights of the group. However, county boards also have the authority to create their own procedural rules that take precedence over Robert's Rules of Order and are encouraged to do so.

Note: See "County Board Rules" on page 31. A county board rules template is available in Appendix A of this handbook and on the WCA website at wicounties.org.

To the uninitiated, Robert's Rules of Order can seem complicated and arcane. But, used as intended, parliamentary procedure enhances the democratic decision-making process by helping county boards fairly weigh and consider the ideas and opinions of all members.

Nevertheless, if you are going to play the game, you had better know the rules. To that end, here are answers to some of the frequently asked questions covering the basics of parliamentary procedure.

How is Business on the Agenda Brought Before the Body?

Step 1. Member obtains the floor. Depending on the formality of the group, this can be done in a variety of ways. In large, formal groups, the member stands when no one else has the floor, addresses the chair, receives recognition from the chair, and then speaks in debate or makes a motion. In a smaller, less formal group, such as a committee, the member simply raises their hand and begins to speak once recognized by the chair.

Note: Typically county board members raise their hand or push a button on an electronic voting system to seek recognition.

Step 2. Member makes a motion. The member states the proposal for the group to take a specific action or particular stance.

Note: The maker of the motion should agree with it as Robert's Rules of Order prohibits the maker of the motion from speaking against it. However, the maker of the motion may later vote against it.

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Step 3. Another member seconds the motion. Another member who deems the motion worthy of consideration says — without obtaining the floor — “I second the motion,” “I second it,” or simply, “Second.”

In most circumstances, a motion must be seconded in order to advance. If a motion does not receive a second, the chair should not put the motion before the group for discussion or action. The purpose of the second is to make sure that at least two members think the issue is important enough to bring before the body. A member may second the motion for discussion purposes only. In fact, a member may disagree with the proposal but seconds the motion so that the body will be on record as having formally opposed it.

If a group gets carried away, forgets to second the motion and inappropriately begins to discuss the motion, the presiding officer should interrupt and remind the group that the motion has not been seconded. Nevertheless, according to Robert’s Rules of Order, if a motion does not receive a formal second, but members of the body begin to discuss the merits of the motion, the motion has, in effect, been seconded. Subsequent action on the motion (e.g., debate, voting) is technically in order.

Step 4. Chair states the question on the motion. Once the motion has been made and seconded, the chair restates the motion. Usually, the restatement follows this form, “It has been moved and seconded that...” By restating the motion, the chair formally places the motion before the body and ensures that everyone heard the same proposal and can, thereby, keep debate focused on the motion at hand.

Here lies a turning point in the proceedings. Up until the time that the chair restates the motion, the maker of the motion owns the motion and may change it or withdraw it without the consent of the body. Once the motion has been restated by the chair, it belongs to the group and any modifications to the motion, including withdrawal, must have the consent of the body.

Step 5. Members debate. It is during this step of the process that the members of the body may undertake a host of possible actions, including discussion of the merits of the proposal, changing the wording of the motion (amend), delaying action on the proposal, and referring the motion to a committee.

The maker of the motion has the right to be the first to address the body. Thereafter, members obtain the floor in the usual way. Robert’s Rules of Order limits speeches to no more than 10 minutes, with members permitted to speak no more than twice on the same motion in the same day. While each member has the right to speak twice, no member should be allowed to speak a second time when a member who has not yet spoken desires the floor.

During debate members should:

- ❑ Address comments to the chair, not toward another member
- ❑ Refrain from referring to the motives of other members
- ❑ Avoid side conversations; speak only when they have the floor
- ❑ Limit their comments to those pertinent to the issue under discussion

Note: Many counties, within their county board rules, modify the “two times, 10 minute” rule.

Step 6. Putting the motion to a vote. The chair does not have unilateral authority to end debate. However, the chair should pay close attention to the debate and when it is clear that discussion is finished, ask, “Are you ready for the question?” or “Are you ready to vote on the motion?” If any member seeks to continue debate and discussion, the chair should permit it.

Alternatively, a member may make a motion to close debate or “Move the previous question.” Because this motion limits members’ rights, it requires a supermajority vote of two-thirds to pass.

Note: It is not appropriate to use the phrase “call the question” to end debate and immediately move to a vote on the motion before the body. See “Calling the Question” on page 133.

Step 7. Members vote. Once it has been determined that the body is prepared to vote, the chair is ready to put the question to a vote. At this time, the chair should restate the exact wording of the motion the body will be deciding upon and the effect of a “yes” (or “aye”) vote and a “no” (or “nay”) vote.

The presiding officer then tells the members what method of voting will be used — typically, a voice or counted vote. Most local government decisions should be made by a counted vote, particularly substantive decisions such as ordinances, budgets and resolutions.

For a voice vote, the chair asks for members voting in the affirmative to say “yes” (or “aye”) in unison and then asks those voting in the negative to say “no” (or “nay”) in unison. The chair should always call for the affirmative and negative votes no matter how overwhelming the result may seem. For a counted vote, each member’s affirmative or negative vote is individually recorded by members raising their hands, standing, responding to a roll call, signing ballots or via an electronic voting system. It should be noted that members can change their vote up until the time the vote is announced by the chair.

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Step 8. Chair announces results. The chair announces the results of the vote (including, if known, the number of votes on each side) followed by whether the motion passes or fails. The announcement should also include the effect of the vote — “We will purchase the equipment,” or “We will not create the proposed new position.”

What is the Proper Way to Make a Motion?

The proper way to make a motion is, “I move that...” followed by the proposed action. Be precise and specific. To ensure clarity, it is a good idea to write down the words of a motion prior to presenting it. The note can then be passed on to the presiding officer and recording secretary.

In most situations, avoid making “negative” motions, a motion **not** to do something. Because motions usually propose that the group take action, whenever possible, state the motion in the affirmative. Motions proposing that the group not take a particular action require that members vote “yes” to oppose taking an action they disagree with. This often leads to confusion.

Above all, avoid the use of the phrase “so moved.” While it may seem like an innocent shortcut, making a motion by merely stating “so moved” can create much confusion. Typically, this shortcut is taken in a committee setting after there has been some debate or discussion on a topic. One member proposes an action that the committee should take and another member states “so moved,” the motion is seconded, and the chair takes the vote. It may not be until the minutes are distributed at the following meeting that the members determine that they had each interpreted the motion in different ways. Do not let the recording secretary translate your motion for you. Be specific and clear the first time.

May the Presiding Officer Vote?

Robert’s Rules of Order was written with large assemblies and conventions in mind, not units of local government. As such, it does not always line up with the expectations of a representative democracy. The county board chair as well as committee chairs may participate in debate and vote. If the county board chair chooses to participate in debate, they should pass the gavel to the vice chair or another member of the body who has not yet engaged in debate. Counties should include language within their county board rules addressing chair participation in debate.

What is the Proper Procedure for Amending a Motion?

At times, a motion is made that is not acceptable in its current form. The body may then amend — alter the wording of — the motion that is already on the floor to make it satisfactory to a majority. The motion to amend takes the form, “I move to amend the motion by...” The member then has three choices: 1) inserting or adding words; 2) striking

(deleting) consecutive words; or 3) striking and inserting. In making the motion to amend, the member specifies the location for the deletions and/or insertions. The amendment must relate to the subject of the motion it is amending.

A motion to amend may be amended. In other words, a member may move to amend a primary amendment while it is pending with a secondary amendment. Primary and secondary amendments each require a second as well as a majority vote to pass. A motion to amend a secondary amendment is out of order.

May a Governmental Body have Its Own Rules that Conflict with Robert's Rules of Order?

Governmental bodies are encouraged to have their own rules that specifically address certain situations. Local units of government often adopt their own rules related to citizen participation during meetings of the governmental body, participation in debate, absences, procedures for putting items on the agenda, election of officers, and who presides if the chair is absent. Of course, rules adopted by the local unit of government may not conflict with any state or local law.

In any situation where business is brought before the county board or a committee, it is critical that the chair ensure that the business has been properly noticed under Wisconsin's Open Meetings Law or that an exception to the Open Meetings Law applies. Federal and state laws take precedence over local rules and local rules take precedence over Robert's Rules of Order. (See "County Board Rules" on page 31.)

How Do I Know if a Motion is "In Order?"

This is perhaps the most complicated of the questions. Nevertheless, if you understand the parliamentary concept of precedence, you are well on your way to understanding when motions are "in order." (A chart showing the rank of privileged and subsidiary motions can be found at the end of this chapter on page 135 as well as in most reference books on Robert's Rules of Order.)

Only one main motion at a time is allowed on the floor. Any main motion should be ruled out of order if it is made while another main motion is pending. Motions have rank and a motion is not in order if another motion of higher rank is pending. Main motions are lowest in rank. The chair should check the rules for each motion. Rules include whether the motion requires a second, is debatable, is amendable, and requires a vote to pass.

Subsidiary motions relate to the treatment of main motions and other motions. Subsidiary motions are applied to another motion and, if adopted, do something to the other motion. They are in order when a main motion is pending. The seven subsidiary motions are ranked among themselves. From highest rank to lowest rank, they are as follows:

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- Lay on the table
- Move the previous question
- Limit or extend limits of debate
- Postpone to a certain time
- Commit (or Refer)
- Amend
- Postpone indefinitely

Privileged motions rank higher than any subsidiary motion or main motion and, as such, are in order when those are pending. Privileged motions are not applied to other motions; rather, they relate to the meeting itself. The five privileged motions are ranked among themselves. From highest rank to lowest rank, they are as follows:

- Fix the time at which to adjourn
- Adjourn
- Recess
- Raise a question of privilege
- Call for the orders of the day

Incidental motions relate to the conduct of the meeting rather than to other motions. In general, an incidental motion is in order when it relates to the business at hand. Incidental motions are not ranked as are subsidiary and privileged motions. Some common incidental motions are as follows:

- Point of order
- Appeal ruling of chair
- Suspend the rules
- Division of a question
- Withdraw a motion
- Parliamentary inquiry
- Point of information

How Should the Motions Be Handled?

Assume the chair has handled their job correctly and there are four motions currently pending — the main motion, a primary amendment, a secondary amendment and a motion to refer to committee. For example, a main motion is pending to “purchase a backhoe for the highway department.” A motion is then made to amend the main motion by “adding the words ‘at a cost not to exceed \$75,000’ after the word ‘purchase.’” While discussing the motion to amend, another member moves to make a secondary amendment (amending the amendment) by “striking \$75,000 and inserting \$150,000.” At this point, another member moves to “refer this motion to the Highway Committee.”

All of these motions are in order because each succeeding motion is of higher rank than the previous. The body will then dispose of these motions in reverse order. Think of these motions as nested cups, one inside another. The most recently added cup must be dealt with first.

In the example, the body will vote first to refer the motion to the Highway Committee. If the motion to refer is adopted, the entire motion (including amendments) is referred and the body takes no further action. If, however, the motion to refer fails, the vote on the secondary amendment is taken up, followed by the amendment to the main motion, and finally the main motion.

The vote on each subsequent motion incorporates the changes enacted by the subsidiary motions. If the secondary amendment passes, then the decision on the primary amendment becomes a vote on whether to “add the words ‘at a cost not to exceed \$150,000’ after the word purchase.” Assuming this primary amendment passes, the motion before the body is to “purchase at a cost not to exceed \$150,000 a backhoe for the Highway Department.”

In What Ways Can the Body Revisit a Decision?

There are three principal ways a body can change its mind — rescind, reconsider or amend something previously adopted. Keep in mind that the Wisconsin Open Meetings Law requires proper notice to be issued in order to address these main motions. There are specific rules surrounding these types of motions to avoid conflicts arising when action is taken in furtherance of an adopted motion as authorized by the motion. For example, any action taken to reverse a decision previously adopted does not release the body from any contractual agreements entered into as a result of the original decision.

- ❑ **Rescind.** The motion to rescind nullifies resolutions, policies and ordinances previously adopted by the body.
- ❑ **Reconsider.** The motion to reconsider is often misunderstood and misused. Members are advised to use the motion to reconsider only when new information presents itself during the course of the same meeting at which the original proposal was acted upon. At subsequent meetings, motions to rescind or amend something previously adopted are more appropriate. The motion to reconsider may be made only when no other motion is pending before the body. The maker of the motion to reconsider must be a member who voted on the prevailing side of the motion under question.
- ❑ **Amend something previously adopted.** This motion changes a previously adopted motion. Do not confuse this motion with the subsidiary motion to amend. The motion to amend something previously adopted is handled as a main motion.

Parliamentary Procedure

How Can a Body Delay or Avoid Taking Action on a Motion?

There are three motions that delay action on a pending motion: postpone indefinitely, postpone to a certain time, and table or lay on the table. There is also a fourth, yet seldom used way to delay or avoid action: withdrawing the motion.

- **Postpone indefinitely.** Members should use this motion only when they intend to kill the motion under consideration. Passage of the motion to postpone indefinitely equates to voting the measure down without having to vote against the measure.
- **Postpone to a certain time.** There are occasions when the body needs more time or information to make a decision. The intent is not to kill the motion, but rather to make the decision later. The motion should include when the body will address the proposal under consideration. The motion to postpone to a certain time may merit the status of most underemployed parliamentary motion. Many boards use the motion to table (more properly, “lay on the table”) when they should be using the motion to postpone to a certain time. The motion to postpone is not proper unless it indicates a specific date or event (e.g., the next board meeting).
- **Lay on the table.** The motion to lay on the table is properly used only when urgent business presents itself or when something else needs to be addressed while a main motion is on the floor. The intent is to set the discussion of the current motion aside temporarily and resume the debate during the current or next meeting. A motion to table is in order when the work of the group is interrupted. It is not the proper motion to buy time for the body. To resume debate on a motion that has been laid on the table requires a motion to remove the motion from the table. The motion to remove from the table can be made, subject to the Open Meetings Law, when no motion is on the floor during the current or subsequent meeting.
- **Withdrawing the motion.** Remember that once a motion has been made, seconded and restated by the chair, it belongs to the body. Therefore, a motion to withdraw a motion would be subject to a majority vote of the body.

What are Some Frequent Procedural Errors to Avoid?

Adoption of informational reports. Reports from officers, department heads, committees, boards or commissions should not be approved or adopted. Adopting a report creates an expectation that the recommendations included in the report will be enacted.

This is usually not the body’s intent. To avoid confusion, the presiding officer simply acknowledges the report and thanks the presenter.

“So moved.” The use of this phrase, addressed earlier, potentially creates confusion and the adoption of motions with unintended consequences.

Calling the question. A member, tired of debate, rises and states, “Madam Chair, I call the question,” and expects debate to end immediately. Robert’s Rules of Order gives no such power to any one individual. A member who “calls the question” does not simply end debate and require that a vote be taken instantly. A motion “calling the question” should be treated as a motion to end debate or “move the previous question.” The motion to end debate requires a second and a two-thirds vote to pass. Once passed, the chair must put the motion to a vote.

Motion to table. The motion to “table” when the intention is to “postpone to a certain time.”

Are the Rules the Same for Committees or Smaller Groups?

- ❑ Understandably, the rules are less formal for committees and smaller groups. Robert’s Rules of Order describes a smaller group as one that includes up to “about a dozen members.”
- ❑ Members may raise a hand instead of standing when seeking to obtain the floor and may remain seated during debate and discussion.
- ❑ Members may speak more than twice on the same motion.
- ❑ Informal discussion is permitted before a motion is pending. The reality is that in most committee meetings, members address an issue by discussing it first. During the course of debate and discussion, a solution or proposal to address the issue arises. This proposal becomes the basis for a motion.
- ❑ The chair need not rise when putting a motion to a vote.
- ❑ The committee chair may, without leaving the chair, speak in informal discussions and debates.

References

- ❑ Robert’s Rules of Order, Newly Revised, 12th Edition.
- ❑ Robert’s Rules of Order, Newly Revised, In Brief, 3rd Edition, 2020, Public Affairs Books (the only authorized concise guide to Robert’s Rules of Order).

Basic Information on Motions

Ranking Motions

These motions are listed in order of rank. When any one of these motions is pending, those above are in order and those below are not in order. Additional rules may apply to each motion depending upon the circumstances.

Privileged Motions:	Require second?	Can debate?	Can be amended?	Vote required.
13. Fix the Time to Which to Adjourn	yes	no	yes	majority
12. Adjourn	yes	no	no	majority
11. Recess	yes	no	yes	majority
10. Raise a Question of Privilege	no	no	no	chair
9. Call for the Orders of the Day	no	no	no	chair

Subsidiary Motions:

8. Lay on the Table	yes	no	no	majority
7. Move the Previous Question	yes	no	no	2/3
6. Limit or Extend Limits of Debate	yes	no	yes	2/3
5. Postpone to a Certain Time	yes	yes	yes	majority
4. Commit or Refer	yes	yes	yes	majority
3. Amend	yes	yes	yes	majority
2. Postpone Indefinitely	yes	yes	no	majority
1. Main Motion	yes	yes	yes	majority

Non-Ranking Motions

Incidental Motions:	Require second?	Can debate?	Can be amended?	Vote required.
Appeal Ruling of Chair	yes	yes*	no	majority
Close Nominations	yes	no	yes	2/3
Consider by Par. or Seriatim	yes	no	yes	majority
Division of the Assembly	no	no	no	no
Division of a Question	yes	no	yes	majority
Objection to Consideration of Question	no	no	no	2/3
Point of Order	no	no	no	chair
Reopen Nominations	yes	no	yes	majority
Suspend the Rules	yes	no	no	2/3
Requests and Parliamentary Inquiries	no	no	no	chair

Motions bringing a question before assembly again:

Reconsider	yes	yes	no	majority
Rescind	yes	yes	yes	majority
Amend Something Previously Adopted	yes	yes	yes	majority
Take from the Table	yes	no	no	majority

* May be discussed but each member may only speak once.

Source: Robert's Rules of Order, Newly Revised, 12th Edition

Agendas and Minutes for County Meetings

■ Written by Jon Hochkammer, Wisconsin Counties Association (retired), and updated by Sarah Diedrick-Kasdorf, Director of Outreach and Member Engagement, Wisconsin Counties Association, and Malia Malone, Attorney, Attolles Law, s.c.

Note: While Robert’s Rules of Order, Newly Revised provides guidance with regard to agenda setting, counties must comply with the Open Meetings Law. Therefore, counties must first consider the Open Meetings Law, local county board rules, and then Robert’s Rules when developing agendas. For more on Wisconsin’s Open Meetings Law, see page 77.

All county government meetings seem to follow a similar script, but one may wonder why that is. Why is it that every meeting of a governmental body has a printed agenda? Why are minutes recorded? Who sets the agenda? What information must be included in the meeting minutes?

The answers to these questions, and many others, lie in state statute, county board rules and Robert’s Rules of Order. These primary sources of procedure lay the foundation for the conduct of county meetings. First, counties are required to follow the state’s Open Meetings and Public Records Laws. Next, most counties have adopted “board rules” or “local rules,” in their ordinances or by county policy, governing the conduct of meetings. Finally, counties also rely on Robert’s Rules of Order to provide guidance for agenda setting, parliamentary procedure (how business gets conducted), and what to include in meeting minutes.

Meeting Agendas

The main purpose of an agenda is to set the expectation for what will occur at a meeting. Agendas provide advanced notice to the members of the governmental body, the public and the media with regard to the items of business that will be addressed at a meeting as well as the order in which the business will be considered. For the vast majority of counties, the agenda serves as the meeting’s public notice requirement under the Open Meetings Law. If your agenda serves double duty, state statute requires the agenda provide the “time, date, place and subject matter” of the meeting with enough specificity to apprise the reader of the anticipated business. The agenda also informs the public and media as to what will transpire in open session and what will occur in closed session if one of the limited exceptions to the Open Meetings Law applies.

Typically, unless otherwise prescribed by county board rule, the presiding officer, or designee, is responsible for developing the agenda (topics) and noticing the meeting.

Note: While state statute places responsibility for public notice with the presiding officer, most counties designate that duty to the county clerk. See page 80 for more on the Open Meetings Law’s public notice requirements.

Meeting Agendas & Minutes

Wis. Stat. § 59.23 provides that the county clerk creates the agenda for meetings “under the direction of the county board chairperson or committee chairperson.” Working with the county clerk helps to ensure compliance with the Open Meetings Law and provides consistency across all county meetings. Counties have varying procedures regarding how meeting agendas are developed, particularly for committee agendas. In developing agenda content for board and committee meetings, board rule and custom will dictate what official or group of officials establishes the content of an agenda. However, no matter the approach taken, it is advisable to have written procedures with regard to agenda development. A clear process will ensure everyone, whether the chair of a committee or a board member, understands the agenda development process and knows their rights and responsibilities. Each county should develop an order of business/agenda for all regularly scheduled county board meetings as part of its county board rules. A sample order of business can be found in the “County Board Rules Template” on page 202.

