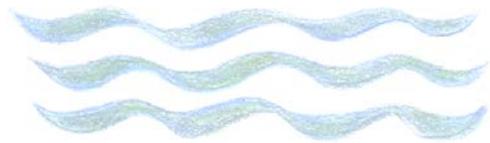


**Ozaukee County
Board
Orientation Packet**

O ZAUKEE
COUNTY



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COUNTY BOARD ORIENTATION





Mission Statement

Ozaukee County government, as an administrative arm of the State of Wisconsin will sustain and enhance the quality of life for all citizens by being proactive, innovative, and responsive in providing quality services in a fiscally responsible manner.



Quick Ozaukee Facts

- Was once part of Washington County, fascinating story
- Most affluent County in State of Wisconsin
- 232 Square Miles
- 2010 Census Population of 86,395



Ozaukee Functions

- Counties exist as an “arm of the State” assume the functions granted to them by the State, i.e. “gov’t of last resort”
 - Constitutional Offices
 - Health and Human Services
 - Law Enforcement
 - Public Works
 - Planning & Parks
 - Administration



Property Tax Impact

Ozaukee Property Taxes On Average

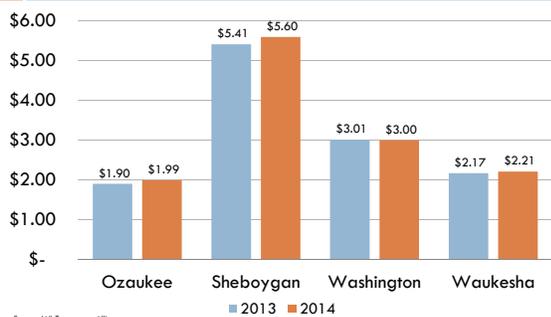


\$83 Million Expense Budget

\$20 Million Property Tax

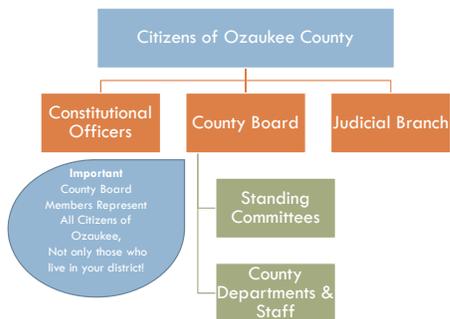


Property Taxes Compared





County Organization





County Committees

- 5 Standing Policy Committees
 - ▣ Finance
 - ▣ Natural Resources
 - ▣ Health and Human Services
 - ▣ Public Safety
 - ▣ Public Works
- Executive Committee – Board Chairman & Committee of Chairs



Committee Organization

- Five Standing Committees
 - ▣ Each made up of 5 CBS
 - ▣ 5 CBS X 5 Committees = 25 CBS
 - ▣ 26 members with Board Chairman
- Standing Committee Agendas:
 - ▣ Drafted by Dept Heads
 - ▣ Compiled by County Clerk
 - ▣ Reviewed, edited by Committee Chair, Administrator and Board Chairman
 - ▣ Administered by County Clerk



Committee Organization

Standing Committee Chairs

- County Board Chair appoints Supervisor to each committee & appoints Chair for each committee
 - ▣ Elected Vice-Chair and Second Vice-Chair serve as Standing Committee Chairs
- Positive Outcomes
 - ▣ Efficient communication & great linkage between Board Chair, Board leadership & committees



EXECUTIVE COMMITTEE

- Committee Membership
 - ▣ Membership (6 members, 5 Committee Chairs & Board Chair)
 - ▣ Board Chair, Vice-Chair & Second Vice-Chair
 - ▣ 3 other Committee Chairs
- Executive Committee – Roles
 - ▣ Annual Budget & Long Term Debt
 - ▣ Communication linkage between 5 Standing Committees
 - ▣ Set agenda Board policy meetings
 - ▣ Guide legislative priorities
 - ▣ Labor Negotiations



Finance

- Oversight Departments
 - ▣ County Clerk – elections and board support
 - ▣ County Treasurer – property taxes and investments
 - ▣ Corporation Counsel/Child Support – parliamentarian and legal counsel
 - ▣ Finance – budget and accounting
 - ▣ Information Technology – computer network and radio system



Natural Resources

- Oversight Departments
 - ▣ Land & Water Management – sanitation and shore land zoning
 - ▣ Land Info/Register of Deeds – property, land records and Geographic Information Systems (GIS)
 - ▣ UWEX – 4-H, agricultural, and planning support
 - ▣ Planning and Parks – land use planning, golf, and county parks



Health and Human Services

- Oversight Departments
 - ▣ Human Services & Aging Disability Resource Center – alcohol, drug abuse, mental health, child protective services, senior services
 - ▣ Public Health – communicable disease, emergency preparedness planning and women, infants & children
 - ▣ Lasata Senior Living Campus-skilled care, assisted living, and independent living
 - ▣ Veterans Services – assisting Ozaukee veterans



Public Safety

- Oversight Departments
 - ▣ Clerk of Courts – Ozaukee circuit court system
 - ▣ County Sherriff – jail, patrol and detective bureau
 - ▣ District Attorney – enforcement of state laws
 - ▣ Emergency Management – haz-mat and county rescue boat
 - ▣ Coroner- death investigations and morgue



Public Works

- Oversight Departments
 - Highways – road maintenance, service to State, local governments, and snow removal
 - Transit – shared ride taxi and express bus
 - Facilities Maintenance – Administration and Justice Centers



Boards and Commissions

- Boards and Commissions Serve as Subcommittees, Advisory to Board, Standing Committees
 - Most Boards and Commissions are Mandatory, Per Wisconsin Statutes
 - 2 Hybrids, Health and Human Services & Natural Resources Committee
 - Most have non-elected members who may vote on specific policy items



Boards and Commissions

- Board of Adjustment
- Aging and Disability Resource Center
- County Traffic Safety Commission
- Health and Human Services Board
- Local Emergency Planning
- Veterans Service Committee
- Appointees recommended by Administrator and confirmed by County Board

GENERAL INFORMATION FOR NEWLY ELECTED COUNTY BOARD MEMBERS

Meetings

According to the County Policy & Procedure Manual, the board meetings are to be held every 1st and 3rd Wednesday of each month, starting at 9:00 am. Often special Committee meeting(s) may precede the Board meeting.

The County Clerk will email all agendas and corresponding documentation approximately 6 days prior to a meeting.

If you are unable to attend a County Board or Committee meeting, please contact the County Clerk, County Administrator and Committee/County Board Chair as soon as possible.

It is the responsibility of each board member to come to the meetings fully prepared. This means that you should be reading through the entire packet of information made available to you. If you have any questions regarding the information please contact the County Administrator or specific department heads to research the answer to your question prior to the meeting. Department Heads normally will attend their Oversight Committee meetings. Occasionally there are special circumstances and a department representative will attend.

Mailboxes

Each board member has a mailbox at in the County Clerk's Office. It is the responsibility of each board member to periodically check his or her mailbox. It is not necessary to make a special trip, but rather stop in before or after any meeting that you attend at the Administration Center.

Board Salary

The board members are paid monthly. The annual salary amount is currently \$4,500 per year. Any Supervisor may reject any or all of his or her salary by giving proper written notice to the County Clerk. In addition to your salary, County Board Supervisors are paid the same automobile travel allowance established for other officials and employees.

Important Documents

Be sure to familiarize yourself with the following documents:

- County Policy and Procedure Manual - <http://www.co.ozaukee.wi.us/Board/PolicyProcedureManual/Index.htm>
- County Ordinances - <http://www.co.ozaukee.wi.us/Ordinances/Index.htm>
- County Budget - <http://www.co.ozaukee.wi.us/Budget/Index.htm>

Meeting Decorum – Robert's Rules of Order

The County Board conducts their meeting and all committee meetings per the rules outlined in Chapter 2 of the County Policy & Procedure Manual and the rules of parliamentary practice in Roberts Rules of Order Newly Revised. Please familiarize yourself with the related section in your packet.

Attendance at Meetings and Conferences

As a member of the board you may attend other meetings and conferences with the approval of the County Board Chair, you may coordinate attendance with the County Clerk. The County Clerk will assist with mileage payments and applicable fees. It is also highly recommended that each new board member attend the County Officials Workshops that is offered through the Wisconsin Counties Association.

Closed Sessions

At times the County Board and committees will convene in a closed session. Confidentiality is extremely important and should be strictly adhered to. Items discussed in closed session should not be shared with other persons outside those in attendance. All closed session documents should remain within the meeting location and should be returned to staff or disposed off in a proper manner. Do not leave closed session documents on top of your desks or the meeting table.

Committee Appointments and Staff Communications

County Board members will be appointed to one standing committee. It is very important that you develop open and regular communication with the appropriate department heads and critical staff and to help you effectively be a member of your committee. Take an active interest in what is going on behind the scenes of the departments. The county is fortunate enough to have very dedicated, loyal and intelligent employees who are extremely knowledgeable in their employment positions.

COMMITTEE*	OVERSIGHT	
	DEPARTMENTS	FUNCTIONS
Finance	<ul style="list-style-type: none"> • County Clerk • County Treasurer • Corporation Counsel • Finance • Human Resources • Information Technology 	<ul style="list-style-type: none"> • Accounting and Finance – annual budget, transfers of funds, county investments, issuance of new debt • Human Resources – salaries and wages, collective bargaining, job evaluations • Insurance – County property, liability, health and life, workers compensation • Audit and Claims Review • Technology Resources – equipment and software
Public Works	<ul style="list-style-type: none"> • Facilities • Highways • Transit 	<ul style="list-style-type: none"> • Oversee Public Works Projects and Maintenance – roads, buildings, construction, repair, remodeling • Highways – construction, reconstruction, improvement • Transit – bus and taxi service Facilities
Health and Human Services	<ul style="list-style-type: none"> • Human Services • Public Health • Aging Services/ADRC • Lasata • Veterans Services 	<ul style="list-style-type: none"> • Public Health – chronic disease control and prevention, environmental health, immunizations, lead abatement, maternal child health, WIC • Human Services – economic assistance, long-term support, developmental disabilities, alcohol and other drug abuse, mental health, child welfare, juvenile justice, residential treatment • Aging Services/ADRC – information and assistance, home delivered meals, congregate meals • Lasata Campus – nursing home, assisted living, and independent apartments • Veterans Services – information and assistance, transportation
Natural Resources	<ul style="list-style-type: none"> • Register of Deeds • Land and Water Mngt. • Planning & Parks • Land Information • University Extension 	<ul style="list-style-type: none"> • Agricultural and Extension – county fair, community development block grants, railroad consortium • Land Conservation and Zoning – soil and water conservation, farmland preservation, comprehensive planning, shoreland zoning, non-metallic mining, septic and sanitation • Planning and Parks • Board of Adjustment
Public Safety	<ul style="list-style-type: none"> • Clerk of Courts • District Attorney • Sheriff • Coroner • Emergency Management 	<ul style="list-style-type: none"> • Emergency Management – planning, water safety patrol, haz mat teams • Law Enforcement • Jail Operations • Court System Operations

* All Committees are responsible for departmental oversight of budgetary, financial, and personnel issues

BOARD AND COMMISSION	MEMBERSHIP	FUNCTIONS
ADRC Board/Commission on Aging	<ul style="list-style-type: none"> • One Member Health and Human Services • One Member Aging and Long Term Care 	<ul style="list-style-type: none"> • Improve quality of life for older adults • Plan, develop, and implement administrative policies for Aging Services Department
Traffic Safety Commission	<ul style="list-style-type: none"> • One Member Public Works • One Member Public Safety 	<ul style="list-style-type: none"> • Review traffic safety reports and data – recommend corrective actions • Review highway safety guidelines impacting local government • County trunk highways speed limits
Local Emergency Planning	<ul style="list-style-type: none"> • One member of Public Safety 	<ul style="list-style-type: none"> • Emergency planning activities • Liaison to local governments
Comprehensive Planning Board	<ul style="list-style-type: none"> • Five County Board Members and one alternate 	<ul style="list-style-type: none"> • Oversight of comprehensive plan, park and open space plan, and farmland preservation plan

<p style="text-align: center;">PUBLIC RECORDS WISCONSIN STATUTES §§ 19.31- 19.39</p>	<p style="text-align: center;">OPEN MEETINGS WISCONSIN STATUTES §§ 19.81 – 19.98</p>	
<p>County Supervisors are public officials required to maintain and keep public records associated with their duties. Those records include material that created by yourself or is being kept by yourself and includes material you receive in the course of your duties. Records consist of handwritten, typed and printed pages, maps, charts, photographs, films, recordings, tapes, including computer tapes, computer printouts, optical disks and e-mails.</p> <p>It is <u>not</u> a record if it is a draft, note, preliminary computation or materials prepared for the supervisor’s personal use or materials which are purely the personal property of the supervisor and have no relation to the supervisor’s office. Additionally, information that is otherwise confidential or proprietary is not considered a public record and access to such a record may be denied.</p> <p>A request for these records may be made by the public. The supervisor has an obligation to respond to those requests. A record may be a public record but that does not mean that it is an open record for inspection purposes. There are confidentiality that apply to some records and if the harm to the public or certain members of the public is outweighed by the benefit to the public by the release of the record, access to that record may be denied.</p> <p>In general a supervisor must retain most records for seven years. Correspondence should be retained for three years.</p>	<p>State law requires that whenever governmental business is discussed such discussion and action is to be at an open meeting. That requirement applies to the Ozaukee County Board and its committees.</p> <p>A convening of members of the board or a committee to exercise the responsibilities, authority or duties vested in that body is a meeting. If one-half or more of the members of that body are present, the meeting is presumed to be for exercising the responsibilities of that committee and is considered a meeting for which it is necessary to notify the public to allow the public to attend that meeting.</p> <p>A meeting does <u>not</u> occur when a majority of members of a committee or board are present for a “social, chance gathering, or conference” which was not held to avoid the open meeting requirements.</p> <p>A meeting can occur when <u>less</u> than half the members of a governmental body are present to discuss government business if the number of members present are sufficient to block action on a matter before their body. That meeting is a “negative quorum” and constitutes a meeting if the vote on an issue requires a super majority such as a 2/3 or 3/4 vote. In those situations 1/4 or 1/3 of the members could decide the result. If that percentage of supervisors meet to discuss governmental business that is a meeting that must be noticed and open to the public.</p> <p>All meetings must be noticed to the public. That means at least 24 hours prior notice. Not all meetings are open, by law you are allowed to hold closed meetings for some purposes including discipline, financial considerations, bargaining, conferring with legal counsel, etcetera. Those exceptions to the open meeting law must also be noticed to the public as a closed meeting.</p>	<p>A meeting occurs when members of a board or committee are physically present so as to exchange communications with each other in a particular location. A meeting also occurs when members are having a conference call by <u>phone</u>, that type of meeting must be appropriately noticed and accessible to the public. A meeting is <u>also</u> held when enough members communicate by e-mail if that e-mail is instantaneous, such as a chat room or immediate interactive communication. Normal use of e-mail is not a meeting. If <u>multiple</u> board members so as to constitute a quorum or negative quorum are using what are called “chat rooms” or “instant messaging” where the communication is virtually simultaneous that is the same as a face-to-face meeting or a telephone conference call and would be a meeting requiring public notice and open session. A rule of thumb is an interval of at least four hours between the sending and returning of the e-mail message so as to avoid the open meeting definition. E-mail used as a functional equivalent of a letter by mail, courier or facsimile does not constitute a meeting because communication is not simultaneous in nature, it is instead a form of written communication.</p> <p style="text-align: center;">* * * * *</p> <p>Questions regarding open meetings and record retention can be directed to the Corporation Counsel’s office. However, enforcement and interpretation of the law lies with the District Attorney and Attorney General’s office.</p> <p>Corporation Counsel Ozaukee County Justice Center 1201 South Spring Street, Suite 232 Port Washington, WI 53074-0994</p> <p>Telephone: Local 262-284-8300 Metro 262-238-8300</p>

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Wisconsin Public Records Law

§§ 19.21-19.39, *Wisconsin Statutes*

Revised by LGC Local Government Law Educator Philip Freeburg, J.D., from original fact sheet by James H. Schneider, J.D.