In order to meet the requirements of the Open Meetings Law, an agenda must include enough information to provide the public with sufficient knowledge of the nature of the business to be discussed or acted upon at a meeting. For example, if the agenda includes an item titled “Reports,” the title or subject matter of the report should be listed along with who will be giving the report. An agenda item only stating “Unfinished Business” or “New Business” is insufficient notice as it specifies no particular subject matter. Any agenda item not including a description of the subject matter provides insufficient notice to the public. According to the attorney general’s office, a “good rule of thumb will be to ask whether a person interested in a specific subject would be aware, upon reading the notice, that the subject might be discussed.” If the body anticipates possible action, including adoption, amendment, or rejection of a proposal, the agenda must reasonably signal that action may occur; a notice suggesting only discussion may be insufficient.

If a board or committee anticipates the need for a closed session under Wis. Stat. § 19.85(1), such closed session must be properly noticed and the agenda must include the subject matter and the specific statutory exemption allowing for the closed session. The agenda should also indicate if the body will be reconvening in open session and when that is anticipated to occur. In order to ensure the agenda item meets the statutory requirements for a closed session, it is highly recommended that the agenda author consult with corporation counsel any time a closed session is anticipated.

Meeting Minutes

The Open Meetings Law requires a governmental body to create and preserve a record of all motions and roll call votes at its meetings. Meeting minutes are the most common method used to comply with this requirement. Wis. Stat. § 59.23 requires county clerks to “keep

and record true minutes of all proceedings of the board in a format chosen by the clerk, including all committee meetings, either personally or through the clerk's appointee."

Note: Most county clerk offices designate departmental staff to assist with the creation of agendas and meetings minutes. To ensure consistency with public notice requirements, formatting, etc., county clerks are encouraged to develop a guidance document on best practices regarding agenda and minute development within the county.

The meeting minutes should capture the "substance" of the official actions taken by the body, but are not a transcript of the meeting. Wis. Stat. § 985.01(6) defines substance as "an intelligible abstract or synopsis of the essential elements of the official action taken by a local governing body, including the subject matter of a motion, the persons making and seconding the motion, the roll call vote on the motion [if a roll call vote is taken], and the outcome of any vote." While the Open Meetings Law does not specify a time frame in which meeting minutes must be created, it is advisable that the motions and roll call votes be recorded at the time of the meeting or as soon thereafter as practicable. Meeting minutes should focus on the actions of the governing body, not on what the body's members said.

Robert's Rules of Order recommends the following items be included in the meeting minutes:

- ❑ Kind of meeting
- ❑ Name of the organization
- ❑ Date, time and place of the meeting
- ❑ Name of the presiding officer and the recording secretary (typically the clerk) or their substitutes
- ❑ Action on the minutes of the previous meeting
- ❑ Exact wording of each motion, the name of the maker, and whether it passed or failed (number of votes on each side)

Note: State statute requires recording the maker of the motion and who seconds the motion.

- ❑ When voting by roll call, the names of those voting on each side
- ❑ Points of order and appeals
- ❑ For reports, the name of the committee and the reporting member
- ❑ Name and subject matter of guest speaker
- ❑ The hour of adjournment

In addition, it is advisable that counties include in their meeting minutes the members of the body in attendance and whether or not a quorum was present.

Meeting Agendas & Minutes

Robert's Rules of Order recommends the following items be excluded from the meeting minutes:

- Opinion or interpretation of the recording secretary
- Judgmental phrases such as "members expressed total confidence" or "lengthy report"
- Discussion (what members said)
- Motions that were withdrawn
- Detailed reports (except when of great importance)
- Summary of remarks of guest speakers

Whoever is taking minutes of the meeting should be sure to record the wording of the motion prior to the vote. It is appropriate for the clerk or recording secretary to interrupt if necessary to record the exact wording of a motion to ensure the body is voting on the motion as intended by the maker.

If a member of the governmental body requests that each member's vote be recorded on a particular matter, a voice vote or a vote by a show of hands is not permissible unless the vote is clearly unanimous and the minutes reflect who is present for the vote.

Addressing Frequently Asked Questions About the Minutes

- For reports, the meeting minutes should simply record that the body received the report, who gave the report and the subject matter. The body should not vote to accept or approve a report from an external source. The minutes should state that the body received the report and placed it on file.
- When recording a formal decision of the body, the minutes should reflect if the decision was by unanimous consent. However, it is better to record "without negative vote" rather than "unanimous" unless the recording secretary or clerk knows for certain there was no opposition to the motion. If the distribution of votes was not unanimous, the distribution of the votes should be listed (e.g., "the motion carried 5-2"). All roll call votes must indicate how each person present voted. Decisions made by voice vote should indicate that it was a voice vote and the outcome of the vote (e.g., "motion carried, voice vote").
- Meeting minutes must indicate that the presiding officer announced in open session the subject matter and the specific statutory exemption allowing for closed session. The motion to convene in closed session is a roll call vote and must be recorded in the minutes along with the time the body convened in closed session. A motion to adjourn the closed session and reconvene in open session must also be recorded. Minutes of what transpired in closed session are not advisable but a "closed session record" may be necessary on the rare occasion where official action was taken in

closed session. Any record of what transpired in closed session is kept separate from the open session minutes.

- Approval of meeting minutes is done at the subsequent meeting of the body.
- It is preferred to have the adopted minutes signed by the presiding officer.
- If necessary to correct minutes that have been previously approved, the minutes of meeting B should show what corrections were ordered in the minutes of meeting A. The original minutes of meeting A should be corrected so the error remains apparent. The original version should be retained in the official minute book. Corrections to previously approved minutes can be made at any time. It is not required that the correction occur at the next meeting of the governing body. The minutes should accurately reflect the actions of the body so if an error is noticed, it should be corrected. It should be noted that this correction process is viewed as a best practice so as to identify particular action taken by the body and should be codified in the board rules. According to Robert's Rules of Order, the corrections are not noted in the corrected minutes.
- A county clerk or recording secretary may utilize an audio recording device to capture the discussions, actions and contents of a meeting for the sole purpose of utilizing such record to refresh their recollections when later drafting the official minutes of the recorded meeting.
 - Provided that such recording is used solely for the aforementioned purpose and provided it is maintained solely by the county clerk or recording secretary between the time the recording is made and the time the official minutes are ratified by the county board or committee to which the minutes pertain, such recording constitutes a "note" under Wisconsin's Public Records Law and, therefore, is not an official public record subject to disclosure upon request.
 - Because such recording does not constitute an official county record under the Public Records Law, the county clerk or recording secretary is authorized to delete, discard of, or otherwise destroy such recording upon the county board's or applicable committee's approval of the official minutes that were drafted by the county clerk or recording secretary in relation to such recording.
 - The county should have a written policy to allow the county clerk or recording secretary to delete, discard or destroy the audio recording once the minutes are approved. It is important to remember, however, that if the audio recording is shared with anyone else, the recording is likely a public record that may not be destroyed and is otherwise available for public inspection.

Note: Detailed information on public records requirements is included in the chapter, "The Wisconsin Public Records Law," on page 89.

County Budgets and Financial Management

■ *Written by Kevin Dospoy, Director, Forward Analytics, and updated by Thomas Cameron, Attorney, Attolles Law, s.c.*

The preparation and approval of a budget is probably the single most important duty of local government officials. It determines what services will be provided, to what extent they will be provided, and how they will be funded. County leaders prepare budgets in a quickly changing and increasingly difficult environment. Citizens simultaneously ask local leaders to hold the line on taxes and provide the same level of services while the state limits the amount of taxes the county can levy. This becomes more challenging when considering that most county services are mandated by the state.

This chapter provides county leaders with an overview of budgeting ideas, suggestions and terms; however, it should not be considered a comprehensive document. Not all county budget processes are the same. Use this chapter as a guide to understanding your county's process.

Current law allows counties to levy a property tax and requires every county to prepare a budget. While counties have historically been required to adopt an annual budget, 2019 Wisconsin Act 42 allows counties to adopt and operate under a biennial budget. If a county decides to adopt a biennial budget, it is required to do so in an odd-numbered year. Wis. Stat. § 65.90 sets out the process and documentation requirements for the county budget, unless, for one of the reasons described below, Wis. Stat. § 59.60 applies. The statutory requirements for budget documents, such as public notice and comment, do not differ significantly from the requirements to adopt local ordinances.

Other relevant sections of the Wisconsin statutes and the Wisconsin Constitution that apply to county budgeting are as follows:

- **Wis. Stat. § 59.60.** This section explains the budget procedures required for counties with a population of 750,000 or more. Currently, Milwaukee County falls under this statute, but any county with an executive or administrator may choose to be subject to this statutory procedure.
- **Wis. Stat. § 66.0602.** This section establishes limits on the county's operating levy. This limit has changed over the past few years. As of 2026, the levy is not allowed to increase by a percentage that exceeds the greater of 0% or the change in property values due to net new construction. This section of the statutes also outlines exceptions to this rule, such as to issue debt. Counties that exceed the limit

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face penalties, including dollar-for-dollar reductions in state aid for the amount in excess of the limit. However, a county can exceed the levy limit if it goes through the referendum process. The requirements of this referendum exception are outlined in Wis. Stat. § 66.0602 (4).

- ❑ **Wis. Stat. Chapter 67.** This chapter details the conditions and procedures for issuing debt.
- ❑ **Art. XI (Sec. 3), Wis. Const.** This section limits the amount of debt principal a county can incur to 5% of the county's equalized value.

Purpose of a Budget

- ❑ An accounting document (record and control expenditures)
- ❑ A management document (determine who can spend how much)
- ❑ A decision-making document (basis for sound decision-making by board members and staff)
- ❑ A policy document (inform the public of how tax dollars are being spent and policy priorities of county government)

The Budget Calendar

The following is a sample budget calendar for a typical annual county budget process. Each county may take different steps at different times or have different players involved, but Wisconsin state law requires certain steps. Keep in mind, the fiscal year for all counties in Wisconsin coincides with the calendar year. When reviewing the following sample budget calendar, understand that it is a model intended to provide a basic understanding of the steps taken to approve an annual budget. The calendar will differ for counties opting to adopt a biennial budget.

July

- ❑ The person coordinating the budget sets up budget worksheets.
- ❑ In early July, budget guidelines and revenue estimates are established.
- ❑ In mid-July, county departments prepare budget requests.

August

- ❑ County departments review their requests with the oversight committee.
- ❑ In mid-August, the person coordinating the budget re-estimates the proposed tax levy and other revenue sources.
- ❑ The Wisconsin Department of Revenue (DOR) publishes the net new construction report. (All DOR worksheets and reports can be found at revenue.wi.gov.)

September

- ❑ Week 1 — Departments submit committee-approved budgets to the person coordinating the budget.
- ❑ Week 2 — Departments review budgets with the person coordinating the budget.
- ❑ Weeks 3–4 — The finance committee reviews compiled budget requests, requests department information and makes changes.
- ❑ The DOR posts the levy limit worksheet.

October

- ❑ In early October, the finance committee submits the amended budget proposal to the county board for review and changes.

Early November

- ❑ The county clerk publishes a Class 1 notice for the public budget hearing and a summary of the budget. The budget summary must include: (1) all revenues; (2) all expenditures; (3) percent change between current and proposed budget; (4) beginning and year-end general and proprietary fund balances; (5) total revenues and expenditures by fund type; and (6) notifications of any increase or decrease.
- ❑ The county board conducts public hearing on budget before budget is passed.

November

- ❑ In mid-November, the county board adopts the budget at the board meeting.
- ❑ At the end of November, the mill rate worksheets are submitted to the county clerk and the levy limit worksheet is submitted to the DOR.

December

- ❑ In early December, the county treasurer provides property tax bills to municipal clerks for mailing to taxpayers.

Budget Structure and Accounting

Government budgets use “fund” accounting methods and are commonly structured in order with the following components: (1) overview; (2) summary; (3) revenues; (4) general fund; (5) special revenue funds; (6) debt service fund; (7) capital fund; (8) proprietary/enterprise funds; and (9) fiduciary funds. Each are explained below.

Overview

The overview is a narrative used to give the reader an idea of what the budget hopes to accomplish, what is different from the prior year budget, and any pertinent information not obvious in the budget.

Summary

Wis. Stat. § 65.90(3) requires a summary to show the percentage difference between the current budget and the proposed budget for: (1) general property taxes; (2) total revenues; and (3) total expenditures.

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Revenues

The revenues component of the budget shows the projected income for the coming fiscal year and includes all anticipated incoming money, including property tax revenue, state aid, fees for services, sales tax revenue, anticipated grants, and loans. Wisconsin law allows counties to collect a 0.5% sales tax where applicable, but not all counties have adopted sales tax ordinances. Additionally, state law allows Milwaukee County to collect a 0.4% sales tax (separate from the allowable 0.5% sales tax option afforded to all counties) for the purposes of funding pension obligations.

Governments do not receive all revenues at the beginning of the year. Both taxes and state-funded county and municipal aid (often referred to as shared revenue) are received incrementally, making proper cash flow management essential. Major purchases or expenditures must be scheduled to coincide with points when cash will be available unless borrowing is planned or a sufficient reserve exists to cover the expenditure. Property taxes are due in January and July, with funds made available to counties shortly thereafter. Shared revenue payments are received in July (15%) and November (85%). Neither property taxes revenue nor shared revenue can be expended prior to receipt unless the local government uses short term-borrowing or funds from a general fund reserve.

General Fund

Day-to-day government operations are budgeted from the general fund, which is usually the largest fund in the budget. Some examples of expenditures under the general fund include payroll, benefits, electricity, small IT purchases, office supplies, vehicle repairs and fuel.

Another part of the general fund is the general fund reserve. Maintaining a general fund reserve or contingency fund is essential to cover unplanned expenditures or expenditures that cannot wait for a revenue payment. A typical guideline for a general fund reserve or contingency fund is between 20% and 40% of general fund expenditures.

Special Revenue Funds

Special revenue funds are often considered to be for insulated departments. Their funding comes at least partially from special revenues that cannot be used for any purpose other than that specified in the fund and by law. They are considered insulated because part or all of their revenue is not subject to general fund reductions or restrictions. Examples of these funds and their revenues are as follows:

- Library systems — special tax and charges
- Public health department —special tax and state grants
- Highway commission — state road aids

Debt Service Fund

The debt service fund is the portion of a government budget that includes the payments of principal, interest, and fees on loans, bonds, and any other government debt. Proper accountability of debt service is essential for future borrowing. A common error in calculating debt service amounts is to not include the annual holding or management fee applicable to governmental debts and/or bonds.

Capital Fund

Major capital purchases and projects are planned and budgeted from the capital fund. A commonly used guideline is that any program or purchase of a non-expendable piece of equipment valued at over \$10,000 should be listed as a capital budget item. The capital fund is as much about planning as budgeting. Commonly, capital funds cover five-year periods and relate directly to the government's long-range plan.

Proprietary/Enterprise Accounts

Proprietary funds include both enterprise accounts and internal service funds. Enterprise accounts are the portion of a budget supporting an enterprise, such as a business incubator, airport or nursing home. Enterprise accounts use specialized, restricted-use funds where the government is operating an "enterprise" in a manner similar to a private business. These accounts are considered separate from other governmental operations. Generally, enterprise account activities are expected to be financially self-sufficient, meaning little or no general fund support is needed.

Internal service funds are funds within the budget that pay for expenses from a number of departments through a single account. For example, all departments with employees enrolled in the government's health insurance program could contribute the appropriate amount into the internal service fund for the number of employees in its department. The health insurance premiums are paid from the one internal service fund to minimize confusion and staff time. These are sometimes referred to as "pass through funds" or "pass through accounts."

Fiduciary Funds

Fiduciary funds are special funds that cover accounts such as public pension trusts, private purpose trusts, investment trusts and agency funds. All fiduciary funds are restricted-use funds. Monies in those funds cannot be used to cover deficiencies in the general fund unless the action is done as a loan, with a formal payback schedule, and done by resolution of the governing body. Knowingly violating this provision can be prosecuted as a criminal action.

Undesignated or "slush" funds are not allowed. In local governments, all incoming revenue must be shown in budget documents and assigned to a fund. All expenditures must be accounted for in the budget.

County Budgets

Types of Budgets

There are various ways that budget coordinators approach a budget. Local government budgets are normally organized according to Governmental Accounting Standards Board (GASB) recommendations and should also comply with Generally Accepted Accounting Principles (GAAP). The process of developing a budget, as well as the responsibility for managing that budget, varies from county to county. To have an understanding of the county budget, it is important to know the parts of the budget, the process of the budget, the types of budgets, and the primary budget players.

You should check with your county colleagues to understand the details of the local budget process. A county may have an adopted budget ordinance that outlines the process. The following is a list of the major forms that a budget may take.

Line-Item Budget. The line-item budget is perhaps the most commonly used form as it is relatively easy to prepare and implement. Additionally, it provides for financial accountability and control. Each expenditure that a department may make in a year is grouped so that it can be reported on one line. These expenditures are independent from the programs for which the resources are budgeted. Examples include salaries, postage, supplies, travel, training and equipment. There are limitations inherent to a line-item budget because it does not show how expenditures are divided among various programs. It is also difficult to compare the results of a program with the resources the program was given as many services are provided through the collaboration of one or more departments.

Incremental Budget. Another popular method of preparing a budget that works hand-in-hand with line-item budgeting is incremental budgeting. Whether making cuts or providing increases, this form treats every area of the budget equally by applying the same percentage increase or decrease to each line item. Increases or decreases are often tied to county indexes, such as percentage growth in personal income, the consumer price index, equalized property values or a combination of the above. Although this method can be efficient, effective and fair, it provides for little debate on what priorities the county should consider in terms of service delivery.

Program Budget. Program budgeting is an attempt to eliminate the separation between program planning and budget planning inherent in line-item budgets. Instead of organizing the budget based on uniform expenditures, program budgeting organizes it based on individual programs. Funds are allocated along program, rather than department, lines. It focuses on goal attainment and effectiveness in demonstrating desired outcomes. The problem with this type of budgeting is the complexity it generates. There is a heavy reliance on analytical techniques, such as cost-benefit analysis, to determine the best allocation of resources. Performance-based budgeting works best with a program budget as its starting point.

Performance Budget. Performance budgets are based on the assumption that presenting performance information alongside budget numbers will improve budget decision-making by focusing funding choices on program results. Performance budgets focus on missions, goals and objectives to explain why money is being spent and provide a way to allocate resources to achieve specific results. This form focuses on the outputs that the resources deliver, or the return on investment.

The performance budget is a contract for desired levels of service that are evaluated based on how the programs are achieving their pre-stated goals. Programs or functions that perform well receive larger increases and those that perform below agreed-upon goals receive small increases or even decreases. The weaknesses of this budget type lie in the objectivity of the desired performance level, as well as how to handle underperforming departments that are vital to public safety, health or welfare, or are mandated by state or federal law.

Performance-based budgeting cannot begin until a system of performance measures are instituted. Further, a functional performance-based budgeting system cannot be expected to produce the long-term desired results in the first year of its inception. Positive, valid decision-making data will commonly take three to five years to collect.

Zero-Base Budget. The premise of zero-base budgeting is to promote cost-efficiency of services through the ranking of each service. Each department starts with no budget and then performs the exercise of determining, for each service they provide, what they would do if they had to cut, expand or keep the service at the same level of funding as the prior year. Departments order by rank each addition or subtraction in order to give decision-makers an accurate picture of what is important and what could be cut. This process can be time consuming, but it gives budget preparers the opportunity to propose the elimination of long-standing, but not necessarily essential, public programs.

Decision Packages. An alternative approach to zero-based budgeting is organizing information into decision packages, more specifically incremental spending levels that reflect varying levels of effort and cost. In theory, each department prepares at least three packages:

- ❑ Base-level funding — meeting the program's minimum requirements
- ❑ Current-level funding — maintaining the program's existing levels
- ❑ Enhanced funding — addressing the program's unmet needs

Packages from all departments are then ranked according to perceived need for the package. This methodology relies on the subjective judgment of decision-makers in ranking packages. Packages are then either adopted for funding or rejected in total. In theory, the decision-makers may decide not to renew funding for an existing program and shift those funds to another, possibly entirely new, program. In reality, this reallocation rarely occurs.