August 2012

This Fact Sheet is part of a series of publications produced by the UW-Extension's Local Government Center. More information about open government and open meetings laws, as well as a variety of other topics, can be found on our website, <http://lgc.uwex.edu>.

Policy of Access (Wis. Stat. § 19.31)

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 information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an *authority*" (defined *below*). The term "record" includes, "but is not limited to, written materials, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and optical disks." *Wis. Stat. § 19.32(2)*. A web site maintained by a public official about government business is also a public record, and access cannot be restricted.³

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.⁴ Therefore, a "draft" report used to determine policy and notes circulated outside the chain of the originator's supervision, as well as notes used to memorialize a governmental body's activity, are records under the law.

“Record” does not include materials that are the personal property of the custodian and do not relate to the custodian’s office. Thus, the Wisconsin Supreme Court has determined that purely personal emails of public employees are not public records, unless the email evinces a violation of public law or policy.⁵ The State Attorney General advises that if any part of an email sheds light on governmental functioning, then it is subject to disclosure.⁶

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.⁷ Likewise, published materials of an authority available for sale and published materials available for inspection in a public library are not records. *Wis. Stat.* § 19.32(2).

“**Authority.**” This term is broadly defined in the law to include state and local offices, elected officials, agencies, boards, commissions, committees, councils, departments and public bodies created by the constitution, statutes, ordinances, rules or orders. *Wis. Stat.* § 19.32(1).

Local governing bodies, offices, elected officials and their committees, boards, and commissions are covered. However, when a public official leaves office they are no longer an “authority.”⁸ “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 percent 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 an organization is a quasi-governmental entity, 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 organization.⁹ Finally, subunits of the above are also authorities. *Wis. Stat.* § 19.32(1).

Management & Destruction of Records; Requested Records

Every public officer is the legal custodian of the records of his or her office. *Wis. Stat.* § 19.21. 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. Tape recordings of meetings of local governmental bodies made solely for the purpose of making minutes may not be destroyed sooner than 90 days after the minutes of the meeting have been approved and published (if the body publishes its minutes). *Wis. Stat.* § 19.21(7).

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). *Wis. Stat.* § 19.35(5). The right to destroy a record is also stayed if access to the record is being litigated. However, the records retention law, *Wis. Stat.* § 19.21, is not a part of the public records law and that law therefore provides no remedy for a requester seeking destroyed records, such as deleted emails.¹⁰ Also, it is not a prohibited destruction of a requested public record if an identical copy is destroyed.¹¹

What Is a Local Public Office?

This term is 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 or 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 or executive or administrative head who serve at the pleasure of the appointing authority. *Wis. Stat.* § 19.32(1dm). 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.

The term does not include independent contractors; persons who perform only ministerial (i.e., nondiscretionary) tasks, such as clerical workers; and persons appointed for indefinite terms who are removable for cause. Contracted municipal assessors are independent contractors and are therefore not subject to the law.¹² 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.¹³ Also, the term "local public office" does not include any "municipal employee" as defined under the municipal employment relations law. *Wis. Stat.* § 111.70(1)(i).

The public records provisions on posting and personally identifiable information also apply to a "state public official." *Wis. Stat.* § 19.32(4). This term includes a municipal judge.

Legal Custodians

In general. The legal custodian maintains public records and has the duty to make decisions regarding access to the records. *Wis. Stat.* §§ 19.21 and 19.33. Specific statutes outside of the Public Records Law may establish record-keeping duties. For example, local clerks are designated as records custodians.

Elected officials. The Public Records Law provides in general that elected officials are the custodians of the records of their offices, unless they have designated an employee of their staff to act as custodian. Chairpersons and co-chairpersons of committees and joint committees of elected officials, or their designees, are the custodians.

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

State and local authorities (other than elected officials and their committees and joint committees, above) 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 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 his or her absence. This requirement does not apply to members of any local governmental body.

Office Hours & Facilities

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. *Wis. Stat. § 19.34(1)*. 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. *Wis. Stat. § 19.34(2)(c)*. The posted notice must also “identify each position of the authority that constitutes a local public office or a state public office” (see definition *above*).¹⁴

The posting requirement, however, does not apply to members of the legislature or to members of any local governmental body.

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 sometimes 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 day’s notice, inspection does not have to be allowed at the occasional location.

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

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. *Wis. Stat. § 19.35(1)(b)*. In order to protect the original the custodian may refuse to allow the requester to use his or her own photocopier to copy the record.¹⁵

Priority & Sufficiency of Request

Response to a public record 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. *Wis. Stat. § 19.35(4)*. 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 on individuals who hold public office (*see below*).

A request must reasonably describe the record or information requested. *Wis. Stat. § 19.35(1)(h)*. 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 for a copy of 180 hours of audio tape of 911 calls with a transcription of the tape and log for each transmission was a request without reasonable limitation that may be denied.¹⁶ Although filling a request may involve a large volume of records, at some point a broad request becomes so excessive that it may be rejected.¹⁷

Form of Request & Response; Separation of Information

A request may be either oral or written. *Wis. Stat. § 19.35(1)(h)*. If a mailed request asks that records be sent by mail, the authority cannot require the requester to come in and inspect the records, but must mail a copy of the requested record, assuming that it must be released and any required prepayment of fees (*see below*) has been made. *Wis. Stat. § 19.35(1)(h)*. 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.”¹⁸

A request that is granted seldom presents a problem. Denials of requests, however, 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. *Wis. Stat. § 19.35(4)(b)*.

The request must be in writing before an action to seek a court order or a forfeiture may be started. A written request must receive a written denial stating the reasons for the denial and informing the requester that he or she may file a “mandamus” action (or request the district attorney or attorney general to file such action) in the local circuit court seeking review of the custodian’s determination and an order to release the record (see “Enforcement and Penalties” below). *Wis. Stat. § 19.35(4)(b)*.

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. *Wis. Stat. § 19.36(6)*.

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”). *Wis. Stat. § 19.35(1)(b)*. 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. *Wis. Stat. § 19.35(1)(f)*. If requested, the authority must provide a photograph.

Tapes. For audiotapes, the authority may provide a tape copy or a transcript, if the requester so requests. *Wis. Stat. § 19.35(1)(c)*. When an audiotape or handwritten record would reveal a confidential informant's identity, the authority must provide a transcript, if the record is otherwise subject to inspection. *Wis. Stat. § 19.35(1)(em)*. A requester has a right to a videotape copy of a record that is as substantially as good as the original. *Wis. Stat. § 19.35(1)(d)*.

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 data base. For example, providing property assessment information for all properties in the data base as PDF documents satisfied a request for all property data from the digital record.¹⁹

Putting records in comprehensible forms. 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. *Wis. Stat. § 19.35(1)(e)*. Except to put an existing record in comprehensible form, the authority has no duty to create a new record by extracting and compiling information. *Wis. Stat. § 19.35(1)(L)*. However, the custodian does have to separate information that may be disclosed from that which is being withheld. *Wis. Stat. § 19.36(6)*.

Published records; restrictions on access. A record (other than a videotape) that has been published or will be promptly published and available for sale or distribution need not be otherwise offered for public access. *Wis. Stat. § 19.35(1)(g)*. Note that the definition of "record," above, does not include published materials of an authority available for sale and published materials available for inspection at a public library. *Wis. Stat. § 19.32(2)*

Protecting records from damage. Reasonable restrictions on access may be placed to protect irreplaceable or easily damaged original records. *Wis. Stat. § 19.35(1)(k)*.

What Fees May Be Charged?

Fees that do not exceed the "actual, necessary and direct" cost of copying, photographing or transcribing a record and mailing or shipping it may be charged to a requester of public records, unless another fee is set or authorized by law. *Wis. Stat. § 19.35(3)*. The authority may reduce or waive fees if that is in the public interest. The Department of Justice recommends a copy charge of about 15¢ per page and cautions against charges exceeding 25¢ per page, unless a statute provides otherwise or higher costs can be justified.²⁰ 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, 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)*.²¹

A copy fee may include a charge for the necessary and direct time it takes a clerical worker to copy the records on a copy machine.²² Costs associated with locating a record may be passed on to the requester only if the location costs are \$50 or more. Computer programming expense required to respond to a request may be charged.²³

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. The cost of a computer run may be imposed as a copying fee, but not as a location fee.²⁴ An authority may not charge the cost of separating confidential parts of a record from the parts to be released.²⁵

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. 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.
- a limitation on access has been established by case law or published court decisions. 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” (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. *Wis. Stat. § 19.35(1)(a)*. For example, the common law provides an exception to public access to a district attorney’s prosecution files.²⁶ Most importantly, the common law has created the concept of the balancing test (below) to weigh the competing public interests in making the disclosure decision. In one 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, in this case the sheriff’s department, 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.²⁷

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 to release the record, 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.²⁸ The reasons for nondisclosure must be strong enough to outweigh the strong presumption of access.²⁹ The custodian must state specific policy reasons for denying access; a mere statement of legal conclusion is inadequate.³⁰ In explaining the denial, it may be helpful to cite statutory provisions (such as the following, 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 or municipal attorney. The office of the attorney general may also be consulted (*see final heading*). With the enactment of legislation on personally identifiable information in 2003 (*below*), the law is clearer than it had been before on these matters.

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.³¹

These open meeting exemptions include the following: deliberating concerning a quasi-judicial case; considering dismissal, demotion, licensing or discipline of a public employee; considering employment, promotion, compensation or performance evaluation of a public employee; considering crime prevention or crime detection strategies; engaging in public business when competitive or bargaining reasons require closure; considering financial, medical, social or personal histories or disciplinary information on specific persons which would be likely to have a substantially adverse effect on the person's reputation if disclosed; and conferring with legal counsel for a governmental body on strategy for current or likely litigation.

Examples of Statutory Limitations on Access

Records requested by prisoners & committed persons – Wis. Stat. § 19.32. The definition of “requester” itself results limits access. “Requester” does not include any person who is “committed” or “incarcerated” unless the person requests inspection or copies of a record that contains specific references to that person or to his or her 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, of course, 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. §§ 19.35(4) & (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” above under the heading “Form of Records.”

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 one who is one of the 5 most qualified applicants, or a member of the final pool if that is larger than 5. If there are fewer than 5 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 & records of public officers (see below) – Wis. Stat. § 19.36(10)-(12).

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 numbers, debit card numbers and checking account numbers) may not be released, unless specifically required by law.

Ambulance records. – Wis. Stat. § 256.15(12). 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 & adult expectant mothers. Wis. Stat. §§ 48.396 & 938.396.

Public library user records. Wis. Stat. § 43.30(1).

Certain assessment records. *Personal property tax returns* are confidential, except that they are available for use before the board of review. *Wis. Stat. § 70.35(3).* *Property tax income and expense information*, used in property valuation under the income method, are confidential. *Wis. Stat. § 70.47(7)(af).* *Real estate transfer returns* are also confidential, with specified exceptions. *Wis. Stat. § 77.265.*

Personnel files. Wis. Stat. § 103.13. An employer (whether a government or non-government employer) must allow an employee to inspect his or her personnel documents, at least twice a year, within seven working days after making the request. The employee may submit a statement for the file that disputes information in it, 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

Introduction

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. The 1991 legislation also created a subchapter on “personal information practices.”

The section following this one covers this important legislation designed to provide clarification on access to certain records containing personally identifiable information, primarily in the 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.” *Wis. Stat. §§ 19.32(1r) and 19.62(5).* (See the following exceptions 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. *Wis. Stat. § 19.32(1m).*

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:

1. **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.³²
2. **Security issues.** Any record with personally identifiable information that, if disclosed, would
 - a. endanger an individual’s life or safety;
 - b. identify a confidential informant;
 - c. endanger the security of specified facilities and institutions, including correctional, mental health and other secured facilities, a center for the developmentally disabled and a facility for the care of sexually violent persons; or
 - d. compromise the rehabilitation of a person incarcerated or detained in one of the facilities in c.

3. **Record series.** Any record which 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.

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 on the individual. In these cases the requester generally has a right to inspect and copy a record. §19.35(1)(am). However, this right does not extend to a number of situations and records (see “Applicability” 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 (*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 & Other Records 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 setting forth the challenge to the information with the reasons for disputing that portion of the record. 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 has provisions concerning the accuracy of data collection and the sales of names or addresses. An authority that maintains personally identifiable information which 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. *Wis. Stat. § 19.67*. 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. *Wis. Stat. § 19.71*.

Personally Identifiable Information on Employees, Local Public Officers & Other Record Subjects (2003 Wisconsin Act 47)

Introduction

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 to give the record subject an opportunity to seek judicial review.³³ However, as explained in the prefatory note to 2003 Wis. Act 47, those cases did not establish criteria for determining when privacy and reputational interests are affected or for giving notice to affected parties. Nor did these cases address the issue of whether the same analysis applies to records of private employees.

The Legislature in *Wis. Stat. § 19.356*, codified these cases in part, but under this act 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 records subjects:

- Records of "record subjects" (i.e., persons who are the subject of personally identifiable information in public records) which, 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.

General rule regarding notice & 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 authorized in *Wis. Stat. § 19.356* (see following) or as otherwise provided by statute. Nor is the record subject 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 goes on to provide when notice and an opportunity for judicial review are required prior to release of records.

When notice to employee/record subject 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:

- ***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 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.³⁴ In addition, if a private employer is involved, the attorney general 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.³⁵
- ***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.³⁶

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 the statute relating to an employee's access to his or her own personnel records (*Wis. Stat. § 103.13*); 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 person 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 municipal judge). Under this procedure, the authority must inform the record subject within 3 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 his or her written comments and documentation. This augmentation of the record must be done within 5 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), generally prohibits an authority from releasing the records listed in a-d below. However, this general prohibition on release does not apply if another statute specifically authorizes or requires release. Nor does the prohibition on release apply to an employee or his or her 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 which are not generally open to public access are as follows:

- a) *Addresses; telephone number; social security number.* Information concerning an employee's home address, home email address, home telephone number and social security number, unless the employee authorizes the authority to provide access to such information.
- b) *Current criminal/misconduct investigations.* Information relating to the current investigation of a possible criminal offense or possible misconduct connected with an employee's employment, prior to disposition of the investigation.³⁷
- c) *Employment examinations.* Information pertaining to an employee's employment examination, except an examination score if access to that score is not otherwise prohibited.
- d) *Employee evaluations.* Information relating to one or more specific employees used by an authority or the employer for staff management planning, including 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, as broadly defined, 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. Nor does the prohibition on release apply to a local public officer who is an employee accessing his or her personnel records under *Wis. Stat. § 103.13*. The records on local public officers which are not generally open to public access are as follows:

- e) *Addresses; 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.
- f) *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.

Employee records under public works contracts. *Wis. Stat. § 19.36(12)*. Unless access is specifically authorized or required by a statute, an authority may not provide access to a record prepared or provided by an employer performing work on a project in which the employer must pay prevailing wages, if the record contains the name or other personally identifiable information relating to an employee of the employer, unless the employee authorizes access. *Wis. Stat. § 19.36(12)*. However, as previously noted, information concerning an employee's work classification, hours of work, and wage and benefit payments received for work on the project may be released.

Enforcement & Penalties

The public records law provides for forfeitures and court orders 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 suits 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 may receive reasonable attorney fees, actual costs, and damages of at least \$100. The costs and fees must be paid 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)*, (*above*) 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.³⁸

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.