County Budgets

Target-Base Budget. During times of cutting the overall budget, target-base budgeting can prove useful. Instead of calculating the property tax levy after department heads have submitted their budgets, it is done at the beginning of the process and available resources are allocated based on historical allocations. Often leaders set aside a discretionary amount of funds to provide additional funding to certain areas based on justification from the department. Although target-base budgets can prove to be useful in budget-cutting situations, it does not provide for much vision on the part of department heads or decision-makers.

The approaches of government efficiency (i.e., the concepts within Lean Government, Lean Six Sigma and other efficiency methodologies) can also be adapted to the budgeting process with significant success.

Operating vs. Capital Budgets or General Fund vs. Capital Fund

Generally, there are two different kinds of annual budgets that counties prepare: the operating budget and the capital budget.

The operating budget appropriates dollars to fund general government services and purchases for a number of programs or functions. This is the primary budget and is in effect for one fiscal year. Operating budgets are based on statutorily required and discretionary services that are reviewed and evaluated on a program or line-item basis. Various examples of programs and departments in this budget include parks, elections, general government, sheriff's operations, highways and libraries. Each funding area consists of items such as wages, benefits and other compensation; supplies, travel and training for staff; insurance; certain equipment purchases; contracted services; and debt repayment.

Funding for the operating budget is provided through general revenues that the county may take in, such as taxes, fees, intergovernmental aids and other general revenues. Individual departments or offices may not retain unspent revenues in the general fund budget at the end of the fiscal year. Instead, they will lapse into the county's general fund reserves. These funds must then be approved by the county board for reallocation before use in the following year's budget.

The other budget that counties may prepare is the capital budget, or capital fund. This budget is prepared for multi-year projects, such as land acquisition, building or construction projects, equipment purchases, and infrastructure maintenance. The typical time frame for funding these capital improvement projects is five years. County boards need to review this capital budget plan periodically to make modifications and shift resources as necessary. The plan outline in a capital budget is used as a visionary tool for the county. In contrast to the operating budget, capital projects can be funded through

“pay as you go” funds, debt financing, build to lease, or public trust fund loans. For debt financing, the most common way to fund capital projects is to sell general obligation bonds or promissory notes on the private bond market. Debt financing allows local decision-makers to spread the cost out over the useful life of the project.

Sources of Revenue

Property Taxes. Property taxes are the largest source of local tax revenue for Wisconsin’s counties (\$2.6 billion in 2025). Since 2006, the state has regulated how much counties and municipalities can raise through the property tax by limiting “levy” increases to a certain “allowable percentage” or the percentage change in net new construction, whichever is greater. The “allowable percentage” is determined by the state Legislature and has changed from year to year, as have the allowable adjustments (e.g., debt, previous year unused levy). For 2026, the allowable percentage increase is 0%. In other words, the allowable levy increase is the change in property values due to net new construction. The only way to exceed the levy limit without a penalty of state aid loss is through a referendum.

Sales Taxes. Another source of revenue for counties is the local sales tax. Wisconsin law allows counties to collect a 0.5% sales and use tax on goods and services purchased within that county. The 0.5% is added to, or “piggy-backed” onto, the state sales tax rate of 5% and applies to the same goods and services as the state tax. Not all counties impose a local sales tax. Currently, 70 of 72 counties have approved ordinances authorizing DOR to collect the additional 0.5% on their behalf. Wisconsin law also allows Milwaukee County to collect an additional 0.4% sales and use tax to fund county pension obligations. In 2025, the 70 counties imposing the optional sales tax collected \$766 million.

Intergovernmental Revenues. Intergovernmental revenues include direct federal aid, state aid, federal aid paid through the state, and aid from other local governments. The rationale behind state aid to local governments includes: (1) spreading the costs of government to people who do not pay local property taxes but use government services; (2) tax base equalization; (3) replacing lost tax base; (4) reducing the burden of local taxes; and (5) funding for local mandates imposed by state government. The best example of this is county and municipal aid, formerly known as “shared revenue payments,” that the state makes to counties and other local units of government.

Permits/Fees/Fines. This category of revenue is made up of major non-property tax-related, locally generated revenues. The following is a list of the miscellaneous sources of revenues, with examples, that a county may receive and use at its discretion in the annual operating budget:

- Fines and forfeitures — traffic fines

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- Certificates — birth, marriage, death
- Special fees — court filings, health
- User fees — parks, snowmobiles
- Contracts for services — town road, jail space
- Sale of materials — asphalt, salt, sand
- Permits — building, zoning
- County operations — revenue from enterprise funds

In general, these special revenue sources should be distinguished from taxes to avoid any legal challenges. In other words, the fees should be a payment for a service with connections to the use and cost of service.

Areas of Spending

Counties provide many different services to residents. Created by the state, counties provide services mandated or controlled by state officials. Counties are only able to budget for items that they are mandated or authorized to provide. Below are some examples of both mandated and discretionary areas of spending. This list is not meant to be comprehensive, but to provide a starting point for understanding mandated and authorized areas of spending.

State-Mandated Areas of Spending — Human services programs; youth justice services; courts and related costs; constitutional officers' responsibilities; jail maintenance; and public health.

State-Authorized Discretionary Areas of Spending — Parks and conservation; transportation; county administration; planning and zoning; UW-Madison Division of Extension and educational services; airports; parking and convention facilities.

Frequently Used Budgeting Terms

There are numerous terms and phrases used in budgeting that are not commonly used in everyday life. Below are several of the most common terms, including their definitions.

- **Appropriation** — A legal authorization of a governing body to allow public officials to spend a specified amount of money, during a specified amount of time, on a specified program.
- **Capital Asset** — Items such as buildings, machinery and equipment that have a useful life of many years and cost a significant amount of money.
- **Capital Improvement Plan** — A plan for the acquisition of capital items over a number of years. The plan details timing, cost and financing methods for the purchases.
- **Capital Outlay** — Money spent on new capital items.

- ❑ **Debt Service** — Money spent for the repayment of principal and interest owed to outside lenders.
- ❑ **Depreciation** — The portion of the total capital asset charged as an expense to a particular period of time. For example, a police car bought this year will have a useful life of a certain number of years. Each year, a portion of the total value of that car is accounted for until the county no longer uses the vehicle.
- ❑ **Encumbrance** — Commitments to pay for equipment, goods or services without the payment being made. Often this is for contracts that have yet to be performed.
- ❑ **Enterprise Fund** — A way of accounting for the expenditures and revenues of an activity in which the county partakes. The activity is run like a private business enterprise because it is expected to be self-supporting with minimal support from the general fund. Common enterprise funds include county farms, airports, parking garages, expo centers, zoos, health care centers and nursing homes.
- ❑ **General Fund** — Basic fund accounted for in the annual budget that keeps track of each of the department accounts.
- ❑ **Unreserved Fund Balance** — Money from prior year budgets that have been determined by auditors to be free to be used for any legitimate county purpose.

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Introduction to County Personnel Practices

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County government is responsible for providing efficient and effective services to its citizens. As such, a county's most important resource is the personnel who provide those services. County boards play a critical role in establishing personnel policies that impact whether the county can attract and retain high-quality personnel to provide high-quality county services. Therefore, it is important that county board supervisors be familiar with the basic concepts surrounding personnel systems in order to provide effective policy direction to county employees.

The terms and conditions of employment for most county employees are set by the county board directly or through policy delegation. Counties typically adopt an employee handbook that contains guidance on the county's policies surrounding terms and conditions of employment, such as paid leave benefits, hours of work, discipline and discharge, technology use, and workplace harassment. An employee handbook is an important device for setting expectations of employees, and provides consistency in county personnel practices. Employee handbooks should be reviewed and updated at least every two years to ensure compliance with current law. Regular review of the handbook also confirms that the handbook reflects current personnel practices and presents an opportunity to revise policies that have proven to be inefficient or ineffective.

Administrative manuals are another useful means of ensuring that county operations and services are consistently high quality, cost efficient, and in compliance with federal, state and local laws. Administrative manuals set forth county administrative policies and practices for managerial employees to follow. Administrative policies include areas such as budget procedure, approval process for creating new positions or filling vacant positions, hiring procedures, job descriptions, employee orientation, performance evaluations, employee disciplinary procedure, harassment and discrimination investigations, and procurement practices. Administrative policies can be established in any area or situation where the county wants to follow a standard practice to achieve a consistent and more effective outcome.

County board supervisors serve in a legislative and policy-setting role and do not function as managers of individual county employees. Accordingly, county board supervisors should not investigate personnel complaints, direct county employees, or involve themselves in individual employment disputes, which are administered through established supervisor,

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human resources, and grievance procedures. This is especially important in counties where county board supervisors may play a role, either as a member of the full county board, or a subcommittee of the county board, in a quasi-judicial capacity in grievance proceedings.

Although the county board sets the terms and conditions of employment for most employees, a limited number of county employees maintain collective bargaining rights that require a county to bargain over terms and conditions of employment. Transit employees (e.g., positions that are supported by federal transit funds that prevent changes to collective bargaining) and public safety employees (e.g., deputy sheriffs and emergency medical technicians) have the right to bargain over wages, hours and conditions of employment with two exceptions. Public safety employees cannot bargain over health plan selection and design (e.g., co-pays or deductibles), but can bargain over health insurance premiums. Also, counties cannot bargain to pay the required employee contribution to the Wisconsin Retirement System (WRS) for public safety employees hired on or after July 1, 2011.

Under Wis. Stat. § 59.26(8)(b), there is a requirement that counties create a "grievance committee" to decide discipline matters (i.e., suspension, demotion or discharge).¹ For other municipal employees, counties are required to have either a civil service system or a grievance system pursuant to Wis. Stat. § 66.0590(c) that addresses workplace discipline and workplace safety.² This grievance system is required to have "[a]n appeal process in which the highest level of appeal is the [county board]. These grievance procedures for public safety and municipal employees underscore the importance of county board supervisors refraining from getting involved in personnel matters until such time as they serve their roles in the grievance process.

Nonsupervisory employees who are not "public safety employees" or "transit employees" (each as defined by Wis. Stat. § 111.70) have very narrow bargaining rights. If these employees, known as "general municipal employees" (as defined by Wis. Stat. § 111.70(1)(fm)), are included as part of a collective bargaining unit, the county is prohibited from bargaining with employees in the collective bargaining unit over any term or condition of employment other than "total base wages." Total base wage bargaining involves the following: (1) bargaining over an increase to the total wages of all employees in the bargaining unit; and (2) bargaining the distribution of the wage increase among the employees in the unit. The right to bargain total base wage increases is limited. Total base wage increases cannot exceed the change in the consumer price index for all urban consumers (CPI-U) unless authorized by referendum. In addition, total base wage agreements cannot be longer than one year.

Given the limited nature of collective bargaining for general municipal employees, many general municipal employees have chosen not to form collective bargaining units.

If a general municipal employee is not included in a collective bargaining unit, then the employee is considered “non-represented” and the county is not constrained by the CPI-U limitation in terms of wage increases.

General municipal employees who are included in a collective bargaining unit are required to certify their exclusive bargaining representative (typically a union) in a certification election each year. If a majority of employees in the bargaining unit vote in favor of certifying the representative, then the representative is certified to represent the unit for an additional year. If a bargaining unit chooses not to go through the annual certification process, or the representative does not receive a majority vote in the certification election, then the exclusive bargaining representative is decertified and the employees in the bargaining unit become non-represented employees. The general municipal employees then cannot be included in a substantially similar collective bargaining unit for 12 months from the date of decertification.

The following chapter is a brief overview of employment laws that regulate employment practices.

Employment Records

Pursuant to Wis. Stat. § 103.13, an employer must permit an employee to inspect or copy any personnel documents that are used or that have been used in determining that employee’s qualifications for employment, promotion, transfer, additional compensation, termination or other disciplinary action, and medical records. The right to inspect or copy personnel documents does not apply to the following:

- ❑ Records relating to the investigation of possible criminal offenses committed by that employee
- ❑ Letters of reference for that employee
- ❑ Any portion of a test document, except that the employee may see a cumulative total test score for either a section of the test document or for the entire test document
- ❑ Materials used by the employer for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for the employer’s planning purposes
- ❑ Information of a personal nature about an individual other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other individual’s privacy
- ❑ Records relevant to any other pending claim between the employer and the employee that may be discovered in a judicial proceeding

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If the employee disagrees with any information contained in the personnel records, a removal or correction of that information may be mutually agreed upon by the employer and the employee. If an agreement cannot be reached, the employee may submit a written statement explaining the employee's position. The employer is required to attach the employee's statement to the disputed portion of the personnel record. The employee's statement shall be included whenever that disputed portion of the personnel record is released to a third party as long as the disputed record is a part of the file.

Special Rules for Law Enforcement Candidates: When a law enforcement agency interviews a candidate for a law enforcement position who is or has been employed by another law enforcement agency, tribal law enforcement agency, jail, juvenile detention facility or government agency, Wis. Stat. § 165.85(4)(em) requires the candidate to execute a written waiver explicitly authorizing disclosure of their current and past employment files to the interviewing law enforcement agency. Further, the statute requires the candidate to release those current and/or former employer(s) and the interviewing agency from any liability related to the disclosure and use of those employment files. Candidates who refuse to execute the waiver may not be considered for employment.

Important: Documents containing an employee's medical information must be maintained in a separate file from the employee's personnel file. Any medical information should be disseminated to people only on a "need-to-know" basis. If there is no legitimate reason to disclose the information to a person, the information must remain confidential.

Overtime and Fair Labor Standards Act (FLSA)

The Fair Labor Standards Act (FLSA) has two primary requirements: (1) that employers compensate their hourly wage employees at no less than the prevailing minimum wage subject to any state or local minimum wage requirements; and (2) that employers pay overtime to their employees at the rate of one and one-half times the employee's normal hourly rate for all hours worked in excess of 40 in a week.

Under the FLSA, employees fall into two categories: those who are exempt from minimum wage and overtime pay requirements and those who are not exempt. Job titles do not determine exempt status. Exemptions are generally narrowly defined under the FLSA and, therefore, in order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements set forth by the Department of Labor. Non-exempt employees enjoy all of the protections provided by the FLSA and generally are paid on an hourly basis. To qualify for an exemption, employees generally must meet the tests described below.

Exempt Employees

There are several classifications of employees that fall under the FLSA exemptions. The most common exemptions are for employees whose job duties are executive, administrative, professional and computer-related (i.e., IT/technology). It is important that counties ensure the proper classification of employees as appropriate classification is the most common form of legal challenges under the FLSA. In order to qualify for an exemption, employees must: (1) be paid on a salary basis at a rate not less than \$684 per week;³ and (2) meet the following tests regarding their job duties:

Executive Employee Criteria. An “executive” exempt employee is one who:

- ❑ Primarily manages a department or subdivision;
- ❑ Directs the work of two or more full-time employees or the equivalent; and
- ❑ Has the ability to hire, fire, discipline or recommend changes in status.

Examples of an executive employee may include department heads, such as land conservation director, child support director, forest administrator, zoning administrator, social services director, payroll manager, building and grounds director, human resources manager, business operations manager or an accounting manager.

Administrative Employee Criteria. An “administrative” exempt employee is one who meets all of the following criteria:

- ❑ Primary duties consist of office or non-manual work;
- ❑ Duties are directly related to management policies or general business operations; and
- ❑ Performance of job duties customarily and regularly requires the exercise of discretion and independent judgment with respect to matters of significance.

Examples of an administrative employee may include human resources generalist, internal auditor, budget analyst, grants specialist, office manager, deputy county clerk or deputy register of deeds.

Learned Professional Criteria. A “learned professional” exempt employee is one whose position:

- ❑ Requires advanced knowledge in a field of science or learning, and includes work requiring the consistent exercise of discretion and judgment;
- ❑ Is predominantly intellectual; and
- ❑ Is acquired by a prolonged course of specialized instruction.

Examples of a learned professional may include a physician (e.g., M.D., D.D.S.), a certified nurse practitioner or registered nurse, an architect, a lawyer, a clinical social worker, or teachers and professors.⁴

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Computer Professional Criteria. A “computer professional” is someone employed as a computer systems analyst, programmer, software engineer or similarly skilled worker whose primary duties consist of:

- Application of systems analysis techniques;
- Design, development, documentation, analysis, creation, testing or modification of computer systems or programs;
- Design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
- A combination of the aforementioned duties, the performance of which requires the same level of skills.

Caution: The exemption does not apply to positions involving repair or maintenance of computer hardware, networks or equipment. Also, general IT “help desk” employees are usually non-exempt under the FLSA because their primary duty is not design, development, testing, creation, etc.

Non-Exempt Employees

Non-exempt employees are those whose job duties do not meet the executive, administrative, professional, computer professional or any other exempt employee category under the FLSA.

Compensable Work Time. Non-exempt employees must be paid for all “hours worked.” “Hours worked” means time suffered or permitted to work. The workweek may begin on any day and may be different for different employees. If the employer knows or has reason to believe that an employee is working, that time is work time. For example, the workweek for employees in the county clerk’s office may begin on Sunday, whereas the workweek for human services employees may begin on Monday.

Partial Overtime Exemption for Law Enforcement Personnel Paid on a Work Period Basis.

The FLSA generally requires employers to pay employees overtime pay for hours worked over 40 in a workweek at a rate not less than time and one-half their regular rate of pay. However, Section 7(k) of the FLSA provides a partial overtime pay exemption for public employees engaged in law enforcement activities, including security personnel in correctional institutions, who are employed on a “work period” basis.

A “work period” for these employees may be from seven consecutive days to 28 consecutive days in length.⁵ For work periods of at least seven but less than 28 days, overtime pay for law enforcement employees is calculated using the FLSA formula.⁶ For example, sheriff’s deputies must receive overtime after 86 hours worked during a 14-day work period, or overtime after 128 hours in a 21-day work period.⁷

FLSA Violations

Penalties. Employers are potentially subject to the following penalties for FLSA violations:

- ❑ Unpaid wages (two to three years of back wages)
- ❑ Fines of up to \$10,000
- ❑ Imprisonment of up to six months
- ❑ Liquidated damages (two times the amount of actual damages)
- ❑ Attorney's fees and costs of litigation

Family and Medical Leave Acts: State and Federal Obligations

The federal Family and Medical Leave Act (FMLA) became law in 1993. The purpose of the FMLA is to provide certain types of employees with unpaid leave due to a serious health condition, to care for a qualifying sick family member with a serious health condition, or for the birth or adoption of a child.

The Wisconsin Family and Medical Leave Act (WFMLA) exists for the same purposes as the FMLA. The requirements for covered employers and employees differ, however, and there are instances where an employee may be covered by one and not the other.

Where an eligible employee's leave qualifies under both the FMLA and WFMLA, the employer should run both leaves concurrently under both laws. The rules of the act that provide greater leave rights always apply.

Federal Family and Medical Leave Act (FMLA)

Covered Employees. An employee is covered by the FMLA if they:

- ❑ Have been employed by the employer for at least 12-months; and
- ❑ Have worked at least 1,250 hours during the previous 12-months preceding the leave.

Reasons for Leave. An eligible employee may take FMLA leave for the following reasons:

- ❑ The birth of a child and to care for that child;
- ❑ Placement of a child for adoption or foster care;
- ❑ To care for a spouse, child or parent (parents-in-law not included) with a serious health condition;
- ❑ The employee's own serious health condition; or
- ❑ Due to any qualifying exigency arising out of the fact that a child, spouse or parent of the employee is on covered active duty, or has been notified of an impending call or order to covered active duty in the U.S. Armed Forces.

"Serious health condition" means an illness, injury, impairment, physical condition, or mental condition that involves inpatient care (i.e., an overnight hospital stay) or continuing treatment by a health care provider.

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“Continuing treatment” includes:

- ❑ A period of incapacity that lasts three consecutive days and treatment two or more times, or one treatment followed by continuing treatment under the supervision of a health care provider;
- ❑ Incapacity due to pregnancy or prenatal care; or
- ❑ Incapacity due to treatment for a chronic serious health condition (e.g., asthma, diabetes).

“Qualifying exigency” includes:

- ❑ Short-notice deployment;
- ❑ Military events and related activities;
- ❑ Child care and related activities arising from a military member’s covered active duty;
- ❑ Financial and legal arrangements to address a military member’s absence while on covered active duty;
- ❑ Counseling when the need arises from covered active duty;
- ❑ Rest and recuperation leave during deployment;
- ❑ Post-deployment activities;
- ❑ Parental care of military member’s parent; and
- ❑ Additional activities not encompassed by any of the above but agreed to by the employer and employee.