Reference and Advice

Local officials who have questions on the public records law should contact their unit's legal counsel. Also, any person may contact the attorney general (the Wisconsin Department of Justice) to request advice on the public records law. *Wis. Stat. § 19.39*.

Refer to §§ 19.31-19.39 of the *Wisconsin Statutes* for the specific wording of the law; the statutes may be accessed on the internet at <http://folio.legis.state.wi.us/>. There is a *Wisconsin Public Records Law, Compliance Outline (2010)*, by the Wisconsin Department of Justice, which may be found on the Internet at <http://www.doj.state.wi.us/site/ompr.asp>.

The Local Government Center has CDs of its Open Government *WisLine Series* program on the Public Records Law. Check the University of Wisconsin-Extension Local Government Center web site - For new developments in Open Meetings Law, follow the Local Government Center's "Local Call" blog at <http://fyi.uwex.edu/localgovcenter/>, or go to the Local Government center web page and click on the "Local Call" link.

Information on public records management and destruction may be found on the Web sites of the Wisconsin Historical Society and the Public Records Board of the Department of Administration. Go to www.wisconsinhistory.org and enter "Local Government Records Program" in the search box. This links to the [Wisconsin Municipal Records Manual](#) and other information of interest. At www.doa.state.wi.us, enter "Public Records Board" (search without quotation marks).

Acknowledgments

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¹Wis. Stat. §19.31.

²*Ibid.*

³ See the *Compliance Outline*, p. 3, cited above under “Reference & Advice”. Opinion of Att’y Gen. to Gail Peckler-Dziki, OAG 6-09 (December 22, 2009).

⁴*Fox v. Bock*, 149 Wis. 2d 403 (1989); 77 *Op. Att’y Gen.* 100, 102-03 (1988).

⁵*Schill v Wis. Rapids Sch. Dist.*, 2010 WI 86. ¶137; ¶172.

⁶ Memorandum from J.B. Van Hollen, Attorney General, to Interested Parties (July 28, 2010), available online at http://www.doj.state.wi.us/news/files/Memo_InterestedParties-Schill.pdf

⁷*Zellner v. Cedarburg School District*, 2007 WI 53, ¶¶ 25-31, 56.

⁸*AG-Seiser and Bunge Informal Correspondence, October 4, 2010.*

⁹*State v. Beaver Dam Area Development Corp.*, 2008 WI 90, ¶¶44-45, 66, 72-75, 78.

¹⁰*Gehl v. Connors*, 2007 WI App 238, ¶¶ 12-15.

¹¹*Stone v. Board of Regents of the University of Wisconsin*, 2007 WI App 223, ¶¶ 11-27.

¹²*WIREData, Inc. v. Village of Sussex*, 2008 WI 69, ¶178.

¹³*WIREData, Inc.* at ¶89.

¹⁴Wis. Stat. §19.34(1).

¹⁵*Grebner v. Schiebel*, 240 Wis. 2d 551 (Ct. App. 2001).

¹⁶*Schopper v. Gehring*, 210 Wis. 2d 209 (Ct. App. 1997).

¹⁷*Gehl v. Connors*, 2007 WI App 238, ¶¶ 17-24.

¹⁸*WIREData, Inc. v. Village of Sussex*, 2007 WI App 22 ¶157; *application distinguished by WIREData, Inc. v. Village of Sussex*, 2008 WI 69 ¶155 (*WIREData II*).

¹⁹*WIREData, Inc. v. Village of Sussex*, 2008 WI 69, ¶¶ 97-98.

²⁰ See the *Compliance Outline*, p. 50, cited above under “Reference and Advice”

²¹*Opinion of Att’y Gen. to John Muench, Barron County Corp. Counsel*, 1-03 (October 2, 2003).

²²72 *Op. Att’y Gen.* 150 (1983).

²³*WIREData, Inc. v. Village of Sussex*, 2008 WI 69, ¶107.

²⁴72 *Op. Att’y Gen.* 68 (1983).

²⁵*Milwaukee Journal Sentinel v. City of Milwaukee*, 2012 WI 65.

²⁶*State ex rel. Richards v. Foust*, 165 Wis. 2d 429 (1991).

²⁷*Portage Daily Register v. Columbia Co. Sheriff’s Department*, 2008 WI App 30, ¶¶ 15-22.

²⁸Wis. Stat. § 19.35(1)(a); *State ex rel. Youmans v. Owens*, 28 Wis. 2d 672, 683 (1965).

²⁹*Matter of Estates v. Zimmer*, 151 Wis. 2d 122 (Ct. App. 1989).

³⁰*Village of Butler v. Cohen*, 163 Wis. 2d 819 (Ct. App. 1991).

³¹Wis. Stat. § 19.35(1)(a); *Zellner v. Cedarburg School District*, 2007 WI 53, ¶¶ 47-58.

³²*Seifert v. School District of Sheboygan Falls*, 2007 WI App 207, ¶¶ 35-36.

³³*Woznicki v. Erickson*, 202 Wis. 2d 178 (1996); and *Milwaukee Teachers’ Education Association v. Milwaukee Board of School Directors*, 227 Wis. 2d 779 (1999).

³⁴*Opinion of Att’y Gen. to James R. Warren*, OAG1-06 (August 3, 2006).

³⁵*Ibid.*

³⁶*Ibid.*

³⁷*Zellner v. Cedarburg School District*, at ¶ 32-39.

³⁸*The Capital Times Co. v. Doyle*, 2011 WI App 137.

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Wisconsin Open Meetings Law

§§ 19.81-19.98, *Wisconsin Statutes*

Revised by LGC Local Government Law Educator Philip Freeburg, J.D.

March 2010

This Fact Sheet is part of a series of publications produced by the UW-Extension's Local Government Center. More information about open government and open meetings laws, as well as a variety of other topics, can be found on our website, <http://lgc.uwex.edu>.

Policy

§19.81

A. Declaration. The legislature declares that state policy is to

1. 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.”
2. ensure that meetings of governmental bodies are held in places reasonably accessible to the public.
3. ensure that such meetings are open to the public unless otherwise expressly provided by law.

B. Interpretation. The Open Meetings Law is to be “liberally construed” (i.e. broadly interpreted) to achieve the purpose of open government. (The rule that penal statutes are strictly construed applies only to the enforcement of forfeitures under the law.)

Definitions; Coverage

A. “Governmental bodies” subject to the Open Meetings Law

1. **State & local bodies.** A “governmental body” under the Open Meetings Law includes any state or local agency, board, commission, committee, department or council created by law, ordinance, rule or order. §19.82(1). At the local level, bodies covered include school boards, county, village and town boards, city councils, and all their committees, commissions and boards. The term “rule or order” has been broadly interpreted by the attorney general to include formal and informal directives by a governmental body or officer that sets up a body and assigns it duties.¹ §19.82(1). The term would include resolutions.
2. **Governmental & quasi-governmental corporations; other bodies.** In addition to the above, the term “governmental body” under the law includes governmental and quasi-governmental corporations and certain other specified entities. §19.82(1). A

governmental or quasi-governmental corporation includes corporations created by the legislature or by other governmental bodies under statutory authorization.² Quasi-governmental corporations are not just those created by a governmental body, but are those corporations that resemble governmental corporations.³ Determining if an entity, such as an economic development corporation, resembles a governmental corporation depends on the totality of facts about the entity determined on a case-by-case basis.⁴ Thus no single factor is determinative, but courts have considered several factors:

- a. whether the entity performs or serves a public function, contrasted with any purely private function, even if public function is merely recommending action to a governmental body,⁵
 - b. the degree of public funding,⁶
 - c. government access to the entity's records,⁷
 - d. express or implied representations that the entity is affiliated with government,⁸ and
 - e. extent government controls the entity's operation, such as appointing directors, officers or employees, or officials serving in those positions.⁹
3. **Special and advisory bodies.** Special study committees and other advisory committees set up by a local officer, the local governing body or by a body it has created are also subject to the law.¹⁰
4. **Collective bargaining.** A local governmental body conducting collective bargaining is not subject to the law. However, 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. §§19.82(1) & 19.86.

B. "Meetings" under the Open Meetings Law

1. **Definition.** 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. §19.82(2). The courts apply a *purpose test* and a *numbers test* to determine if a meeting occurred.¹¹
2. **Purpose & numbers tests**
 - a. **Purpose test.** This test is met when discussion, information gathering or decision-making takes place on a matter within the governmental body's jurisdiction. This test is met even if no votes are taken; mere discussion or information gathering satisfies the test. Notice is therefore required if the *numbers test* is also met.
 - b. **Numbers test.** This test is met when there are enough members to determine the outcome of an action. If the *purpose test* is also met, then a meeting occurs under the law. The numbers test may be met if fewer than one-half of the members of the body are present—if such number can determine the outcome. This is called a "negative quorum." For example, since amending an adopted

municipal budget requires a two-thirds vote, a meeting occurs when one third plus one of the members meet to discuss the matter.¹² (This number can block the required two-thirds vote to pass a budget amendment.)

3. **“Walking quorums”; telephone calls; email.** A series of gatherings of members of a governmental body may cumulatively meet the numbers test, making a “walking quorum” in violation of the Open Meetings Law if the purpose test is also met.¹³ Telephone conference calls among members, when the two tests are met, qualify as meetings, and must be held in such manner as to be accessible to the public, as with use of an effective speaker system.¹⁴ (Telephone conference meetings should be used rarely, and preferably held only after seeking the advice of legal counsel.) A “walking quorum” by successive telephone calls is also subject to the law. Emails, instant messages, blogs and other electronic message forms could also be construed as a meeting of a governmental body. While courts have not addressed this specific issue, the State Attorney General’s Office advises the issue turns on whether the communications are more like an in-person discussion, such as a prompt exchange of viewpoints by members, or more like a written communication, which generally does not raise open meeting law concerns.¹⁵
4. **Multiple meetings.** A meeting under the law may occur when a sufficient number of members of one governmental body attend the meeting of another body to gather information about a subject over which they have responsibility. Unless the gathering of the members is by chance, a meeting should be noticed for both bodies.¹⁶
5. **Certain gatherings not meetings.** Chance gatherings, purely social gatherings, and joint attendance at conferences, where the *numbers test* is met, are not meetings if business is not conducted (that is, if the *purpose test* is not met). §19.82(2).
6. **Presumption of a meeting.** If one-half or more of the members of a governmental body are present, a statutory presumption exists that there is a meeting. This presumption can be overcome by showing that the *purpose test* was not met or that an exception applied. §19.82(2).
7. **Town & drainage board exceptions.** Limited exceptions to when a “meeting” occurs under the Open Meetings Law have been created for *town boards*, *town sanitary commissions* and *drainage boards* gathering at certain sites. §19.82(2).
 - a. **Exception.** The town board may gather at the site of a public works project or highway, street or alley project approved by the board for the sole purpose of inspecting the work, without following the usual notice, accessibility and other requirements under the Open Meetings Law. §60.50(6).¹⁷
 - b. **Notice.** To come under this exception, the town board chairperson or designee must notify news media by telephone or fax of the upcoming inspection, if the media have filed a written request for notice of “such inspections in relation to that project.”

- c. **Report.** After the inspection, the town board chairperson or designee must submit a report describing the inspection at the next town board meeting.
- d. **Prohibition on taking action.** No town board action may be taken at the inspection site.
- e. **Sanitary commissions & drainage boards.** The same exception and requirements apply to town sanitary commissions gathering at one of their public works projects, with the notice and reporting duties performed by the commission president or designee. §60.77(5)(k). A similar provision applies to drainage district boards gathering at specified sites. §88.065(5)(a).

Notice and Access

A. Accessibility. The place of meeting must be reasonably accessible to the public, including persons with disabilities. §19.82(3). Accordingly, the facility chosen for a meeting must be sufficient for the number of people reasonably expected to attend.¹⁸

B. Public notice; posting. Public notice is required for every meeting of a governmental body. §§19.83 & 19.84. This notice may be accomplished by posting in places likely to be seen by the public; a minimum of three locations is recommended.¹⁹ The notice requirements of other applicable statutes must be followed. Although paid, published newspaper notices are *not* required by the Open Meetings Law, other specific statutes may require them.²⁰ §19.84. If notices are published, posting is still recommended.

C. Notice to media. Notice must be provided to news media who have requested it in writing. §19.84(1)(b). Notice may be given in writing, by telephone,²¹ voice mail, fax or email. Written methods are preferable because they create a record that can be used to show compliance with this notice requirement. Notice must also be provided to the governmental unit's official newspaper, or, if there is no official newspaper, it must be sent to a news medium likely to give notice in the area.

D. Notice of certain disciplinary & employment matters. Actual notice must be given to an employee or licensee of any evidentiary hearing or meeting at which final action may be taken at a closed session regarding dismissal, demotion, licensing, discipline, investigation of charges or the grant or denial of tenure. §19.85(1)(b). The notice must contain a statement that the affected employee or licensee has the right to demand that such hearing or meeting be held in open session.

E. Timing of public notice. At least a 24-hour notice of a meeting is required; however, if 24 hours is impossible or impractical for good cause, a shorter notice may be given, but in no case may the notice be less than 2 hours. §19.84(3). This "good cause" provision allowing short notice should be used sparingly and only when truly necessary.

F. Separate public notice required. A separate notice for each meeting is required. §19.84(4). A general notice of a body's upcoming meetings is not sufficient.²²

G. Public notice contents

1. **Items shown.** Notice must specify the time, date, place and subject matter of the meeting. §19.84(2).
2. **Specificity.** The notice must be “reasonably likely to apprise members of the public and the news media” of the subject matter of the meeting. §19.84(2). In other words, the notice must be specific enough to let people interested in a matter know that it will be addressed. The determination on specificity is made on a case-by-case basis using information available at the time of giving notice. What is reasonable specificity based on the circumstances involves three factors:
 - a. the burden of providing more detailed notice. This factor balances specificity with the efficient conduct of public business.
 - b. Whether the subject is of particular public interest. This factor considers the number of people interested and the intensity of the interest.
 - c. Whether the subject involves non-routine action that the public would be unlikely to anticipate. This factor recognizes that there may be less need for specificity with routine matters and more need for specificity where novel issues are involved.²³

The State Attorney General advises that a generic meeting notice that contains expected reports or comments by a member or presiding officer should state the subjects that will be addressed in the comments or reports. The Attorney General’s Office further advises that subjects designated simply as “old business,” “new business,” “miscellaneous business,” “agenda revisions,” or “such other matters as are authorized by law” without further subject designation are inherently insufficient notice.²⁴

3. **Anticipated closed session.** If a closed session on an item is anticipated, notice of such item and closed session must be given, and the statutory citation allowing closure should be cited. §19.84(2).
4. **Consideration limited.** Consideration of matters in open and closed session is limited to the topics specified in the notice, except as noted in 5. §§19.84(2) & 19.85(1)(intro.).
5. **Public comment.** The notice may provide for a period of “*public comment.*” During this period the body may receive information from members of the public and discuss such matters (but may not take action on them unless properly noticed). §§19.83(2) & 19.84(2).

H. Openness; recording & photographing. Meetings must be open to all persons, except when closed for a specific purpose according to law (see following heading). §§ 19.81(2) & 19.83(1). In addition, the governmental body meeting must make a “reasonable effort to accommodate” persons wishing to record, film or photograph the meeting, provided that such acts do not interfere with the meeting or the rights of participants. §19.90.

Closed Sessions

Permitted Exemptions for Holding Closed Sessions

A. Policy; strict construction of exemptions. The Open Meetings Law generally declares that it is state policy to provide the public with “the fullest and most complete information regarding the affairs of government as is compatible with the conduct of government business,” and that the law must be interpreted liberally to achieve this purpose (except for the forfeiture provisions, which are interpreted strictly). §19.81(1) & (4). The law further provides that sessions must generally be open to the public. §19.83(1). In light of these provisions, the exemptions in §19.85 that allow closed sessions must be interpreted strictly and narrowly, rather than broadly.²⁵ Any doubt as to the applicability of an exemption or, if an exemption applies, the need to close the session should be resolved in favor of openness.²⁶ A closed session may be held only for one or more of the 13 specified statutory exemptions to the requirement that meetings be held in open session. The following 7 exemptions (B–J) are of interest to local government bodies.