Leave Available. An employee is entitled to 12 workweeks of unpaid leave in a 12-month period. The 12-month period, or “leave year,” can be calculated using:

- ❑ Calendar year;
- ❑ A fixed 12-month period (e.g., fiscal year, employee’s anniversary date); or
- ❑ A rolling 12-month period measured backward from the date the FMLA leave is taken by the employee.

Eligible employees who are family members of covered service members may take up to 26 workweeks of leave in a single 12-month period to care for a covered service member (“military caregiver leave”).

Spouses who are employed by the same employer are entitled to a combined 12 weeks of leave if the leave is taken for:

- ❑ The birth of a child or to care for a child;
- ❑ The placement or care of a child for adoption or foster care; or
- ❑ The care of a parent with a serious health condition.

For military caregiver leave, spouses employed by the same employer are entitled to a combined total of 26 weeks of leave.

Intermittent or Reduced Leave. Intermittent leave means leave that is taken in separate blocks of time. Reduced leave means leave that reduces the number of hours an employee can work in a day or week. Intermittent or reduced leave can be taken as follows:

- ❑ When medically necessary due to the serious health condition of the employee or the employee's immediate family member, or the serious injury or illness of a covered service member; or
- ❑ For the birth of a child or the placement of a child for adoption or foster care only if the employer agrees.

Substitution of Leave. Under the FMLA, an employee can request or an employer can require an employee to substitute other paid leave for FMLA leave.

Notice/Designation Procedures. Pursuant to the FMLA, employers are required to make certain information available to their employees. In addition, an employee wishing to take FMLA leave must provide notice to their employer in the manner prescribed by the FMLA. Once an employee has requested FMLA leave, their employer must provide the employee with an eligibility notice and a designation notice, which is intended to let the employee know whether their leave qualifies for FMLA. The notice requirements for employers and employees are as follows:

- ❑ The employer must:
 - ❑ Post notice in a conspicuous place explaining an employee's rights and responsibilities;
 - ❑ Incorporate the FMLA information in its employee handbook or, if no handbook, provide written guidance on the FMLA when leave is requested;
 - ❑ Provide notice of eligibility and of the employees rights and responsibilities under the FMLA; and
 - ❑ Provide written notice to the employee designating leave as FMLA leave.

The eligibility notice and the designation notice should generally be given within five business days of an employee's request for leave, and the designation is to be made before the leave is taken unless there is insufficient information about the leave. An employer can designate leave as FMLA-qualifying after an employee returns if the employer:

- ❑ Did not know the employee's leave was FMLA-qualifying until the employee returned; or
- ❑ Knows of the reason for leave, but is unable to confirm that the leave is FMLA-qualifying.

An employee desiring to take FMLA leave must give a 30-day notice if leave is foreseeable, or give notice as soon as practicable if leave is unforeseeable (notice can be given verbally).

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Continuation of Health Benefits. The employer must continue the employee's health benefits unless the employee elects to discontinue benefits. The employee must still pay required premiums and the employer can discontinue coverage if the employee's premium payment is over 30 days late.

Job Restoration. After taking FMLA leave, an employee is generally entitled to the same or equivalent position (with equal pay, benefits, etc.). However, job restoration can be denied if:

- The employee would not otherwise have been employed at the time of return (e.g., layoff or shift elimination);
- The employee is unable to perform an essential function of the job; or
- The employee has been designated as a "key employee" prior to taking leave.

Wisconsin Family and Medical Leave Act (WFMLA)

Covered Employees. An employee is covered by the WFMLA if they:

- Are employed by a covered employer; and
- Have been paid by that same covered employer for at least 1,000 hours in the last 52 consecutive weeks.

Reasons for Leave. An eligible employee can take WFMLA leave for the following reasons:

- The birth of the employee's natural child (if leave begins within 16 weeks after the birth);
- The placement of a child for adoption with the employee (foster care is not covered unless placement is a precondition to adoption);
- To care for a spouse, child, parent, or parent of a domestic partner with a serious health condition; or
- The employee's own serious health condition. ("Serious health condition" means a disabling physical or mental illness, injury, impairment, or condition involving inpatient care or outpatient care that requires continuing treatment or supervision by a health care provider.)

Leave Available. An employee is entitled to 10 weeks of unpaid leave during the calendar year, broken down as follows:

- Six weeks for the birth or adoption of a child;
- Two weeks to care for a child, spouse, domestic partner,⁸ parent, or parent of a domestic partner suffering from a serious health condition; and
- Two weeks for the employee's own serious health condition.

Even if spouses are employed by the same employer, there is no limitation on the amount of leave each spouse can take.

Intermittent and Reduced Leave. Intermittent and reduced leave is permitted for all types of leave recognized under the WFMLA.

Substitution of Leave. Under the WFMLA, an employee may substitute paid leave for WFMLA leave, but an employer cannot require the employee to do so.

Notice Procedures. Wisconsin employers are required to make WFMLA information available to their employees. In addition, an employee requesting leave must provide reasonable notice to their employer. The notice requirements for employers and employees are as follows:

Employer

- ❑ The employer must display the Department of Workforce Development (DWD) poster explaining an employee's rights and responsibilities under the WFMLA.
- ❑ An employer with 25 to 49 employees must post its policy (even if the policy does not provide leave).
- ❑ An employer with 50 or more employees must post its policy or statement that it provides the same benefits as available under the WFMLA.

Employee

- ❑ An employee desiring to take WFMLA must give reasonable advance notice in a reasonable and practicable manner.

Continuation of Health Benefits. The employer must continue the employee's health benefits unless the employee elects to discontinue benefits. The employee must still pay required premiums, and the employer can discontinue coverage if the employee's premium payment is over 30 days late.

Job Restoration. After taking WFMLA leave, the employee must be returned to the same job, if vacant, or if the same job is not vacant, placed in an equivalent position.

Americans With Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) is intended to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.

Title I: Regulation of Employment. Title I of the ADA provides that employers may not discriminate against a qualified individual with a disability in regard to job application procedures; employee compensation; job training; the hiring, advancement, or discharge of employees; other terms, conditions, and privileges of employment.

A "qualified individual with a disability" is "an individual with a disability who satisfies the requisite skills, experience, education, and other job-related requirements of the

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employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.”

Disability. “Disability” means a physical or mental impairment that substantially limits one or more of the major life activities including a person who has a record of such impairment or is perceived to be disabled.

Disability does not include sexual behavior disorders, pregnancy,⁹ homosexuality/ bisexuality, pyromania, compulsive gambling or kleptomania.

“Physical or mental impairment” includes physiological disorders; disfigurement or anatomical loss that affects the neurological, musculoskeletal, special sense organs, respiratory, cardiovascular, reproductive, digestive, lymphatic, and skin or endocrine systems; mental or psychological disorders such as intellectual disabilities, organic brain syndrome, emotional or mental illness, and special learning disabilities.

“Major life activities” means activities such as taking care of oneself, working, performing manual tasks, breathing, walking, speaking, seeing and hearing.

“Essential functions” means the fundamental job duties of the employment position. It does not include the marginal functions of the position.

Reasonable Accommodation. Employers are required to make a “reasonable accommodation” for the known physical or mental limitations of a qualified applicant or employee with a disability, unless the employer can demonstrate that the accommodation would impose undue hardship.

The obligation to provide reasonable accommodation is ongoing and applies to all aspects of employment, including equal opportunity to the application process. Reasonable accommodations must be evaluated on a case-by-case basis focused on the specific abilities and functional limitations of a particular applicant or employee with a disability and the specific functional requirements of a particular job.

Basic Principles. A reasonable accommodation must provide an opportunity for an individual with a disability to achieve the same level of performance, or to enjoy benefits or privileges equal to those of a similarly situated person without disabilities. However, an employer does not need to:

- ❑ Eliminate an essential function of the job (unless the claim is based upon the Wisconsin Fair Employment Act, which may require job restructuring).
- ❑ Lower production standards, whether qualitative or quantitative, that are applied uniformly to employees with and without disabilities. However, an employer may have to provide reasonable accommodations to enable an employee with a disability to meet the production standard.
- ❑ Provide an accommodation that is primarily for personal use.

An accommodation does not need to be the best accommodation available, as long as it is effective. Also, an employer may not require a qualified individual with a disability to accept an accommodation. If the employee, however, needs a reasonable accommodation to perform an essential function or to eliminate a direct threat and refuses to accept an effective accommodation, the employee may not be qualified to remain on the job.

Responding to Requests. An employer should respond to a request for a reasonable accommodation as quickly as possible because unnecessary delays can result in a violation of the ADA. Factors considered in determining whether a delay is unreasonable include the reason(s) for the delay, the length of the delay, how much the individual and the employer each contributed to the delay, what the employer was doing during the delay, and whether the required accommodation was simple or complex.

Employer-Initiated Accommodation. An employer should initiate the reasonable accommodation process without being asked by the employee if the employer:

- ❑ Knows the employee has a disability;
- ❑ Knows, or has reason to know, that the employee is experiencing workplace problems because of the disability; and
- ❑ Knows, or has reason to know, that the disability prevents the employee from requesting a reasonable accommodation.

Undue Hardship. An employer is not required to make a reasonable accommodation if it would impose undue hardship on the operation of the employer's business. An undue hardship is an action that requires "significant difficulty or expense," including any accommodation that is unduly costly, extensive, substantial, disruptive, or would fundamentally alter the nature and operation of the business.

Factors to be considered in determining whether an accommodation would impose an undue hardship include:

- ❑ The nature and cost of the accommodation
- ❑ The financial resources of the facility making the accommodation and the effect on expenses and resources of the facility
- ❑ The size, number of employees, and type and location of the facilities of the employer
- ❑ The impact of the accommodation on the operation of the facility that is making the accommodation

Examples of Reasonable Accommodations. The following are examples of accommodations that have been considered reasonable:

- ❑ Making facilities accessible to and usable by an individual with a disability
- ❑ Restructuring a job by reallocating or redistributing marginal job functions
- ❑ Altering when or how an essential job function is performed

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- ❑ Part-time or modified work schedules
- ❑ Obtaining or modifying equipment or devices
- ❑ Modifying examinations, training materials, or policies
- ❑ Providing qualified readers and interpreters
- ❑ Reassignment to a vacant position
- ❑ Permitting use of accrued paid leave or unpaid leave for necessary treatment

Penalties Under the ADA. Employers who violate the ADA may be liable for compensatory punitive damages for intentional acts, back pay, interest on the judgment, attorney's fees and costs of litigation, and injunctive relief.

Pecuniary and future non-pecuniary losses are capped as follows:

- ❑ 15 – 100 employees: \$50,000
- ❑ 101 – 200 employees: \$100,000
- ❑ 201 – 500 employees: \$200,000
- ❑ More than 500 employees: \$300,000

Fair Employment Regulations: Civil Rights Act

Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, religion, color, national origin or sex (including sexual orientation or gender identity).

Covered Employers. Title VII applies to all employers and employment agencies with 15 or more employees and unions with 15 or more members, as well as federal, state and local government employers.

Limitations on Employers. Title VII prohibits discrimination by employers against employees or job applicants with regard to hiring; promotion; discharge; compensation; terms; conditions; privileges of employment; or classifying, limiting, or segregating employees or applicants.

Unintentional Discrimination. This refers to an employer that has a policy or practice that is neutral on its face but impacts persons from a protected class. Examples include:

- ❑ Minimum height requirements
- ❑ Certain educational requirements
- ❑ Physical agility tests
- ❑ “No beards” policies
- ❑ Cognitive ability tests (Subject to business necessity rule, which requires the county to show an undue hardship to the county if the county were not allowed to implement the test.)

Religious Practices. An employer must accommodate an employee’s religious practices unless doing so would pose an undue hardship. “Religious practices” include moral or ethical beliefs as to what is right or wrong, which are sincerely held with the strength of traditional religious views.

Filing Charges. Charges must be filed within 180 days of the allegedly discriminatory act, or within 300 days if there is a state or local fair employment practice agency. In Wisconsin, charges must be filed within 300 days pursuant to the Wisconsin Fair Employment Act.

Penalties Under Title VII. Employers who violate Title VII may be liable for injunction; reinstatement, hiring, promotion with back pay and benefits; front pay; attorney’s fees and costs of litigation; compensatory damages; and punitive damages for unlawful intentional discrimination. Damages are capped at the same levels as the ADA.

Wisconsin Fair Employment Act (WFEA)

The Wisconsin Fair Employment Act (WFEA) prohibits discrimination on the basis of age; race; religion; color; disability; marital status; sex (including sexual orientation); national origin or ancestry; arrest record or conviction record; membership in the National Guard, state defense force, or military reserve unit; and the use or nonuse of lawful products off the employer’s premises during nonworking hours. The WFEA also restricts the use of lie detection and genetic testing.

Endnotes

1. Wis. Stat. § 59.26(8)(b).
2. Wis. Stat. § 66.0590(c).
3. On Nov. 15, 2024, the U.S. District Court of the Eastern District of Texas struck down a recent DOL administrative rule change that would have significantly increased the required minimum salary level to be exempt from overtime and minimum wage requirements under the FLSA.
4. The DOL has explained that certified social workers may qualify as exempt under this exemption if they possess a master’s degree in social work and work in the field of their degree. However, it is best to consult with legal counsel to determine whether social workers will qualify as exempt under the learned professional exemption.
5. 29 C.F.R. § 553.201, § 553.224.
6. 29 C.F.R. § 553.230.
7. Id.
8. So long as the domestic partners registered with the state prior to April 1, 2018.
9. However, under the recently enacted Pregnant Workers Fairness Act, employers must make reasonable accommodation for known limitations related to pregnancy, childbirth, or related medical conditions.

Employee Health Benefits

■ *Michael Lamont, Vice President of Programs and Services, Wisconsin Counties Association*

Health insurance in the United States dates back to the 1850s when coverage was offered for injuries from accidents. During the 1920s, broader coverage for hospital and medical expenses became available, ushering in pre-paid plans for health insurance. But employee benefit plans and health care coverage did not become prevalent until the 1940s and 1950s when wage freezes imposed by the Stabilization Act of 1942 forced employers to be creative with their benefit packages and health care coverage was an inexpensive option to attract and retain workers.

In the 1950s and 1960s, the government began to expand its health care coverage costs with the introduction of disability benefits being provided by the Social Security program in 1954, followed by the creation of Medicare and Medicaid in 1965. The 1980s and 1990s saw a rapid rise in the cost of health care due to many factors, including aging of the population and new medical technologies, so employers began looking for options to control this growing expense.

The majority of employer-sponsored group insurance plans were fee-for-service arrangements and, as a result, managed care plans became the accepted solution to the problem of rising health care costs. Managed care plans offer reduced costs through contracts with health care providers and medical facilities, including clinics and hospitals, that provide care for its members. Recent years have seen the rise of “consumerism” as the next potential solution to the growing problem. However, changes in health insurance trends, coupled with passage and implementation of the Patient Protection and Affordable Care Act (ACA) in 2010, and continuing legal challenges to the ACA, have made it difficult for the average citizen to understand the health insurance marketplace.

This chapter is intended to provide county officials with an overview of employee health benefits options and terminology. From basic acronyms to the more cutting-edge area of consumerism, this piece is meant to provide a foundation for understanding employee health benefits.

Self-Insured vs. Fully Insured

Counties have the option to either self-insure their employee health benefits liability or purchase a fully insured product. Self-insurance places the county in the position of being responsible for all costs associated with its health benefits. In contrast, the fully insured

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product passes the risk on to another entity. The option to self-insure becomes more viable as the number of county employees increases. Self-insuring requires more analysis and oversight on the part of the county as the county must manage the liability it is assuming.

Of significant importance to the financial health of a county that is self-insuring its employee health benefits liability is the maintenance of a loss reserve. A loss reserve is defined as the money held in an account to be made available when the costs of health claims exceed the amount of money the county allocated for claims in any particular year. This money is also available in the event the county no longer wants to self-insure.

If the county switches to a fully insured product, the county remains responsible for claims incurred before the fully insured product became effective. In simple terms, if an employee went to the doctor on December 31 and the county purchased a fully insured product effective January 1, the county is responsible for paying for that claim even though the claim will not be seen by the county until sometime after December 31. Claims that have been incurred but not yet reported to the claims administrator are referred to as “incurred but not reported.” The delay between the incurred date and the paid date is referred to as claim lag.

The question of how much is enough to hold in reserve is up for debate. Generally, two to three months’ worth of paid claims costs is an appropriate range. However, smaller counties generally need more than this because two to three months’ of paid claims costs will be much smaller and may not cover increased future costs. Fewer employees does not mean a county will not experience consecutive years of severe claims, which are often caused by chronic illnesses or conditions.

Purchasing reinsurance is one tool to effectively manage the liability that self-insuring presents. Reinsurance can be purchased to cover the most severe claims and/or claim years. A “specific stop-loss” reinsurance policy covers an individual employee’s claims once they exceed a certain amount for a year. This threshold is called the “specific attachment point.” For example, if an employee’s claims are \$300,000 in a given year and a county purchased reinsurance with a \$200,000 specific attachment point, the county would pay \$200,000 and the reinsurance company would pay \$100,000 to cover that individual’s claims. An “aggregate stop-loss” reinsurance policy covers the costs associated with all claims for all covered individuals during the entire plan year. For example, if a county typically experiences \$4 million in medical claims each year, it may purchase an aggregate stop-loss reinsurance policy to cover claims over some specified amount in excess of \$4 million. The reinsurance carrier usually sets the aggregate limit at a percent of paid claims or total premium.

Self-funding has its advantages and disadvantages. In theory, self-funding is more cost-effective than a fully insured plan because, in the long run, the gains for better-than-expected

claim years belong to the county and do not become profit for the third-party insurer. Another advantage is that the county retains control over the health benefit program because the county works directly with its vendors and not through an intermediary. Finally, self-insured groups are able to avoid some of the fees associated with the ACA. That said, self-funding is not a good option for every county.

In considering whether to self-fund, the first step is to assess the risk your county is willing to bear for your health benefit plan. A county must be comfortable in trading the security of a fully insured plan for the chance that actual costs could exceed the premium contributed in a given year. Associated with this is the long-term ability of your county to set aside dollars for years when claims and administrative expenses exceed premiums. Some counties have underfunded their health benefit reserve, which leaves them in an unsound financial position. Counties must also assess if self-funding will save them money.

Alternatively structured health benefit plans, such as not-for-profit options, are also available to counties. These not-for-profit organizations do not seek profit from each county they insure; rather, they pool member liabilities and collectively balance good and bad claim years. Pooling can eliminate the need for certain vendors and increase the purchasing power of all of the counties, thus driving down administrative costs.

Health Benefit Consultants

There are pros and cons for hiring health benefit consultants, who help clients select their health benefit plans, such as assisting in sorting through new products and services, as well as considering self-funded versus fully insured health benefit plans. There are a wide variety of types of health benefit consultants who may also take the name of agents and/or brokers. Knowing the difference and asking the right questions of a consultant is as important as knowing the premium and benefit variations between plans.

Many agents and brokers receive commissions for benefit placement services. Counties should know how agents, brokers and consultants are paid for providing services. Some counties pay them directly for their knowledge and services; however, that does not prevent them from receiving a commission from a company for placement of the county's business with that company. Knowing how and from whom a health benefits consultant is paid allows the county to guard against any bias the consultant may have.

Health Benefit Plans

Employee health benefit plans have many moving parts. Understanding how each part works will help in understanding which changes will have the greatest impact on premium and utilization.

Whether self-funded or fully insured, counties should closely manage claims experience to keep premiums down. Understanding utilization trends allows counties to not only

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stay ahead of cost drivers, but also allows fully insured counties to compare their claims experience with the amount they are paying in premiums.

Deductibles, coinsurance and co-pays are three tools used to share the cost of health benefit plans with employees. However, deductibles and co-pays should be looked at as more than just cost-sharing tools. Deductibles and co-pays can be used to shape certain behaviors, ultimately impacting health plan utilization.

Deductibles are an amount the policyholder must pay out-of-pocket for their health care before the health plan pays. A deductible is a way of reducing the cost of the health plan by making the policyholder pay out-of-pocket for their health care needs. Deductibles can be especially effective as the deductible amount goes up and is coupled with a health reimbursement account (see section on “Consumerism,” page 176).

Coinsurance is a tool used to get employees to contribute to their health benefit coverage. This can be used to steer employees to use providers in the network. With coinsurance, the employee often has a specified percentage contribution towards the cost of the premium. The advantage of coinsurance is that if the health plan premium increases 15%, the employees share in that increase. The disadvantage of coinsurance is that once it is paid, the employee has little to no incentive to make health-spending decisions based on the price of the care.

Co-pays are amounts that a policyholder must pay before the health plan will pay the remaining balance. Co-pays can be on visits and services as well as on prescription drugs. These must be paid each time a particular service or prescription drug is obtained. With co-pays, employees pay as they use the service, even if they have already met their deductibles. The ACA does not allow for co-pays once the policyholder has met their out-of-pocket maximum dollar amount.

How these tools interrelate is the key to shaping behavior in your county’s health plan. For example, if an employee develops an illness on Sunday at 2 p.m., they must decide when to be seen by a doctor. Being seen Sunday evening by an emergency room doctor is more expensive than being seen Monday by appointment with the employee’s regular doctor. If the health plan has only coinsurance, then there is no incentive for the employee to take cost into consideration and wait until Monday. Conversely, if a higher co-pay is in place for emergency room visits versus regular doctor appointments, the employee will have an incentive to wait until Monday if the illness does not require emergency care.

One concern with these cost-sharing tools is that it can become too burdensome on the employee. Employers provide a health benefit with the intention of it being a benefit, not something that costs the employee a significant portion of their earnings. For low-income employees, this can be a significant concern. A tool for addressing this concern is the out-of-pocket maximum dollar amount. When the out-of-pocket maximum is reached, the health

plan pays all further costs that are covered in network and the employee's obligation to pay ends.

In addition to cost-sharing tools, adopting a managed care model is another method of reducing the county's health benefit costs. This model can take the shape of a health maintenance organization (HMO), preferred provider organization (PPO) or accountable care organization (ACO). An HMO and PPO are managed care trends from the 1980s and 1990s, while the ACO model was born from the ACA.

HMOs are organizations of doctors, hospitals and other health care service providers who sign a contract with an HMO. Cost savings are realized by an HMO because once in the system, an employee's care will be managed and unnecessary services will be eliminated. The employee must stay within the system unless they are referred out to a specialist.

PPOs are networks of medical providers that charge a fee-for-service based upon a negotiated, discounted fee schedule. PPO discounts are provided based on the promise of a large volume of business. "Steerage" is the term used to describe the practice of encouraging employees to use one provider over another. Employees can receive care outside the network but receiving care from an out-of-network provider can have costly consequences to the employee through increased coinsurance and co-pays.

Attempting to lower the national debt, lawmakers have become increasingly interested in the high cost of Medicare, which resulted in the birth of ACOs. ACOs are groups of doctors, hospitals and other health care providers who come together to give coordinated high-quality care to their Medicare patients. The purpose of ACOs is to ensure that patients get the right care at the right time while avoiding duplication of services and preventing medical errors. The incentive for the ACOs success is to share in the savings it achieves for the Medicare program. This is accomplished by offering bonuses to ACOs for becoming more efficient and keeping provider costs down while meeting specific quality benchmarks. ACOs are new to the health care system and will need to be evaluated moving forward. One area of concern is that consolidation of hospitals and providers could drive up health costs and limit patient choice.

With all of the moving parts of a health benefit plan, counties must be aware of adverse selection. Whether self-insured or fully insured, adverse selection occurs when more than one health plan exists in the same county. Specifically, this occurs when employees with low claims choose one plan and employees with high claims choose another. The healthier employees choose a plan based on what will save them the most money, thereby making the other plan costlier due to the predominance of higher claims. Counties should structure their benefits so employees have the option to participate in only one plan of health benefits so as to spread the risk over a greater pool of employees.

In order to counter adverse selection, counties should make benefit changes and offer

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plans based on pools of employees, such as the sheriff’s office, highway department, human services, administration, etc. This ensures that the plan has a balance between employees with high and low claims.

Consumerism

Consumerism in health care is based on the idea that individuals should have greater control over decisions affecting their health care. The idea is that giving individuals the tools and information they need to have more control over their health care will result in better treatment outcomes at a lower price. Increasing the awareness of the total cost of health care among engaged consumers will drive down costs through competition and informed decision-making.

At the heart of the consumerism trend are high-deductible health plans (HDHPs), health savings accounts (HSAs) and health reimbursement arrangements (HRAs). HDHPs generally result in lower insurance premiums with smaller future increases in premium. Often, HDHPs are coupled with either an HRA or HSA due to the financial strain HDHPs place on employees.

An HRA is a specified dollar amount that a county can pledge to an employee for the reimbursement of qualified medical expenses and insurance premiums. With an HRA, the county has greater leeway in defining how the funds will be utilized. Also, limits can be put in place for the amount available for carry-over each year.

	HRA	HSA
Account owned by	Employer	Employee
Who maintains interest received on account	Employer	Employee
Benefits levels	Same as Current (Including Co-pays)	Need to Change Benefit Levels — Minimum Requirements (No Co-pays)
Funding	Employer	Employer and/or Employee
Unused benefit dollars	Employer Decides Rollover — Yes or No	Continuous Rollover of Funds

In addition to HSAs and HRAs, there are other critical components needed to gain the benefits of consumerism. Consumer-driven health care encourages healthy behavior. Employees should not pay out-of-pocket for items such as routine physicals, immunizations, prenatal care, etc. In the long term, these items are expected to save the health plan money

through early detection and prevention of catastrophic claims. The ACA mandates that specific preventative care be paid for at 100%.

Wellness is another important piece of the consumerism trend and its popularity has grown. Healthy eating, walking programs, weight loss programs, health club memberships, and healthy living seminars have become a part of many workplaces. Employers see the benefits of healthy employees through increased productivity as well as savings to the health plan.

Many counties have seen the benefits of consumerism through an increase in communication between employees and management. Not only has communication increased, but discussion is often more productive overall. This creates an environment where all of the stakeholders are eager to work together to find solutions in the development and implementation of the health benefit plan.

One approach to increasing communication has been the formation of an insurance committee made up of representation from both employees and management. Employee and management officials hear other perspectives as changes are brought forward for review. They also spend time educating themselves on overall claims experience and optional health benefits. It is common for insurance committees to create highly successful wellness programs as individuals serving in this capacity are knowledgeable of the types of activities that will have the farthest-reaching impact in their workplace.

Conclusion

Employee health benefits have come a long way since the 1850s. As advancements in health care continue, so too does the increased cost for services. This escalation of cost makes it increasingly important to stay on top of the trends in employee health benefits.

Communications and Outreach in a Social Media World

■ By Andy Phillips, Jake Apostolu, Attorneys, Attolles Law, s.c.; and Michelle Gormican Thompson, Principal, Thompson Communications, and updated by Malia Malone, Attorney, Attolles Law, s.c.

Communicating with constituents is an important responsibility in your role as a county official. While the face of these outreach efforts continues to change with different tools and platforms, the intent behind them has not. It is the continuing goal to share your work and perspective, as well as solicit feedback from the citizens of your county.

As county board members, you are an extension of the government inside and outside the confines of the boardroom. As a reflection of the citizens who elected you and the governmental units you represent, county board members have a responsibility to temper their words with dignity.

Today's Climate

News consumption today is vastly different than even a few years ago, and it continues to evolve at a rapid pace. There has been a profound shift away from print, television and radio and into digital spaces. According to a recent Pew Research Center News Platform Fact Sheet, "[a] large majority of U.S. adults (86%) say they at least sometimes get news..." from digital devices, "including 56% who say they do so often."

A majority (64%) still get news at least sometimes from television, with 34% saying it is their preferred platform. Fewer Americans get news from the radio (11%) or from printed publications (7%), with just 5% saying that either is their preferred platform.

For those who use digital platforms to get the news, most say they prefer news websites or apps, followed (in ranked order) by social media, searches, podcasts and email newsletters.¹

Beyond news consumption, the use of specific social media platforms for sharing information and entertainment is changing as well. While YouTube, Facebook and Instagram remain the most heavily used platforms, others, including TikTok, Pinterest, and Reddit, are becoming more popular. The use of any one social media platform can vary significantly across age, gender, race and ethnicity, income, and education groups.²

As county officials strive to keep up with the evolving communication trends, there are important freedom of speech concerns that affect citizens and elected officials alike.

Social Media

Social Media Considerations

There are three important legal considerations bearing on county board member social media use: (1) First Amendment (freedom of speech) concerns; (2) Public Records Law concerns; and (3) Open Meetings Law concerns.

First Amendment Concerns

Both the First Amendment to the U.S. Constitution and Article I, Section 3 of the Wisconsin Constitution prohibit government actors and elected officials acting in an official capacity from abridging a person's freedom of speech.³ This is especially true in the context of "political speech," (i.e., speech that includes discussions of political candidates, the form or functioning of government, or any other discussion of the political process). Political speech is the most protected form of speech under the First Amendment. It therefore warrants the highest level of scrutiny against laws and actions of the government that aim to regulate it.⁴ County board members often partake in political speech, but the proliferation of social media has blurred the lines between when official county business is taking place and when board members are conversing privately.

It is well established that social media posts are considered "speech." But not all speech is protected under the First Amendment. The level of government regulation allowed under the First Amendment depends on the context in which the speech occurs. Courts have identified three main contexts where protected speech may occur: (1) traditional public forums; (2) designated public forums; and (3) non-public forums. The rule is relatively straightforward: if posts on social media pertain directly to county or governmental business, board members generally cannot regulate the speech of others in relation to the post. That is, when a board member opens an official page to the public, the board member is limited in his or her regulation of the page. "Regulation" of a social media page includes, but is not necessarily limited to, deleting or removing negative comments, "blocking" individuals from "liking" the page, and disallowing certain users to participate in political discourse.

Traditional Public Forums

A "traditional public forum" is the most protected forum of free speech. The U.S. Supreme Court has stated that public forums are those places which "by long tradition or by government fiat have been devoted to assembly and debate."⁵ Examples traditionally include streets, sidewalks, parks, and other communally accessible public places. Any restriction or abridgement of speech in these areas is subject to strict scrutiny, meaning the government's action to restrict the speech must be narrowly tailored to further a compelling governmental interest.⁶ However, the government may impose reasonable

restrictions on the time, place and manner of protected speech as long as any restriction is: (1) content neutral; (2) narrowly tailored to serve a significant governmental interest; and (3) acquiescent to ample alternative channels for communicating.⁷

The U.S. Supreme Court has not yet resolved whether elected officials' (such as county board members) official social media accounts are public forums, and if so, which type. Nevertheless, the court in *Packingham v. North Carolina* commented that the increasing pervasiveness of social media could one day result in its recognition as a "traditional public forum."⁸ If and when such a case is considered by the Supreme Court, the First Amendment protections afforded to social media activity will likely become much more robust. For now, county boards should monitor what they and their members post but should not operate as unreasonable obstacles to free expression on social media.⁹

Designated Public Forums

A "designated public forum" is a communication channel or location that the government has intentionally created for the public with the purpose of promoting politically expressive activity.¹⁰ A county's official website, Instagram or Facebook page would likely fall under this heading. The same strict scrutiny approach as used for traditional public forums applies here, except the government and government officials can limit the channel's scope and purpose (e.g., only posting certain county-approved content to the county Facebook page). County board members must be cognizant that a negative comment or post that would typically sanction a "block" in one's private life requires more leeway in the context of a government official's social media account.

This concept was illustrated by the 2019 case of *Davison v. Randall*, where the Fourth Circuit became the first federal appellate court in the country to address whether public officials' social media accounts can be considered "public forums" under the First Amendment.¹¹ In the *Davison* case, Virginia resident Brian Davison was temporarily blocked from the official Facebook page of Phyllis J. Randall, the chair of the board of supervisors for Loudoun County, Virginia, after Davison posted a number of comments criticizing a recent round of county spending.¹²

Davison, an outspoken commentator on local politics, brought a civil action against Randall alleging that Randall's Facebook page was a "public forum" under the First Amendment and that Randall may not exclude people from it based on a difference in views.¹³ Citing the "interactive component" of a local government official's Facebook page, the Fourth Circuit unanimously held that the page constituted a public forum and that Randall engaged in unconstitutional viewpoint discrimination by banning Davison from that forum.¹⁴

Social Media

The *Davison* case is an important reminder of the need for county officials to consider the actions they take on social media and temper their reactions to negative posts in accordance with free speech principles. If the county board member cannot point to a compelling county reason for a block, deletion or post from an official county page, best practice would be to err on the side of acquiescence as opposed to public engagement.

Non-Public Forums

Finally, a non-public forum is a setting in which public speech is not traditionally invited and where the government has not expressed any intention of inviting speech.¹⁵ Public property is considered a non-public forum when its purpose is to conduct or facilitate government business, rather than to provide a forum for public expression.¹⁶ Tangible examples include the offices of government employees, the interior of polling places, the mailboxes of public school teachers, and lobby areas of government buildings. Courts generally uphold government regulation of speech in non-public forums if the regulation is “reasonable,” that is, if the government can point to some legitimate governmental interest for the regulation.¹⁷ However, in a social media context, the non-public forum analysis is much less common because the analysis generally focuses on tangible physical spaces.

Public Records Law Concerns

Generally, all social media content related to governmental business, whether public-facing or private, constitutes a public record.¹⁸ As such, it is required that counties retain all records of governmental business including, but not limited to, budget discussions, personnel changes, policy initiatives, committee objectives, appointments, board complaints, and vote deliberations. In accordance with Chapter 19 of the Wisconsin statutes, board members must cooperate in the preservation and disclosure of public records in adherence to the stated public policy that “all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them.”¹⁹ Social media posts containing records of government affairs and information likewise need to be preserved, and county boards are well advised to enact processes to effectuate that purpose.

Open Meetings Law Concerns

Under the Open Meetings Law, a “meeting” occurs when both of the following elements exist: (1) a purpose to engage in governmental business (the purpose requirement); and (2) the number of members of the governmental body present is sufficient to determine the body’s course of action (the numbers requirement).²⁰ It can be relatively simple to inadvertently create “walking quorums” among board members who group together on social media. A “walking quorum” is a series of gatherings among separate groups

of members of a governmental body, each less than quorum size, who agree, tacitly or explicitly, to act uniformly in sufficient number to reach a quorum.²¹ (See "'Meetings' under the Open Meetings Law," page 78.)

County boards must remain cognizant of the potential for social media groups, pages and accounts of various board members to develop into "walking quorums," which can covertly affect the proper transparent functioning of county government.

Conclusion

Counties have an incredible story to tell and social media is a quick and effective way to reach a large number of people in a short period of time. But there are legal risks associated with a county board member's use of social media on matters relating, directly or indirectly, to county business.

It is critical that county officials work with their corporation counsel to understand the risks and, if necessary, implement rules relating to the use of social media.

Endnotes

1. "News Platform Fact Sheet," Pew Research Center, Sept. 25, 2025.
2. "Social Media Fact Sheet," Pew Research Center, Nov. 20, 2025.
3. U.S. Const., amend. I ("Congress shall make no law ... a bridging the freedom of speech"); Wis. Const., Art. I, s. 3 ("Every person may freely speak ... on all subjects ... and no laws shall be passed to restrain or abridge the liberty of speech ...").
4. *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310 (2010).
5. *Perry Education Assn. v. Perry Local Educators' Assn.*, 460 U.S. 37, 45 (1983).
6. *United States v. Carolene Products Company*, 304 U.S. 144, n.4 (1938).
7. *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).
8. *Packingham v. North Carolina*, 582 U.S. 98 (2017).
9. We note, however, that a few narrow categories of speech are not protected by the First Amendment, including "fighting words," "true threats," and speech likely to cause imminent lawless action. See *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969); *State v. Perkins*, 2001 WI 46.
10. *Davison v. Randall*, 912 F.3d 666 (4th Cir. 2019).
11. *Id.*
12. *Id.* at 666, 675.
13. *Id.* at 676.
14. *Id.* at 682.
15. *Perry Education Assn.*, 460 U.S. 37, 45. (1989).
16. *Cornelius v. NAACP Legal Def. and Educ. Fund, Inc.*, 473 U.S. 788, 796 (1985).
17. *Id.* at 788, 808.
18. Wis. Stat. § 19.31. (Public Records Law).
19. *Id.*
20. *State ex rel. Newspapers, Inc. v. Showers*, 135 Wis.2d 77 (1987).
21. *Id.*

ONLINE RESOURCES

There is a wealth of resources available to county officials from local, state and federal websites. From in-depth research to the status of legislation, the information available to you as a county official through the web is truly limitless. Below is a sampling of the websites that have proven to be beneficial to county officials.

National

National Association of Counties — naco.org
 National Conference of State Legislatures — ncsl.org
 The United States House of Representatives — house.gov
 The United States Senate — senate.gov
 The White House — whitehouse.gov

State

State of Wisconsin — wisconsin.gov

Note: All state departments, such as the Wisconsin Department of Revenue and the Wisconsin Department of Transportation, can be accessed through this site.

Wisconsin Court System — wicourts.gov
 Wisconsin State Legislature — legis.wisconsin.gov
 Wisconsin Legislative Reference Bureau — legis.wisconsin.gov/lrb
 Legislative Fiscal Bureau — legis.wisconsin.gov/lfb
 Legislative Council — legis.wisconsin.gov/lc
 UW-Madison Division of Extension — extension.wisc.edu
 UW-Madison Division of Extension, Local Government Education Program — localgovernment.extension.wisc.edu
 Wisconsin Technical College District Boards Association — districtboards.org

State and County Associations

Wisconsin Counties Association — wicounties.org

Note: All 72 counties' websites can be accessed at wicounties.org. Click on "The Counties," under the "The Counties" tab in the navigation bar.

Aging and Disability Professionals Association of Wisconsin — adpaw.org
 Association of Wisconsin Regional Planning Commissions — awrpc.org

Online Resources

State and County Associations (cont.)

Badger State Sheriffs' Association, Inc. — badgerstatesheriffs.org
County Veterans Service Officers Association of Wisconsin — wicvso.org
League of Wisconsin Municipalities — lwm-info.org
Transportation Development Association of Wisconsin — tdawisconsin.org
Wisconsin Association of Local Health Depts and Boards — walhdab.org
Wisconsin Child Support Enforcement Association — wcsea.org
Wisconsin Coroner and Medical Examiners Association — wcmea.com
Wisconsin County Clerks Association — wisconsincountyclerks.org
Wisconsin County Code Administrators — wccadm.com
Wisconsin County Forests Association — wisconsincountyforests.com
Wisconsin County Highway Association — wiscohwy.org
Wisconsin County Human Service Association — wchsa.org
Wisconsin County Treasurer's Association — wicountytreasurers.com
Wisconsin District Attorney's Association — thewdaa.org
Wisconsin Emergency Management Association — wema.us
Wisconsin Government Finance Officers Association — wgfoa.com
Wisconsin Land and Water Conservation Association — wisconsinlandwater.org
Wisconsin Land Information Association — wlia.org
Wisconsin Register in Probate Association — wripa.org
Wisconsin Register of Deeds Association — wrdaonline.org
Wisconsin Towns Association — wisctowns.com
Wisconsin Victim-Witness Professionals — wwwvp.us
Wisconsin's Public Safety Communications (APCO-NENA) — wipscom.com

News Services

Governing Magazine — governing.com
The Wheeler Report — thewheelerreport.com
NACo County News — naco.org/news
WisPolitics — wispolitics.com
WisconsinEye — wiseye.org

Research Organizations

Forward Analytics — forward-analytics.net
Wisconsin Policy Forum — wispolicyforum.org



County Board Rules Template

(NOTE: Please consult with corporation counsel prior to implementation of any rules of procedure)

[•] COUNTY RULES OF THE BOARD DATE

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SECTION 1: PURPOSE AND DEFINITIONS
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1.01 Purpose

The [●] County Board of Supervisors (referred to as the “County Board” or “Board”) recognizes and understands the importance of county government, and the programs and services it provides, to the citizens of [●] County. The County Board further recognizes County citizens’ rightful expectation that the financial resources provided the County through tax levy and other sources be invested in a wise and deliberate matter. Therefore, in recognition of these principles, the County Board hereby adopts the following County Board Rules (referred to as “Board Rules” or “Rules”) in order to promote orderly and efficient rules of governance for the County Board and all county-related governmental bodies.

1.02 Interpretation

These Board Rules are not intended to, and shall not, supersede any requirements or provisions in the Wisconsin Statutes. In the event of any conflict between the Wisconsin Statutes and these Board Rules, the Wisconsin Statutes shall take precedence.