B. “Case” deliberations. Deliberating on a case which was the subject of a quasi-judicial hearing. §19.85 (1)(a). Note: this exemption should seldom be used in light of the narrow judicial interpretation given to it.²⁷

C. Employee discipline; licensing; tenure. Considering dismissal, demotion, licensing, or discipline of a public employee or licensee, the investigation of charges against such person, considering the grant or denial of tenure, and the taking of formal action on any of these matters. The employee or licensee may demand that a meeting that is an evidentiary hearing or a meeting at which final action may be taken under this exemption be held in open session. Employees and licensee must be given actual notice of such hearing or meeting and their right to demand an open session. §19.85 (1)(b). If this demand is made, the session must be open.

D. Employee evaluation. Considering employment, promotion, compensation or performance evaluation data of an employee. §19.85 (1)(c).

E. Criminal matters. Considering specific applications of probation or parole, or strategy for crime prevention or detection. §19.85 (1)(d).

F. Purchases; bargaining. Deliberating or negotiating the purchase of public property, investment of public funds, or conducting other specified public business when competitive or bargaining reasons require a closed session. §19.85 (1)(e). The competitive or bargaining reason must relate to reasons benefitting the governmental body, not a private party’s desire for confidentiality.²⁸

G. Burial sites. Deliberating on a burial site if discussing in public would likely result in disturbance of the site. §19.85 (1)(em).

H. Damaging personal information. Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons, except where the subject’s

right to open the meeting (item C above) applies. This exemption may be used only if public discussion would be likely to have a *substantial adverse effect* on the reputation of the person involved. §19.85 (1)(f). Note that this exemption applies to “specific persons” rather than the narrower class of public employee or licensees (item C above.)

I. Legal consultation. Conferring with legal counsel about strategy regarding current or *likely* litigation. §19.85 (1)(g).

J. Confidential ethics opinion. Considering a request for confidential written advice from a local ethics board. §19.85 (1)(h).

Conducting Permitted Closed Sessions

A. Public notice. Notice of a contemplated closed session must describe the subject matter and should specify the specific statutory exemption(s) allowing closure. §19.84(2) & 19.85(1). The notice of the subject of a closed session must be specific enough to allow the voting members and the public to discern whether the subject matter is authorized for closed session under §19.85(1).²⁹

B. Convening in open session. The body must initially convene in open session. §19.85(1)(intro.).

C. Procedure to close. To convene in closed session, the body’s presiding officer must announce in open session, prior to the vote, the nature of the business to be considered in closed session and the specific statutory exemption(s) allowing closure. This announcement must be made part of the record. A motion to go into closed session must be made and a vote taken so that the vote of each member can be determined. §19.85(1)(intro.). The motion, second and vote must likewise be made a part of the record.

D. Limits on reconvening in open session. Once a body convenes in closed session it may not reconvene in open session for at least 12 hours, *unless* public notice of its intent to return to open session was given in the original notice of the meeting. §19.85(2).

E. Unanticipated closed session. The body may go into an unanticipated closed session, if the need arises, on an item specified in the public notice.³⁰ In such case, the closed session item should be placed at the end of the agenda because the body cannot reconvene in open session without having given prior public notice. This provision on unanticipated closed sessions is very narrow. Whenever time allows, the 24-hour notice provision must be followed, or, at a minimum, when there is good cause, the 2-hour notice can be used to give an amended notice of the meeting indicating a closed session on an item that was not previously anticipated.

F. Recording actions. As with open sessions, motions and votes made in closed session must be recorded. §19.88. Whenever feasible, votes should be taken in open session.

G. Matters considered. The body may consider only the matter(s) for which the session was closed. §19.85(1)(intro.).

Voting and Records

A. Requiring recording of each member's vote. A member of a governmental body may require that each member's vote be ascertained and recorded. §19.88(2).

B. Recording votes; Public Records Law applicability. In general, motions, seconds and any roll call votes must be recorded, preserved and made available to the extent prescribed in the Public Records Law (§§19.32-19.39). §19.88. Vote results, even if not by roll call, should likewise be recorded. Certain statutes may require that each member's vote be recorded. For example, motions, seconds and the votes of each member to convene in closed session must be recorded. §19.85(1). In addition, various provisions outside of the Open Meetings Law require keeping minutes of proceedings.³¹

C. Narrow secret ballot exception. Although secret ballots are generally prohibited under the Open Meetings Law, a narrow exception allows a governmental body to use secret ballots to elect the body's officers. §19.88(1). For example, a city council may so elect its president and a committee may so elect its chair (unless the chair is otherwise designated). This narrow exception does not allow secret balloting to fill offices of the governmental unit, such as vacancies in the office of chief executive officer or on the governing body.

Subunits

§19.84(6)

A. Definition. Subunits are created by the parent body and consist only of members of the parent Body.³²

B. Applicability of Open Meetings Law; exceptions

1. Generally, meetings of subunits are subject to the advance public notice requirements of the law.
2. However, a subunit, such as a committee of a governing body, may meet without prior public notice during the parent body's meeting, during its recess or immediately after the meeting to discuss noticed subjects of the parent body's meeting.

C. Procedure. To allow the subunit to meet without prior public notice, the presiding officer of the *parent body* must publicly announce the time, place and subject matter (including any contemplated closed session) of the subunit in advance at the meeting of the parent body.

D. Attendance at closed sessions. Members of the parent body may attend closed sessions of a subunit unless the rules of the parent body provide otherwise. §19.89.

Penalties and Enforcement

§§19.96 & 19.97

A. Coverage. All members of a governmental body are subject to the law's penalty provisions. E.g., if a committee consists of two governing body members and one citizen member, the law applies to the citizen member just as it does to the other members.

B. Penalties; liability

1. **Forfeitures; personal liability.** Forfeitures (\$25-\$300) can be levied against governmental body members who violate the Open Meetings Law. No reimbursement for forfeitures is allowed.
2. **Voiding actions.** A court may void any actions taken by the governmental body at a meeting in violation of the Open Meetings Law.
3. **Prevention & self-protection.** Media and persons unhappy with actions of the body are the ones most likely to bring complaints of Open Meetings Law violations. Members can prevent problems by making sure, at the beginning of a meeting, that the meeting was properly noticed. Members should also be sure that topics considered were specified in the notice (unless they are brought up under the public comment agenda item³³) and that proper procedures for closed meetings are followed. Useful protection can come from a clerk's log documenting proper notice, particularly when shorter notice is given or the notice is amended. Members can protect themselves from personal liability by voting to prevent violations, such as by voting against going into an improper closed session. However, if a meeting goes forward over a member's motion or vote in objection, the objecting member may still participate in the meeting.

C. Bringing an enforcement action. A person may file a verified complaint (see following heading) with the district attorney (DA) to enforce the Open Meetings Law. If the DA does not begin an action within 20 days, the person may bring the action and receive actual costs and reasonable attorney fees if he or she prevails. The attorney general (AG) may also enforce the law, but these matters are almost always viewed as local matters, for the DA to enforce, rather than of statewide concern appropriate for the AG.

Further Reading & Additional Information

For the specific wording of Wisconsin's open government laws, please refer to §§19.81-19.98 of the *Wisconsin Statutes*; the statutes may also be accessed on the internet at <http://folio.legis.state.wi.us/>.

Advice on the Open Meetings Law is available from your county corporation counsel, municipal attorney or the Wisconsin Department of Justice.

Wisconsin Open Meetings Law, A Compliance Guide (2009), by the Wisconsin Department of Justice may be found on the internet at <http://www.doj.state.wi.us/site/ompr.asp>. This guide contains a copy of a verified complaint.

Acknowledgments

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¹ 78 Op. Att’y Gen. 67,69 (1989).