SECTION 2	COUNTY BOARD ORGANIZATION¹
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2.01 County Board Meetings

The two-year period of time between the organizational meetings in Section 2.01(A) hereof shall constitute a session of the County Board, and any business pending and upon which the Board has not acted prior to the close of a session can no longer be acted upon without being reintroduced.

(A) The Organizational Meeting. On the third Tuesday in April in even-numbered years, after each Spring general election at which County Board Members are elected for full terms, the County Board will meet and shall:

1. Organize and transact general business;
2. Elect a member Board Chair to perform the duties set forth in Wis. Stat. § 59.12(1);
3. Elect a member Vice Chair to perform the duties set forth in Wis. Stat. § 59.12(2); and
4. *Committee Appointment Process*

OPTION - Elect the five (5) at-large members of the Committee on Committees, who will then appoint committees.

OPTION – Board Chair appoints committees, subject to Board confirmation (see Wis. Stat. § 59.13)

OPTION – Other process established by the Board]

** DRAFTER’S NOTE: The highway committee is elected pursuant to Wis. Stat. § 83.015(1)(a) unless a different method is specified in the Board Rules.

The [County Clerk/Corporation Counsel/Other] shall serve as Chair pro tempore of the Organizational Meeting until such time as the County Board elects the Board Chair. Persons nominated for Board Chair and Board Vice Chair are allowed 10 minutes to speak and answer questions. Voting shall take place by written secret ballot and the County Clerk and Corporation Counsel shall serve as ballot clerks. A majority of votes of the Board Members present shall be necessary to elect the Board Chair and Board Vice Chair.

¹ WCA encourages counties to adopt self-organized status under Wis. Stat. § 59.10(1). According to the Secretary of State, as of January 1, 2024, 52 counties are self-organized. If a county codifies its board rules in ordinance, a simple means by which to become self-organized is to make the selection in Section 2 of these board rules and file a copy of the ordinance with the Secretary of State’s office.

- (B) The Annual Meeting. The County Board will convene for an annual meeting for the purpose of transacting general business on a date established in accordance with Wis. Stat. § 59.11(1)(a). The Annual Meeting may be adjourned from time to time as allowed under the Wisconsin Statutes.
- (C) Regular Meetings. The County Board shall meet for the purpose of transacting general business at [7:00 p.m. on the third Tuesday of each month except for the month of December, during which month the County Board shall meet on the second Tuesday of the month].

**** DRAFTER'S NOTE: Counties can adopt a regular meeting schedule on a date and time appropriate for Board members.**

- (D) Special Meetings. Special meetings of the County Board may be called in accordance with Wis. Stat. § 59.11(2) [or at the call of the Board Chair]. If a meeting is called pursuant to Wis. Stat. § 59.11(2), the written request delivered to the County Clerk shall conform to Wis. Stat. § 59.11(2)(a) and contain the proposed agenda for the meeting.

2.02 County Board Meeting Agenda Responsibilities

- (A) The Board Chair, in consultation with the County Clerk [*and the County Executive/Administrator/Administrative Coordinator,*] is responsible for the contents of the agenda for any County Board meeting except for a special meeting called pursuant to Wis. Stat. § 59.11(2)(a).
- (B) Any member of the Board desiring an item to be placed on the agenda for a board meeting shall either:
 1. Request that the Board Chair place the item on the agenda and the Board Chair may grant or refuse the request; or
 2. Make a motion during the Future Agenda Items portion of the agenda at a County Board meeting to have an item placed on the agenda for the next meeting and, if such motion is adopted, the item shall be placed on the agenda for the next meeting.
- (C) The County Clerk, in consultation with the Board Chair, is responsible for providing notice of every meeting of the County Board by posting the agenda in compliance with Wisconsin's Open Meetings Law, Wis. Stat. § 19.81, et seq.
- (D) The County Clerk shall distribute the agenda and meeting packet to all County Board Members, the [*County Executive/Administrator/Administrative Coordinator*] and the Corporation Counsel, in addition to any other interested persons identified by the Board Chair, by [1:00 p.m. on the Friday] immediately preceding a regular County Board meeting. For special meetings, the agenda and meeting packet shall be delivered at least 48 hours in advance of the meeting

except in the event of an emergency, in which case the agenda and meeting packet shall be delivered as soon as practicable. Any Committee or Board Member responsible for submitting materials (resolutions, ordinances, ordinance amendments, reports, etc.) for inclusion in the meeting packet shall provide the materials to the County Clerk no later than [5:00 p.m. on the Thursday] preceding the week of the regular meeting. The agenda and meeting packets shall be delivered in electronic format to the recipient's county email address unless a recipient requests a hard copy of the materials. The requirements of this Section 2.02(D) may be waived, in whole or in part, by the Board Chair in their discretion.

2.03 County Email Addresses

The County shall provide every Board Member with a county email address. All Board Members shall utilize the county email address for county business and shall not conduct county business on any other email address.

2.04 Committees of the County Board and Other Boards and Commissions – Creation and Existence

- (A) Standing Committees. The County Board has established the standing committees (referred to as “Standing Committees”) as designated on Appendix A to these Board Rules.² Standing Committees are regular committees of the County Board, shall have the authority, power, duties and responsibilities as set forth in Appendix A and shall operate according to the procedures set forth in Appendix A.
- (B) Ad Hoc Committees. The County Board may form ad hoc committees (referred to as “Ad Hoc Committees”) from time to time by resolution or action of the County Board. Any resolution or action creating an Ad Hoc Committee shall specify the name of the committee, the committee's purpose, the number of members of the committee, the appointing authority for committee membership, the duration of the committee and the committee's reporting relationship. Appendix A will be updated by May 1 in even-numbered years to reflect current Ad Hoc Committees and particulars surrounding each particular Ad Hoc Committee's operations. In these Board Rules, Ad Hoc Committees and Standing Committees are together referred to as “Committees.”
- (C) Other Boards and Commissions. The County may be associated with certain Other Boards and Commissions (referred to as “Other Boards and Commissions”). Appendix A will be updated from time to time to reflect current Other Boards and Commissions and particulars surrounding operations.

² Recognizing the disparity among counties as it relates to committee structure, this *County Board Rules Template* does not include a template for Appendix A. If your county is interested in how other counties have organized their committees, please contact the WCA.

**** DRAFTER'S NOTE: A county executive and county administrator appoint members to boards and commissions, subject to county board confirmation.**

- (D) *[Pursuant to Section 3.01 of these Rules, the Board Chair may serve as a member, with full rights and privileges, of any Committee if there is not otherwise a quorum present at any Committee meeting].*

2.05 Committee and Other Boards and Commissions Appointments and Removals

- (A) *[At the time of the Organizational Meeting or within one (1) week thereafter, the Board Chair shall appoint members of committees and communicate such appointments to all members of the County Board.]*

-OR-

[The Board hereby establishes the Committee on Committees, which shall convene within one (1) week following each Organizational Meeting for purposes of nominating members to Standing Committees. The Committee on Committees shall be comprised of seven (7) members consisting of the Board Chair, Board Vice Chair and five (5) at-large Board Members elected by the County Board at the Organizational Meeting. Such election shall occur by ballot with the 5 members receiving the most votes on the ballot being elected. The Board Chair shall serve as chair of the Committee on Committees. The Committee on Committees shall nominate persons to serve on each Standing Committee in writing at the first Board meeting following the Organizational Meeting. The Board shall either confirm or reject any nomination for each Standing Committee and in the event of rejection, the Board shall appoint the member to the Standing Committee relating to such rejection. In making nominations, the Committee on Committees shall consider the interest forms submitted by Board Members and Board Member tenure and previous service on Standing Committees.]

-OR-

[Other process established by the Board]

- (B) *[At the first meeting of each Standing Committee following the Organizational Meeting, the Standing Committee shall elect a Chair and Vice Chair of each Standing Committee, which designations are subject to County Board confirmation.]*

-OR-

[At the time of appointments to Standing Committees, the Board Chair shall designate Chairs and Vice Chairs for each Standing Committee.]

- (C) *[The Board Chair may recommend the removal of any member of any Committee at any time for any reason to the County Board and the County Board may make such removal. The Board Chair may recommend the removal of the designation*

as Chair or Vice Chair of any Committee at any time for any reason and the County Board may make such removal.]

-OR-

[The Board Chair, in his or her sole discretion, may remove any member of any Committee at any time for any reason. The Board Chair, in his or her sole discretion, may remove the designation as Chair or Vice Chair at any time for any reason.]

2.06 Committees and Other Boards and Commissions Meeting Agenda Responsibilities

- (A) The Committee Chair shall serve as the Chair of a Committee meeting and, in consultation with the County Clerk and Board Chair, is responsible for the preparation of all Committee meeting agendas.
- (B) The County Clerk, in consultation with the Committee Chair, is responsible for providing notice of every meeting of the Committee by posting the agenda in compliance with Wisconsin's Open Meetings Law, Wis. Stat. § 19.81, et seq.
- (C) A Committee or Other Board and Commission may request another Committee or Other Board and Commission to attend a future meeting of the requesting body. In such event, each Committee and Other Board and Commission shall prepare an agenda for the joint meeting in the usual manner.
- (D) In the first meeting of a Committee following the Organizational Meeting, the Committee shall adopt dates and times for regular Committee meetings and shall make every attempt to schedule such meetings prior to the regular County Board meetings and with due regard to the meeting dates and times of other Committees.

2.07 County Board Member Compensation

**** DRAFTER'S NOTE:** Counties that have elected self-organized status may compensate Board members as they see fit. Some counties have adopted an annual salary for Board members and others have maintained the traditional per diem method. If a salary system is adopted, this section should provide the salary and any additional amounts for Chair and Vice Chair, if any. The language below applies to counties that pay per diem.

- (A) County Board Meetings. Board Members shall receive [●] for each day's attendance at a County Board meeting.
- (B) Committee Meetings. Board Members shall receive [●]/meeting for attending a Committee meeting. Board Members are entitled to receive compensation for attending more than one meeting in a day.
- (C) Other Meetings. Board Members shall receive [●] for attending a meeting of a body that is not a Committee only with the Board Chair's prior approval. Board

Members who are not members of the Committee may receive compensation as provided in this Section 2.07 for attending a meeting only when attendance at the meeting is directed or approved by the Board Chair.

- (D) Board Chair Compensation. In addition to the compensation set forth in this Section 2.07, the Board Chair shall receive an additional [●]. If the Board Chair is unable or unwilling to perform the duties of Board Chair for a period of four weeks or longer, the Board Chair shall not be paid the additional compensation herein, and the compensation shall be paid to the Vice Chair for the months during which the Vice Chair is performing the duties of the Board Chair.
- (E) Expense Reimbursement. Board Members shall be reimbursed for expenses in the amounts, and according to the regulations and procedures, established by the [Finance/Executive/Personnel] Committee [subject to confirmation by the County Board] from time to time. Board Members shall be entitled to reimbursement of only actual mileage traveled for attendance at any meeting for which compensation is paid and only if the Board Member utilizes his or her personal vehicle for the travel.
- (F) No compensation shall be paid for attendance at any meeting held one hour or less before or one hour or less after a County Board meeting.
- (G) Board Members shall complete and sign any forms required to verify attendance and expenses as established by the [Finance/Executive/Personnel] Committee [and confirmed by the County Board] from time to time. Such forms are required to be submitted not more than two (2) days following the end of the month in which the expenses were incurred or attendance is claimed.

2.08 Meeting Minutes

- (A) County Board Meetings. The County Clerk is responsible for the preparation of minutes for all meetings of the County Board. The County Clerk may use a personal recording device to record any open session portion of a meeting for purposes of verifying the accuracy of the proceedings. The County Clerk shall destroy any recording not sooner than 90 days after approval of the minutes of the meeting at which the recording is taken. The County Clerk shall not record any closed session of a County Board meeting. A draft form of the minutes of meetings shall be included in the meeting packet distributed prior to County Board meetings as specified in Section 2.02(D).
- (B) Committee, Other Board and Commission Meetings. [*The County Clerk is responsible for taking and recording the minutes of any meeting of the Committee.*] OR [*The County Clerk shall confer with the Chair of any Committee to appoint a person to take and record the minutes of any meeting of the Committee. Any person so appointed shall not be a County Board Member.*] All draft minutes shall be filed with the County Clerk's office no later than 14 days after the meeting to which the draft minutes apply and shall be in a format

approved by the County Clerk.

2.09 County Board Meeting Seating Arrangements

[Except as provided herein, County Board Members shall be seated in order by district number. The Board Chair, Vice Chair, County Administrator, County Clerk and Corporation Counsel shall sit at the designated head of the room in the order established by the Board Chair. There shall be a designated area for members of the public and members of the press. The Board Chair may alter the seating arrangements to meet the needs of individual Board Members or members of the public.]

2.10 Board Member Interest Forms

- (A) *Within 7 days after County Board Members are elected in the Spring general election, the County Clerk shall distribute a welcome letter to all persons elected to the County Board. The contents of the welcome letter shall include information concerning the schedule for the Organizational Meeting and related matters, the Board Rules and the Board Member Biography form.*
- (B) *Board Members interested in nomination for the position of Board Chair and Vice Chair are encouraged to indicate their interest in the positions on the County Board Chair/Vice Chair candidate answers form. In addition, such Board Members are encouraged to answer two additional questions (beyond the minimum questions on the Board Member Biography form):*
- *If you are elected, are there things you will try to change or do differently as County Board Chair/Vice Chair?*
 - *How would you describe the style you will use in working with your fellow Board Members, County Committees, County Administrator and other staff?*

All Board Members shall also complete a Committee/Board/Commission Preference form and a Board Member Biography form. The County Clerk will distribute these forms to all County Board Members-elect in advance of the Organizational Meeting.]

**** While not required, WCA encourages counties to provide a process for submitting interest forms to assist in the committee selection and officer election processes.**

2.11 Board Relationship with [Executive/Administrator/Administrative Coordinator] and Department Heads

The County Board serves as the legislative body in County government. As such, the County Board's role is to enact policy. To implement the policy the County Board establishes, the County Board *[recognizes the role of the County Executive as chief executive officer of the County]* OR *[shall appoint a person as the County Administrator according to Wis. Stat. § 59.18(1)]* OR *[shall designate a person as the Administrative*

Coordinator according to Wis. Stat. § 59.19]. The [Executive/Administrator/ Administrative Coordinator] shall perform all duties and have such authority as specified in Wis. Stat. § [59.17/59.18/59.19], [the Position Description], these Board Rules and as otherwise may be authorized and directed by the County Board from time to time. Department Heads are responsible, and shall report, to the [Executive/Administrator/ Administrative Coordinator]. County Board Members desiring information or a report from a Department Head or other County staff shall request such information or report either in the context of a County Board or Committee meeting or from the [Executive/Administrator/Administrative Coordinator].

2.12 Vacancies in Office of County Board Member

- (A) Vacancies – How Caused. Vacancies in the office of [●] County Board Supervisor shall be determined according to Wis. Stat. § 17.03.
- (B) Vacancies – How Filled.

[Vacancies in the office of [●] County Board Supervisor shall be filled according to Wis. Stat. § 59.10(3)(e).]

-OR-

[The following procedure shall be utilized when there is a vacancy in the office of [●] County Board Supervisor:

1. *Within 30 days of the seat becoming vacant, the County Clerk shall place a standard advertisement (not in the legal section) for 2 consecutive weeks in [●], containing:*
 - a. *A notification that there is a vacancy in Supervisory District # [●].*
 - b. *A map which reasonably informs the public of the boundaries of the District.*
 - c. *That interested persons shall submit the following information to the County Clerk, in written form, by a stated deadline which shall be not less than 30 days from the date of the last publication:*
 - *The applicant's name and address;*
 - *That the applicant is at least 18 years old;*
 - *That the applicant is qualified to vote in the District in which there is a vacancy; and*
 - *A brief statement as to the applicant's qualifications to serve on the County Board.*
 - d. *A statement that the vacancy will be filled from the list of applicants, at the County Board meeting first following the expiration of the application deadline. The advertisement should state the place, date and time of that County Board meeting.*
 - e. *The County Clerk's mailing address, fax number and e-mail address.*

2. *At the County Board meeting first following the date of the application deadline, the County Board will invite applicants to provide a presentation as to why they wish to serve on the County Board. At the end of the presentation(s), the Board will either (a) proceed to deliberate and vote on the applicants; or (b) direct the County Clerk to readvertise the vacancy according to the procedure in Section 2.12(B)(1). The successor appointed according to this process shall serve for the unexpired portion of the term of the vacant office.*

**** DRAFTER'S NOTE: The process for filling vacancies is specified in Wis. Stat. § 59.10(3)(e) unless a county has elected self-organized status, in which case a county may choose an alternative process. The alternative process above is an example and may be modified as a county desires.**

2.13 Official Statements by Board Members

No Board Member other than the Board Chair is authorized to make any official statement or comment on behalf of the County Board. If a Board Member makes a statement or comment, the Board Member shall ensure such statement or comment contains language indicating the statement or comment reflects the personal views of the Board Member and not the views of the County Board.

2.14 Closed Session at Committee Meetings - Attendance

In accordance with Wis. Stat. § 19.89, and unless otherwise provided by law, no Board Member may be excluded from any meeting of the Committee or Other Board and Commission provided, however, that a Committee or Other Board and Commission may exclude a Board Member that is not a member of the Committee or Other Board and Commission from a closed session portion of a meeting upon majority vote of the Committee or Other Board and Commission members present.]

**** DRAFTER'S NOTE: This rule is important and should be considered carefully. Wis. Stat. § 19.89 provides that a member of the County Board may not be excluded from a committee meeting, including any closed session portion, in the absence of a board rule providing for such exclusion.**

SECTION 3	COUNTY BOARD OFFICERS
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3.01 County Board Chair

- (A) The Board Chair shall perform all duties of the chairperson as specified in Wis. Stat. § 59.12(1) and perform such other duties as specified in these Board Rules. In addition, the Board Chair shall perform such other duties as the County Board may authorize from time to time. In presiding over meetings of the County Board, the Board Chair shall decide all questions of order or procedure, subject to appeal to the Board, and at all times preserve order and decorum. [*The Board Chair may serve as a member, with full rights and privileges, of any Committee if there is otherwise not a quorum at any Committee meeting.*]
- (B) The Board Chair shall serve as the spokesperson for the County Board and is authorized to comment to the public or press on any matter of County business provided any such comments are consistent with the County Board's policies or expressed positions.
- (C) The Board Chair shall be a member of [*the NAME Committee*]. The Board Chair shall be the Chair of [*the NAME Committee*].
- (D) In the event of a vacancy in the position of Board Chair, the County Board shall hold an election for the position according to the procedure set forth in Section 2.01(A).

3.02 County Board Vice Chair

- (A) The Vice Chair shall perform all duties of the Board Chair in the absence or disability of the Board Chair and perform such other duties as specified in these Board Rules. In addition, the Vice Chair shall perform such other duties as the County Board may authorize from time to time.
- (B) The Vice Chair shall be a member of [*the NAME Committee. The Vice Chair shall be the Chair of the NAME Committee*].
- (C) In the event of a vacancy in the position of Vice Chair, the County Board shall hold an election for the position according to the procedure set forth in Section 2.01(A).

3.03 Chairs and Vice Chairs of Committees.

The Chair of a Committee shall preside at Committee meetings and otherwise serve as the spokesperson on behalf of the Committee in County Board meetings. The Committee vice chair shall assume the responsibilities of the Committee chair in the Chair's absence.

SECTION 4	RULES OF PROCEDURE
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4.01 Parliamentary Authority

The latest edition of *Robert's Rules of Order, Newly Revised* ("RONR") shall govern the proceedings at all meetings of the County Board and the Committees. The [*Corporation Counsel/Clerk/Other*] shall serve as parliamentarian for all meetings of the County Board and shall consult with the Board Chair on all questions of parliamentary procedure.

4.02 Committee of the Whole

The County Board may convene as the committee of the whole at the call of the Board Chair provided the public is provided notice of any such meeting in accordance with Wisconsin's Open Meetings Law, Wis. Stat. § 19.81, et seq. The Board Vice Chair shall be the chair of any committee of the whole.

4.03 Remote Attendance at Meetings

- (A) *Remote Attendance at Meetings.* Board Members shall make every attempt to attend County Board and Committee meetings in-person. A Board Member authorized under these Board Rules to attend a meeting by remote communication (telephonic or videoconference technology) shall be considered present for a meeting with full rights to participate and vote. Any Board Member attending a Board or Committee meeting remotely shall keep the camera on for the entirety of their attendance if attending by video and shall be excused from any closed session part of a meeting unless granted permission to remain in the meeting by the Board Chair or Committee Chair. No person may serve as Chair of a County Board meeting if the person is attending the meeting by remote communication unless the entire meeting is held by remote communication as provided in Section 4.03(B). In the physical absence of the Board Chair and Vice Chair, the County Board shall appoint a Board Member to serve as Chair pro tempore of the meeting. The Executive and Finance Committee may, from time to time, establish policies governing the conduct of meetings where persons attend remotely and Board Members shall abide by any such policies.
- (B) *Fully Remote Meetings.* If in-person meetings are not advised or not possible due to an emergency situation, as declared by the appropriate authority under Wis. Stat. Chap. 323 or otherwise determined by the Board Chair, meetings of the County Board and Committees may be conducted via teleconference, video conference or other such methods, provided that members of the public can access the meeting in accordance with Wis. Stat. § 19.89, Wisconsin's Open Meetings Law.]

**** DRAFTER'S NOTE: Remote attendance is not allowed unless permitted by board rule or ordinance. If remote attendance will be authorized, the procedure should be here. In addition, if a person is allowed to participate in a closed session by remote communication, determine if there are any rules associated with such participation.**

4.04 Order of Business

(A) County Board Meetings.

The order of business for all meetings of the County Board shall be as follows:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. [*County Clerk Verification of Open Meetings Law Compliance*]
5. [*Approve Agenda*]
6. Approve Minutes of Previous Meeting(s)
7. [*Public Comment*]
8. Special Orders of Business/Recognitions
9. Public Hearings
10. Resolutions
11. Ordinances and Ordinance Amendments
12. Reports
 - a. [*Executive/Administrator/Administrative Coordinator*]'s Report
13. Correspondence
14. Future Agenda Items
15. Closed Session (if any)
16. Adjourn

The order of business may be changed by the Board Chair or by majority vote of the Board. When preparing the agenda for the meeting, where no business is contemplated on an item on this order of business, the item can be omitted.

(B) Committee Meetings.

The order of business for all meetings of Committees shall be as follows:

1. Call to Order
2. Roll Call
3. [*Verification of Open Meetings Law Compliance*]
4. [*Approve Agenda*]
5. Approve Minutes from Previous Meeting(s)
6. Public Comment
7. Public Hearing
8. Reports
9. Contract Approvals
10. Resolutions
11. Ordinances and Ordinance Amendments
12. Correspondence

13. Future Agenda Items
14. Closed Session (if any)
15. Adjourn

The order of business may be changed by the committee or other board and commission chair or by majority vote of the committee or other board and commission. When preparing the agenda for the meeting, where no business is contemplated on an item on this order of business, the item can be omitted.

- (C) Approval of Minutes. There is no requirement that minutes of a previous meeting be read unless requested by a majority of the County Board or Committee.
- (D) Consideration of Resolutions. There is no requirement that resolutions introduced at a meeting be read unless requested by the Board Chair or a majority of the County Board provided such resolution(s) is made available to the Board or Committee members prior to the meeting.

4.05 Personal Electronic Devices

- (A) County Board Members. All County Board Members shall silence their mobile phones and all other personal electronic devices during a meeting of the County Board and of any Committee on which the Board Member serves. Such devices may not be used during any such meeting except in the event of an emergency or with permission of the Chair of the meeting. This Section 4.05(A) does not preclude the recording of open session portions of any meeting by any person.
- (B) Other Meeting Attendees. All other meeting attendees shall silence their mobile phones and other personal electronic devices during a meeting of the County Board and of any Committee. This Section 4.05(B) does not preclude the recording of open session portions of any meeting by any person.

4.06 Recognition, Debate and Voting at County Board Meetings

- (A) Recognition. A Board Member must be recognized by the Board Chair prior to speaking and shall do so by [*utilizing the electronic voting machine/rising or raising a hand*]. The Board Chair is responsible for determining recognition.
- (B) Debate. Each Board Member shall be entitled to speak [*twice for a total of not to exceed 10 minutes per instance*] on any matter pending before the Board and open for discussion. Any member may move to limit or extend the floor time of any speaker and such motion shall [*require 2/3 vote and*] is not debatable. Discussion and comments should be directed to the Board Chair and not to any individual Board Member, county staff or member of the public. All Board Member comments shall be germane to the business currently pending before the Board. Board Members shall maintain and exercise proper decorum at all times when discussing any matter before the Board.

- (C) Voting. Unless roll call or secret ballot voting is required by the Wisconsin Statutes or these Board Rules, when a question is put to the County Board, the Board Chair shall [*conduct a voice vote by asking for those in favor and those opposed*] OR [*utilize the electronic voting system*]. When conducting roll call votes, the County Clerk shall call the roll in numeric order according to supervisory district and each succeeding roll call vote at the same meeting shall start with the next succeeding name that completed the last preceding roll call vote. [*The use of electronic voting processes is allowed and shall be utilized where possible.*]

**** DRAFTER'S NOTE: The voting procedures and mechanisms should mirror the system the county board utilizes. Secret ballots are authorized only when electing officers of the governmental body. See Wis. Stat. § 19.88(2).**

- (D) Abstention. All County Board Members are expected to represent their constituents and fully participate in meetings of the County Board, including voting. Nonetheless, there are recognized circumstances where participation in discussion, voting, or both would be inappropriate. A Board Member may abstain from participating in discussion, voting or both. When a Board Member abstains, the Board Chair shall provide the Board Member with the opportunity to explain the reason for the abstention and, if a reason is provided, the County Clerk shall record the reason in the meeting minutes.

**** DRAFTER'S NOTE: There may be different or additional procedures under a county's ethics code related to abstention and voting. Please ensure consistency between the board rules and other applicable ordinances and policies.**

- (E) With the exception of subsection (D), this Section 4.06 does not apply to Committee meetings. Unless otherwise required by the Wisconsin Statutes or these Board Rules, Committee meeting procedure shall be governed by RONR 49:21, *Procedure in Small Boards*.

4.07 Public Decorum and Comment

- (A) Rules of Decorum. All attendees at County Board and Committee meetings are expected to maintain appropriate decorum during the meeting. Talking, shouting, outbursts, clapping and similar gestures are prohibited. Any attendee may be requested to cease any activities, including the use of signs, banners or displays, that unduly disrupt a meeting consistent with applicable law. Citizens in the audience are not to audibly respond to comments being made during a meeting or to make demonstrations either in support of or in opposition to a speaker or idea. The Chair of the meeting is responsible for enforcing meeting decorum.
- (B) Rules for Public Comment. The following rules apply to all periods of public comment at County Board and Committee meetings:

1. Any person who wishes to address the County Board during the "Public

Comment” portion of the agenda must provide their name and address prior to beginning comment.

2. A commenter may not speak longer than three (3) minutes and may only speak once per meeting.
3. All comments must be germane to an item on the meeting agenda.
4. Comments should be directed to the Board as a whole and not addressed to individual Board Members.
5. A commenter should refrain from asking questions of the Board or any individual Board Member.
6. Commenters should be courteous in their language, avoid personalized remarks and refrain from comments that are rude, obscene, profane, personally attacking, and which demonstrate a lack of respect for others.
7. The Board Chair reserves the right to terminate an individual’s public comments if these rules are violated. As well, the Board Chair has the authority to rule speakers out of order and may call a short recess in disorderly situations.

**** DRAFTER’S NOTE: The County should consider whether to utilize a sign-in process and form for public comment. If so, that should be identified in this section. As well, the rules surrounding public comment should be posted or made available for the public.**

- (C) Public Participation at Meetings. Unless specifically requested by the Chair of a meeting, members of the public are not allowed to participate in any meeting. No Board Member or member of a Committee may cede time during discussion of a pending question to a member of the public. This Section 4.07(C) shall not be construed to prohibit County staff from providing information and reports to the County Board or a Committee consistent with the meeting agenda or practice of the County Board or Committee.
- (D) Board Member Participation at Committee Meetings of Which They Are Not a Member. [Subject to Section 2.14], Board Members are allowed to attend any meeting of a Committee. A Board Member may not speak at a Committee meeting except during public comment or upon permission of the Chair of the Committee.

4.08 Reconsideration

Any County Board Member on the prevailing side of any question determined by the County Board may make a motion to reconsider the question at the same or next succeeding meeting. When the County Board is equally divided on any question before it, the question shall be considered lost, but in that case any County Board Member present at the meeting where the

question was considered may move for reconsideration at the same or next succeeding meeting.

4.09 Resolutions – Form and Introduction

- (A) Form of Resolutions. A Board Member may request the assistance of administration and staff, together with Corporation Counsel, in drafting any proposed Resolution provided, however, the identity of the Board Member shall not be confidential. Resolutions shall be in form approved by the County Clerk and Corporation Counsel. In addition to any other form requirements, all proposed Resolutions shall include the following:
 - 1. A space for a fiscal note. The County [*Executive/Administrator/Administrative Coordinator*] or designee is responsible for reviewing the financial impact of any proposed Resolution and providing any comments relating to such financial impact.
 - 2. A space for a legal note. The Corporation Counsel or designee is responsible for reviewing whether the proposed Resolution is within the scope of the County’s authority and otherwise providing any comments relating to the legal impact of the proposed Resolution.
 - 3. A space indicating the identity of the Committee(s) that considered the proposed Resolution, the date of the Committee(s) meeting at which such consideration occurred, the official action of the Committee(s) on the proposed Resolution and the votes of the Committee(s) members relative to the proposed Resolution.

- (B) Introduction of Resolutions. A Resolution may be proposed by an Individual Board Member or by a Committee.
 - 1. Resolutions Proposed by an Individual Board Member. If a Resolution is proposed by an individual Board Member, prior to any action by the Board on the proposed Resolution, the Board Chair shall refer the proposed Resolution to the appropriate Committee. The County Board may, from time to time, request a report from the Board Chair as to referral of proposed Resolutions. The Committee(s) to which a proposed Resolution is referred shall file the official action on any proposed Resolution with the County Clerk as soon as practicable following the meeting at which such official action occurred, and the act of filing shall serve as a request that the proposed Resolution be placed on the agenda for the next County Board meeting. The requirements of this Section 4.09(B)1 may be waived, in whole or in part, by the Board Chair in his or her discretion.
 - 2. Resolutions Proposed by a Committee. A Committee may propose a Resolution. Any Committee that recommends County Board adoption of a Resolution proposed by the Committee shall file the official action on the

proposed Resolution with the County Clerk as soon as practicable following the meeting at which such official action occurred and the act of filing shall serve as a request that the proposed Resolution be placed on the agenda for the next County Board meeting.

- [(C) *The County Board will consider a Resolution commemorating the retirement of a County employee only if the employee is fully vested in the Wisconsin Retirement System at the time of retirement.*]

4.10 Suspension of and Amendment to Rules

- (A) Suspension of Rules. Any rule in these Rules may be suspended by 2/3 vote provided any such suspension does not cause a violation of the Wisconsin Statutes.
- (B) Amendment to Rules. The County Board may amend these Rules by 2/3 vote of the [*members-elect*] provided any proposed amendment is provided in writing to all Board Members in the meeting packet distributed by the County Clerk under Rule 2.02(D). Appendix A relating to committees may be amended at any time by majority vote.

ADDITIONAL RULES TO CONSIDER

SECTION 2	COUNTY BOARD ORGANIZATION
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2.15 Board Member Rules of Conduct

- (A) Each Board Member shall:
1. Uphold the Oath of Office and faithfully and impartially discharge the duties of a Board Member to the best of their ability;
 2. Act in the best interests of [●] County government at all times;
 3. Refrain from conduct which a reasonable person would deem unethical, offensive or otherwise contrary to community values;
 4. Be responsive to the needs of the community;
 5. Represent the interest of constituents by attending and participating in meetings, adequately prepare for meetings and observe the rules of decorum and these Board Rules at meetings; and
 6. Conduct [●] County government business in a manner consistent with law and refrain from discussions surrounding [●] County business outside the appropriate meetings and channels of communication.
- (B) Board Member Conduct at Meetings. In addition to the rules of decorum in RONR, Board Members shall, at all meetings of the County Board or a Committee, conduct themselves and dress in a professional and respectful manner. Board Member comments should be directed to the County Board Chair or Committee Chair and not to any individual Board Member, County employee or member of the public. All comments must be respectful, courteous, appropriate and germane to the topic under discussion. Any inappropriate conduct will be recognized and addressed by the County Board Chair or Committee Chair. The County Board Chair at a County Board meeting or the Committee Chair at a Committee meeting shall have the power to direct a Board Member's removal from a meeting.
- (C) Board Member Conduct Outside Meetings. In addition to the provisions of Section 2.15(A), Board Members shall adhere to the following.
1. Board Members shall at all times exhibit professional and courteous behavior when interacting with the County [Executive/Administrator/Administrative Coordinator] and County employees. Under no circumstance shall it be acceptable for a Board Member to berate, belittle or shout at the County Administrator or a County employee whether in a meeting or outside a meeting.

perform a task or function without first obtaining the appropriate authorization. Matters relating to official County business should be addressed through the Administrator or the appropriate Committee, Other Board or Commission.

- (D) As elected representatives, Board members receive complaints from constituents, including County employees and the general public. Board members shall refer complaints and/or concerns regarding the management and operation of County government to the appropriate step within the chain of command (Department Head and/or County Administrator). Outside of the chain of command, Board members shall refrain from reviewing or discussing the merits of such complaints or concerns until the matter has been submitted to the chain of command and reported by that authority to the Board or Committee.

SECTION 5	ENFORCEMENT
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5.01 Procedure for Enforcement

- (A) If the Board Rules are violated during a meeting of a Board, Committee, Other Board or Commission, the Board Chair or other presiding officer of the meeting shall have all powers under the Board Rules to immediately bring a Board Member's conduct into conformity with the Board Rules. If appropriate, the Board Chair or other presiding officer of the meeting may report a violation of the Board Rules to law enforcement for purposes of taking appropriate action, which may include (without limitation) removal of the offending Board Member from a meeting and/or issuing a citation for disorderly conduct. In addition, the Board Chair or other presiding officer of the meeting shall refer the matter to the [●] Committee to determine what, if any, further sanction is warranted. The Board Member who is alleged to have violated the Board Rules shall be provided an opportunity to address the [●] Committee prior to disposition. The [●] shall make a report to the County Board as soon as practicable and provide a recommendation as to the appropriate sanction, if any. The County Board shall make the final determination on the appropriate sanction, if any.
- (B) The Board may, in its discretion, impose one or more of the following sanctions:
1. Private reprimand;
 2. Censure without a formal Resolution of the County Board;
 3. Censure with a formal Resolution of the County Board;
 4. Removal from position of Committee Chair;
 5. Removal from Committee; and
 6. Referral to [●] Committee to determine if cause exists to remove the Board Member from office.

If the Board refers the matter to the [●] Committee to determine if cause (defined as inefficiency, neglect of duty, official misconduct or malfeasance in office) exists to remove the Board Member from office, the [●] Committee is authorized to appoint agents to (a) conduct any further and other investigation as may be necessary; (b) prepare verified charges seeking the Board Member's removal from office; and (c) prosecute the Board Member's removal from office. Any such proceedings shall comply with Wis. Stats. Chap. 17.

- (C) In addition to the enforcement procedures established in this Section 5.01, and without limiting any of those provisions, the Board Chair or the [●] may refer any violation of the Board Rules to the [Ethics Committee] and such referral shall be considered a [complaint] under Ordinance [●].

County Services

For additional reference, the following pages include a comprehensive list of services grouped by county department. Please note that counties may choose to place certain services under different departments, unless required by statute. Please contact your county corporation counsel with questions regarding statutorily assigned duties.

CIRCUIT COURTS

Clerk of Circuit Court

- ❑ Collection of fees, fines and forfeitures
- ❑ Court administration
- ❑ Custodian of court records — civil, family, criminal, ordinance violations and miscellaneous
- ❑ Jury management
- ❑ Court finances

Circuit Court Commissioner

- ❑ Handle probate, guardianship and mental commitment proceedings
- ❑ Hear small claims trials
- ❑ Conduct initial appearances and set bail on traffic and ordinance civil cases, misdemeanors, and felonies
- ❑ Conduct preliminary hearings in felony matters to determine whether the case shall proceed
- ❑ Handle juvenile hearings that are not open to the public

District Attorney

- ❑ Prosecute all criminal cases — misdemeanors and felonies
- ❑ Prosecute all Wisconsin Department of Natural Resources cases
- ❑ Prosecute juvenile delinquency cases and children in need of protection and services (CHIPS) cases
- ❑ Prosecute termination of parental rights (TPR) cases
- ❑ Prosecute all criminal traffic cases and ordinance traffic cases from the county sheriff's office and Wisconsin State Patrol
- ❑ Provide crime victim and witness services
- ❑ Provide Deferred Prosecution and Domestic Violence Intervention Programs
- ❑ Represent the county in the prosecution of county ordinance violations
- ❑ Payment of witness fees, including expert witness fees

Family Court Commissioner

- ❑ Grant divorces to parties who have appropriate written agreements
- ❑ Conduct court hearings and render decisions on issues in family court cases (except a final, contested divorce trial, which must be held before a judge), including:
 - Paternity, custody and placement of children

- Support for children, including responsibility for health insurance, medical expenses, and other related financial issues
 - Assignment of tax dependency exemptions between the parents
 - Use of and division of property
 - Responsibility for payment of debts
 - Maintenance (alimony)
- ❑ Administrative responsibilities to ensure efficient yet fair administration of justice

Register in Probate

- ❑ Custodians of the record — probate, guardianship, mental commitment, adoption, and in many counties, juvenile records
- ❑ Court finances
- ❑ Court administration
- ❑ Collection of fees

Other services

- ❑ Court reporters
- ❑ Guardians ad litem
- ❑ Indigent counsel
- ❑ Judicial assistants
- ❑ Law clerks
- ❑ Law library
- ❑ Mediation
- ❑ Forms
- ❑ Interpreters

CORPORATION COUNSEL

- ❑ Prosecute and defend civil legal actions involving the county; coordinate and supervise outside counsel, including counsel assigned by insurance carriers; assist the treasurer in the foreclosure of tax liens; prosecute violations of health, zoning and other ordinances
- ❑ Research and provide advice on civil matters, including ethics, open meetings, parliamentary procedure, and public records issues; draft and issue legal opinions; draft and review ordinances and resolutions; prepare or review contracts, deeds, leases, real estate documents, and other legal papers
- ❑ Work with county departments to secure reimbursement of government expenditures, protect county subrogation rights, and collect delinquent accounts
- ❑ Prosecute mental health, alcohol and drug commitments
- ❑ Provide legal services in certain cases relating to guardianships for minors and in certain

cases relating to guardianship and protective placement that arise because of degenerative brain disorders, serious and persistent mental illness, developmental disabilities, or other like incapacities incurred at any age

- ❑ Prosecute or assist with the prosecution of certain matters relating to the determination of paternity and the establishment, modification, and enforcement of court-ordered child support obligations
- ❑ Provide legal services in certain cases arising under the Children's Code (Wis. Stat. Ch. 48) for children who are in need of protection and services. *(Note: In some counties these duties are performed by the district attorney.)*
- ❑ Prosecute certain actions to terminate parental rights when it is in the best interests of the child to do so. *(Note: In some counties these duties are performed by the district attorney.)*

COUNTY CLERK

Services to the County Board

- ❑ Serve as recording secretary
- ❑ Prepare and publish agendas for county board and committee meetings
- ❑ Record meeting minutes for county board and committee meetings
- ❑ Provide certification of county board actions
- ❑ Publish official proceedings
- ❑ Ensure compliance with Open Meetings Law, records retention laws, and freedom of information requests
- ❑ Compile, publish and maintain current county directory
- ❑ Sign contracts, deeds and agreements as approved by the county board

Election Administration

- ❑ Serve as election officer of the county
- ❑ Receive and file the official oaths and bonds of all county officers
- ❑ Serve as the filing officer for county candidates and referenda questions
- ❑ Prepare and publish election notices
- ❑ Prepare, print and distribute ballots and supplies to municipal clerks
- ❑ Program election tabulation equipment
- ❑ Provide voter registration services for local municipalities
- ❑ Tabulate and report election results
- ❑ Conduct Boards of Canvass and recounts
- ❑ Issue Certificates of Election
- ❑ Conduct election training for municipal clerks and school districts

Licenses and Permits

- ❑ Issue marriage licenses and maintain index
- ❑ Issue domestic partnership terminations and maintain indexes
- ❑ Distribute state dog licenses and supplies to municipal treasurers
- ❑ Administer dog license fee accounts
- ❑ Issue conservation licenses
- ❑ Issue hayrack and sleigh ride permits
- ❑ Issue pawnbroker and secondhand dealer licenses
- ❑ Issue temporary and/or permanent vehicle license plate and registration renewals
- ❑ Issue work permits for minors when required

Financial Functions

- ❑ Sign all orders for payment of money directed by the board
- ❑ Budgeting
- ❑ Apportionment of taxes
- ❑ General accounting
- ❑ Bonding/borrowing
- ❑ Payroll
- ❑ Purchasing liability, property and other insurances
- ❑ Insurance maintenance
- ❑ GASB reporting
- ❑ Asset inventory
- ❑ Sale of tax deed property

Other Statutory Duties

- ❑ Annually compile and transmit list of municipal officers to secretary of state
- ❑ Zoning matters
- ❑ Farmland preservation
- ❑ Library reimbursement requirements
- ❑ Timber harvest notices
- ❑ Miscellaneous highway department records
- ❑ Contracts, leases and agreements
- ❑ Claims against the county
- ❑ Historical society

Other Non-Mandated Functions

- ❑ Administrative coordinator
- ❑ Personnel
- ❑ Data processing
- ❑ Process passport applications
- ❑ Purchasing
- ❑ Facilities maintenance
- ❑ Redistricting
- ❑ Website maintenance
- ❑ Mailroom services
- ❑ Other duties specific to local office

COUNTY TREASURER

Cash Management

- ❑ Keep a true and correct account of all receipts and expenditures
- ❑ Reconcile bank accounts
- ❑ Maintain balances in bank accounts
- ❑ Report and publish unclaimed funds
- ❑ Maintain collateral, insurance or other to secure all county funds
- ❑ Negotiate and seek highest interest rates following Wisconsin statutes and county investment policy
- ❑ Determine and maintain cash flow
- ❑ Oversee separation of duties with cash
- ❑ Invest excess funds/invest in programs
- ❑ Serve as treasurer for the Land Council
- ❑ Prepare financial reports for the finance committee/county board

Receipting and Disbursements

- ❑ Property tax collection
- ❑ Prepare and disburse all county settlements with taxing jurisdictions
- ❑ Receipt and deposit all county monies
- ❑ Pay out all monies belonging to the county, imprint signatures, and mail or electronically prepare disbursements, including payrolls for all county employees
- ❑ Distribute national forest income to municipalities
- ❑ Prepare, file and pay sales and use tax
- ❑ Forward court fines and forfeitures, court fees, real estate transfer fees, and Wisconsin Land Information Program recording fees to the appropriate state department
- ❑ Forward probate and vital records fees to the state
- ❑ Act as the treasurer for drainage districts
- ❑ Deposit and pay out all monies for the county jail assessment fund

Taxation

- ❑ Prepare and/or assist municipal staff with tax settlements
- ❑ Prepare and distribute April and August settlement for all taxing jurisdictions
- ❑ Maintain records of all paid and delinquent taxes
- ❑ Maintain at least 15 years of all tax information
- ❑ Process personal property chargebacks and assessor error chargebacks
- ❑ Prepare and mail delinquent tax notices
- ❑ Issue tax lien certificates

- ❑ Prepare and maintain tax sale book
- ❑ Provide completed and balanced tax settlement forms to the state
- ❑ Administer the lottery and gaming credits for both real and personal property
- ❑ Administer the first dollar credit
- ❑ Administer the ag-use conversion charge
- ❑ Maintain records of property owners in bankruptcy
- ❑ Process tax deeds or assist county clerk with the same
- ❑ Report and pay managed forest land and private forest crop settlement to the Wisconsin Department of Natural Resources
- ❑ Certify and sign off that there are no unpaid taxes on properties for purpose of recording plats
- ❑ Certify and sign off that there are no unpaid taxes on properties for timber cutting permits
- ❑ Collect tax payments for municipalities as contracted
- ❑ Research tax and property information for the public upon request

HEALTH AND HUMAN SERVICES

Aging

- ❑ Provide access to information, services and opportunities provided through the aging unit
- ❑ Provide a visible access point of contact for individuals to obtain accurate and comprehensive information about public and private community resources that can meet the needs of older adults
- ❑ Provide Elder Benefit Specialist services
- ❑ Organize and administer congregate programs — nutrition, senior centers, adult day care, respite, evidence-based prevention programs
- ❑ Provide information to the public about the aging experience and about resources for and within the aging population
- ❑ Assist in representing the needs, views and concerns of older individuals and assist older individuals in expressing their views
- ❑ Advocate on behalf of older individuals to assist in enabling them to meet their basic needs
- ❑ Aging and Disability Resource Centers
- ❑ Transportation
- ❑ Volunteer recruitment, training and management
- ❑ Community organizing to address unmet needs

Child Support

- ❑ Paternity establishment
- ❑ Support order establishment and enforcement
- ❑ Support order modification
- ❑ Health insurance establishment for children
- ❑ Collection of current support
- ❑ Collection of past-due support (arrear)
- ❑ Refer parents to employment and training programs, including the Children First program
- ❑ Coordinate with other social service programs

Human Services

- ❑ Youth Justice
 - Intake
 - Assessment
 - Court-ordered supervision
 - Case management
 - Foster care
 - Group care
 - Residential treatment
 - Restitution
 - Public service
 - Juvenile detention
- ❑ Child Protective Services
 - Access
 - Initial assessment
 - Court-ordered supervision
 - Case management
 - Foster care
 - Termination of parental rights
 - Income assignment
 - Pre-adoption planning
 - Shelter care
- ❑ Mental/Behavioral Health
 - Outpatient counseling
 - Emergency detentions
 - Court commitment
 - Case management
 - Community-based residential facilities (CBRF) placement
 - Intoxicated driver program
 - Community support program
 - Comprehensive community services
 - Detoxification
 - State institutional placements
 - Alcohol and other drug abuse (AODA) assessment funding and counseling
 - AODA prevention services
- ❑ Children with Disabilities
 - Birth to Three
 - Family Support
 - Children's Long Term Support

❑ **Adult and Disability Services**

- Intake and assessment
 - Guardianships
 - Case management
 - Personal care
 - Home care
 - Adult family home
 - Community-based residential facilities
 - Day services
 - Court-ordered protective services
 - Vulnerable adult services
 - Elderly and disabled transportation
 - Aging and Disability Resource Centers
 - Disability Benefit Specialist services
- ❑ Economic Support
 - FoodShare
 - Medical Assistance
 - Energy assistance
 - Child care

Nursing Homes

- ❑ Provide 24/7 skilled nursing care with an emphasis on serving residents with special care and/or behavioral needs with a range of services, including:
 - Respite care
 - Short-term rehabilitative care 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

Public Health

- ❑ Childhood and/or adult immunizations
- ❑ Communicable disease follow-up
- ❑ Women, Infants and Children (WIC) nutrition services
- ❑ Well-child and well-baby programs
- ❑ Prenatal care coordination
- ❑ Tobacco education and cessation classes
- ❑ Community assessment and health improvement planning
- ❑ Health education
- ❑ Emergency planning and response efforts
- ❑ Restaurant and hotel inspections (food and recreational licensing program, retail ag. program)
- ❑ Lead poisoning screening and education
- ❑ Public health nursing
- ❑ Sanitarians — human health hazards
- ❑ Public health policy development and enforcement

HEALTH AND HUMAN SERVICES (CONT)

- ❑ Oral health care
- ❑ Injury prevention program
- ❑ Chronic disease prevention
- ❑ School nursing
- ❑ Reproductive health

LAND SERVICES

Forestry

- ❑ Conduct sales of county tax-delinquent lands in some counties
- ❑ Develop and maintain county park, wayside, beach and campground facilities
- ❑ Develop and maintain ATV/UTV, cross-country ski, horse, bike, snowmobile and hiking trails
- ❑ Establish forest compartments and stands
- ❑ Reconnaissance of forest lands
- ❑ Implement forest certification standards
- ❑ Monitor and control invasive species
- ❑ Maintain lake and river access throughout the county
- ❑ Promote soil and water stewardship
- ❑ Establish, administer and create a bid process for timber sales
- ❑ Tree planting on county forest lands
- ❑ Develop, maintain and improve wildlife habitat on county forest lands for a variety of game and non-game species
- ❑ Work with Ice Age Trail Alliance
- ❑ Provide access to nearly 2.4 million acres for citizens of Wisconsin and beyond
- ❑ Work with Wisconsin's forest products industry to maintain and grow our state's second largest industry
- ❑ Work with a wide variety of recreational user groups and actively promote Wisconsin's tourism industry

Land Conservation

- ❑ Develop county-based land and water resource management plans
- ❑ Provide cost-sharing, technical, and planning assistance to land users and county residents
- ❑ Distribute and allocate funds for conservation activities
- ❑ Actively solicit public participation in planning and evaluation of soil and water conservation programs
- ❑ Develop and implement watershed management programs, including working with farmer-led groups and municipalities to reduce phosphorus runoff

- ❑ Adopt and administer soil and water conservation standards
- ❑ Provide nutrient management planning assistance
- ❑ Agriculture runoff control
- ❑ Groundwater quality management
- ❑ Lakefront and riparian area management
- ❑ Urban storm water runoff management
- ❑ Forestry management projects
- ❑ Invasive species awareness and control
- ❑ Working lands preservation and program support
- ❑ Large livestock siting ordinance development and implementation
- ❑ Nonmetallic mining reclamation
- ❑ Pollution prevention programs
- ❑ Tree sales and planting assistance
- ❑ Wildlife damage claim and abatement program
- ❑ Participate on County Deer Management Councils
- ❑ Wildlife habitat preservation
- ❑ Public information and outreach on conservation topics

Land Information, Planning, Zoning

- ❑ Boards of Adjustment
- ❑ General, airport, shoreland and floodplain zoning
- ❑ Global positioning systems
- ❑ Land division and subdivision review and approval
- ❑ Land use planning
- ❑ Large livestock siting
- ❑ Mapping
- ❑ Private sewage system monitoring
- ❑ Remonumentation
- ❑ Wisconsin Land Information Program
- ❑ Comprehensive planning
- ❑ Telecommunication tower siting
- ❑ Economic development
- ❑ Demographics/statistical management
- ❑ Site plan review
- ❑ Stormwater management planning and zoning
- ❑ Erosion control
- ❑ Recreation planning
- ❑ Transportation planning
- ❑ Energy/sustainability planning

Sanitation/Solid Waste/Recycling

- ❑ Own and/or operate landfills, landfill gas-to-energy production facilities, and landfill gas bio-CNG (compressed natural gas) production facilities

- ❑ Own and/or operate a waste-to-energy solid waste incinerators and material recovery facilities
- ❑ Broker recyclable materials
- ❑ Serve as responsible unit for recycling, meeting all facets of NR 544
- ❑ Provide or contract for collection services and facility operational services
- ❑ Operate special/universal waste programs (e.g., oil filters, electronics, fluorescent lighting)
- ❑ Conduct recycling and waste reduction education
- ❑ Promote product stewardship as a means of reducing waste
- ❑ Advocate for local, state and federal policies that promote environmental protection, sustainability, waste reduction and increased recycling
- ❑ Own and operate yard materials site, producing and retailing compost and mulch
- ❑ Sell compost bins and provide composting education
- ❑ Operate continuous (full-time) and annual household hazardous materials programs (Clean Sweep)
- ❑ Provide environmental education and outreach to schools
- ❑ Operate a port authority

Surveyor

- ❑ Remonumentation (preservation/maintenance) of Public Land Survey System corners
- ❑ Preservation of other geodetic monuments
- ❑ Index, file, and maintain all survey records
- ❑ Certified survey map review/subdivision plat review
- ❑ Provide support and assistance to other county departments
- ❑ Conduct surveys for other county departments
- ❑ Accident and reconstruction surveys
- ❑ Prepare legal descriptions
- ❑ Testify in court as an expert witness
- ❑ Volumes and quantities acquisition and construction staking
- ❑ Oversight of/assistance with GIS development
- ❑ Assist and prepare parcel mapping
- ❑ Provide ground control for orthophotography and LiDAR projects
- ❑ May serve as the land information officer for the Land Records Modernization Program
- ❑ Assist the public and other entities with land surveying and land ownership questions

PUBLIC SAFETY SERVICES

Coroner/Medical Examiner

- ❑ Complete reports of inquests and investigations
- ❑ Investigate deaths per Wis. Stat. Ch. 979
- ❑ Interact with next of kin of deceased, including notification of death and follow-up information, and interact with law enforcement personnel, attorneys and physicians
- ❑ Interview witnesses
- ❑ Obtain lab samples for testing or screening by a laboratory
- ❑ Order medicolegal autopsies
- ❑ Record facts and conclusions concerning a death and testify regarding such information if requested
- ❑ Sign death certificates, cremation permits and any other necessary paperwork

Emergency Management

- ❑ Administer state and federal grants (EMPG, EPCRA, Homeland Security Grants, etc.)
- ❑ Prepare and administer the department's budget
- ❑ Develop plans for emergency operation/response and for facilities with extremely hazardous substances
- ❑ Develop public education programs on emergency preparedness
- ❑ Develop training programs for emergency response personnel
- ❑ Develop tabletop, functional and full-scale exercises to test the response capabilities of local responders
- ❑ Provide guidance for Emergency Communications Systems (e.g., outdoor warning sirens)
- ❑ Keep an inventory of public and private resources that would be available during a disaster
- ❑ Provide mitigation preparedness, response and recovery activities for the county and its municipalities
- ❑ Establish, maintain and operate the county's Emergency Operations Center (EOC)

Public Safety Answering Points

- ❑ Answer 911 and non-emergency calls
- ❑ Provide pre-arrival instruction
- ❑ Record phone and radio conversations
- ❑ Dispatch appropriate services (e.g., police, fire, EMS)
- ❑ Operate state TIME system for police
- ❑ Operate Computer Aided Dispatch (CAD) system

PUBLIC SAFETY SERVICES (CONT)

- ❑ Work with GIS information
- ❑ Use electronic investigation to assist police
- ❑ Maintain and verify warrants, stolen property and missing persons records
- ❑ Provide public education

Sheriff

- ❑ Coordinate accident reduction project
- ❑ Dive rescue
- ❑ Dog handlers
- ❑ Drug and crime prevention
- ❑ Holding of state and local prisoners
- ❑ Prisoner law library
- ❑ School liaison officers
- ❑ Tactical teams
- ❑ Transport of adult and juvenile prisoners
- ❑ Water, snowmobile and ATV patrols
- ❑ Keep and preserve the peace
- ❑ Conduct criminal investigations
- ❑ Provide traffic enforcement
- ❑ Respond to citizen calls for service — emergency and non-emergency
- ❑ Courthouse security
- ❑ Maintain and operate the county jail
- ❑ Attend upon the circuit courts
- ❑ Serve and execute all processes, writs, subpoenas and orders from the courts issued or made by lawful authority and delivered to the sheriff
- ❑ Maintain and operate Public Safety Answering Points (depending on county)
- ❑ Assist municipal law enforcement agencies with professional and technical assistance, as well as mutual aid resources to other counties upon request
- ❑ Provide resources for response to statewide emergencies
- ❑ Provide emergency management assistance and resources (depending on county)

REGISTER OF DEEDS

- ❑ Examine, record, index, archive and maintain:
 - All instruments authorized by law and return them as designated
 - All certified survey maps, subdivision plats, condominium plats, county plats, cemetery plats and transportation project plats as required by Wisconsin statutes
 - Federal tax liens, real estate-related Uniform Commercial Code documents, articles of incorporation and firm names

- Military discharge papers and issue certified copies as requested by the veteran or veteran service office
- Vital records (birth, death, marriage and domestic partnership), and issue certified copies
- Issue copies of recorded and filed records upon demand and collect required fees
- ❑ Ensure monies received from vital records, recordings and real estate transfer fees are dispersed in the correct amount to the appropriate county and state agencies
- ❑ Provide safe archival storage and convenient access to public records
- ❑ Use technologically advanced electronic programs to become more efficient in the duties of the register of deeds office to provide fast and accurate information
- ❑ Implement statutory changes, system modernization, programs, procedure evaluation, disaster recovery, and staff development to assure a high level of timely customer service for Wisconsin citizens
- ❑ Provide public education and assistance

TRANSPORTATION

- ❑ Airport operation and maintenance
- ❑ Assistance to rail and harbor infrastructure
- ❑ Assistance to docks and harbors operations
- ❑ Transportation services for elderly and disabled
- ❑ Mass transit operations and maintenance
- ❑ Maintenance and repair of all state and interstate roads through contract with DOT
- ❑ Maintain and repair park and ride lots
- ❑ Maintain several waysides of the State Trunk Highway System
- ❑ Highway and street maintenance for all county roads and several local roads by contract
- ❑ Own and maintain bike trails
- ❑ Patching, crack filling and seal coating of pavement surfaces
- ❑ Maintenance, repair and construction of parking facilities
- ❑ Pavement resurfacing and marking
- ❑ Road construction, reconstruction and rehabilitation
- ❑ Planning and engineering
- ❑ Plowing, de-icing, shoveling and hauling snow
- ❑ Installation and removal of snow fences, application of salt and sand
- ❑ Bridge and culvert installation/maintenance
- ❑ Guard rail installation and repair

- ❑ Litter and trash pick-up
- ❑ Shoulder maintenance and vegetation control
- ❑ Street lighting and signing
- ❑ Traffic control

VETERANS SERVICES

- ❑ Advise persons who served in the U.S. armed forces on any benefits to which they may be entitled, and render to veterans and their dependents all possible assistance
- ❑ Make reports to the county board as the county board requires
- ❑ Cooperate with federal and state agencies that serve or grant aids and benefits to former military personnel and their dependents
- ❑ Furnish information about veterans' burial places within the county
- ❑ Apply and manage case files for federal and state veterans' service programs, which may include compensation, pension, education, burial, survivor benefits, VA loans, grants, insurance, and Dependency Indemnity Compensation
- ❑ Assist with applications for the Veterans Service Commission emergent needs program
- ❑ Assist with applications for Wisconsin G.I. Bill education benefits
- ❑ Assist with vocational rehabilitation benefits for disabled veterans
- ❑ Assist with federal VA home loan Certificate of Eligibility
- ❑ Assist with application for burial benefits (e.g., cemeteries, markers, burial flags, funeral honors)
- ❑ Assist dependents and survivors in applying for benefits (e.g., health care, education, pensions)
- ❑ Assist with the enrollment of veterans into the VA health care system and assist with the transportation of veterans to and from medical care
- ❑ Register discharge papers/DD-214 with county register of deeds
- ❑ Assist military retirees and their surviving families with U.S. Department of Defense benefits and services
- ❑ Help determine eligibility and complete paperwork for veterans' homes and long-term care
- ❑ Provide and/or refer veterans to appropriate federal, state and non-governmental emergency financial aid
- ❑ Assist homeless veterans and those at risk of becoming homeless

- ❑ Assist with applications for WDVA benefits
- ❑ Assist with applications and verification for 100% disabled veterans and surviving spouses to receive their property tax credit
- ❑ Assist with applications and approve the Wisconsin Department of Natural Resources Veterans Free State Park/Forest/Trail Pass and the Wisconsin Department of Motor Vehicle WI/ID License Veterans Identifier
- ❑ Apply for and administer the CVSO Grant program

CULTURE, RECREATION, EDUCATION AND HOUSING

University of Wisconsin-Madison Division of Extension

- ❑ Provide educational programs and research services in the following areas:
 - 4-H and positive youth development
 - Agriculture, natural resources, agribusiness and horticulture
 - Community development
 - Health and well-being
 - Human development, relationships, parenting, nutrition and finances

County Libraries

- ❑ Encourage citizens to be knowledgeable about and actively involved in all levels of their government
- ❑ Assist citizens in obtaining information in various formats on various topics
- ❑ Inform citizens of all aspects of issues relating to social, political and economic concerns
- ❑ Provide community centers to support discussion among citizens
- ❑ Support the development of general library services for all ages
- ❑ Support life-long learning for all county residents

Other Services

- ❑ Beaches, campgrounds, golf courses, recreation facilities, recreational trails and parks
- ❑ Economic development and regional planning commissions
- ❑ Fairs and exhibits
- ❑ Historical societies, museums and zoos
- ❑ Public housing
- ❑ Two-year UW-System
- ❑ Appoint members to Wisconsin Technical College District Boards

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