² 66 Op. Att’y Gen. 113 (1977).

³ *State v. Beaver Dam Area Development Corp.*, 2008 WI 90, ¶144.

⁴ *Beaver Dam*, ¶145.

⁵ *Beaver Dam*, ¶172.

⁶ *Beaver Dam*, ¶166.

⁷ *Beaver Dam*, ¶178.

⁸ *Beaver Dam*, ¶¶173,74.

⁹ *Beaver Dam*, ¶175.

¹⁰ *State v. Swanson*, 92 Wis.2d 310 (1979), 78 Op. Att’y Gen. 67 (1989).

¹¹ *State ex rel. Newspapers, Inc. v. Showers*, 135 Wis.2d 77, 102 (1987); *State ex rel. Badke v. Village Board of the Village of Greendale*, 173 Wis.2d 553 (1993).

¹² This was the situation in the *Showers* case, above.

¹³ *Showers*, 135 Wis.2d at 92, 100 (quoting *State ex. rel. Lynch v. Conta*, 71 Wis.2d 662, 687 (1976)).

¹⁴ 69 Op. Att’y Gen. 143 (1980).

¹⁵ See the *Compliance Guide*, p. 8, cited above under “Further Reading & Additional Information.”

¹⁶ *Badke*, 173 Wis.2d 553, 561.

¹⁷ Other on-site inspections, such as annual highway inspection tours are subject to Open Meeting Law requirements. *Compliance Guide*, p. 15.

¹⁸ *Badke*, 173 Wis.2d 553, 580-81.

¹⁹ 66 Op. Att’y Gen. 93 (1977).

²⁰ 66 Op. Att’y Gen. 230, 231 (1977); *Martin v. Wray*, 473 F. Supp. 1131, 1137 (E.D. Wis. 1979).

²¹ 65 Op. Att’y Gen. Preface (1976).

²² 63 Op. Att’y Gen. 509, 512-3 (1974).

²³ *State ex rel Buswell v Tomah*, 2007 WI 71, ¶¶29-31.

²⁴ *Compliance Guide*, p. 12-13; *AG-Thompson Informal Correspondence*, September 3, 2004.; *AG-Ericson Informal Correspondence*, April 22, 2009.

²⁵ *State ex rel. Hodge v. Town of Turtle Lake*, 180 Wis.2d 62, 70 (1993).

²⁶ 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 (2008).

²⁷ See *Hodge*, above.

²⁸ *State ex rel. Citizens v. City of Milton*, 2007 WI App 114, ¶¶ 14-15.

²⁹ *Compliance Guide*, p. 14; see also *Buswell*, 2007 WI 71, ¶ 37 n.7.

³⁰ 66 Op. Att’y Gen. 106 (1977).

³¹ See, e.g., §§59.23(2)(a), 61.25(3) & 62.09(11)(b) requiring county, village and city clerks to keep a record of proceedings of their respective governing bodies.

³² 74 Op. Att’y Gen. 38 (1985).

³³ §§19.83(2) & 19.84(2). See brief discussion under “Notice & Access” at F. 5.



County Government in Wisconsin History & Background

*Revised by LGC Local Government Specialist Alan Probst
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This Fact Sheet is part of a publication series produced by UW-Extension's Local Government Center. More information about related local government topics can be found on the Center's website, <http://lgc.uwex.edu>.

Introduction

County government is the oldest form of local government in Wisconsin. The first counties were formed in 1818, before statehood, during the time the area was still part of the Michigan Territory. Because of the distance between the territorial seat of Detroit and what is now Wisconsin, the territorial governor created three counties within portions of the area. The counties were Crawford County in the west, Brown County in the northeast, and Michilimackinac County in the far north and what is now the Upper Peninsula of Michigan. In 1829, population increases in southwest Wisconsin resulting from extensive lead mining led to the designation of a fourth county called Iowa. Counties primarily performed law enforcement and taxing functions for the territorial government, including providing sheriffs, judges, assessors, tax collectors and court clerks.

After statehood was granted by Congress in 1848, Wisconsin's new constitution called for the "establishment of but one system of town and county government, which shall be nearly uniform as practicable" (Article IV, Sec. 23). Differences over the form or structure county government could take soon emerged. Some counties chose a small governing body (3-5 members) of officials elected countywide called "commissioners." In this form of government, the county serves as the major provider of local government services. This form of government was popular in eastern and midwest states, such as Pennsylvania, Ohio and Michigan. Other counties opted for a larger governing body of "supervisors" who represented specific towns, villages and cities within the county boundaries. Under this unit representation system, the county primarily provided state administrative services such as tax collection, courts and sheriff-patrol while the towns, cities and villages served as the providers of purely local services such as road maintenance, building inspections, and fire protection. After 1870, a series of court challenges to the "uniformity clause," caused the supervisor, or unit system, to become the standard form for all Wisconsin counties.

Over the years, the legislature added new counties, until by 1901, they numbered 71. In 1961, the newest county of Menominee was created from the territory that made up the Menominee Indian reservation. This brought the total number to the current 72. Wisconsin counties are not uniform in either geographic or population size. Some of their boundaries were established based on surrounding or confining bodies of water, distances by horse and buggy from the county seat (where the courts conducted legal business), and historical considerations. Marathon County covers the largest geographic area at 1,545 square miles. The smallest is Ozaukee with 232 square miles. Wisconsin's most populous county is Milwaukee, with about 940,000 people. The least populated county is Menominee with about 4,600 residents. Counties contain towns (unincorporated areas), and villages and cities (incorporated municipalities).

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 of residents per district. Supervisory elections are conducted in the spring general elections in April of even-numbered years, and in cases of three or more candidates for the office, primaries are held on the third Tuesday of February in the same years. Supervisors serve two-year terms, except in Milwaukee County where the term is four years. The board meets after each election to select a board chairperson, and up to two vice-chairpersons. The board chairperson 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 allowable for each board is prescribed in Sec. 59.10 (3) *Wisconsin Statutes*, and is based on the latest census population for each county.¹ Counties with populations of 100,000 to 499,999 are allowed up to 47 board members. Counties with 50,000 to 99,999 may have a maximum of 39 members; those with 25,000-49,999 are limited to 31; and those with 25,000 residents or less may have up to 21. In most of the 72 counties, boards have reduced their memberships to well below statutory limits. Adjustments to board size can be made only after each decennial census to coincide with redistricting. For example, in 2001 the Racine County board voted to reduce its membership for the next ten years from 31 to 23 supervisors, and consequently increased the average population size of each supervisory voting district.

The Legislature changed the statute in 2006 to allow further reductions in the size of county boards creating Wis. Stat. Sec. 59.10 (3) (cm) which states “the board may decrease the number of supervisors. In that case, the board shall redistrict, readjust, and change the boundaries of supervisory districts, so that the number of districts equals the number of supervisors, the districts are substantially equal in population according to the most recent countywide federal census, the districts are in as compact a form as possible, and the districts consist of contiguous municipalities or contiguous whole wards in existence at the time at which the redistricting plan

¹ Exceptions to state limits are Milwaukee County, which may establish its own number of supervisors (currently 25), and Menominee County, which is also a town and has the same seven members on both its town and county board, Sec. 59.10 (2) & (5) *Wisconsin Statutes*.

is adopted.” Using the authority of 59.10 (3)(cm), many Wisconsin county boards have opted to reduce their size with many now operating with approximately half their former numbers.

County Board Committees

A county board may establish as many standing and advisory committees as it deems necessary to conduct its business. These usually are created by ordinance or resolution. Because of the size of county boards, much preliminary business and public hearings on legislation are conducted by committees, 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 Social Services, Developmental Disabilities, and Sec. 51.42 (Mental Health) programs, and that a separate Highway Commission be created to oversee road maintenance and other public works. Additional standing committees usually include those dealing with finance, personnel, general administration and intergovernmental matters. Wisconsin county boards also have standing committees assigned to major subject areas such as public safety and planning/zoning matters. County boards also create numerous advisory short-term or ongoing committees that often are composed of both citizen and board member representatives. These committees may vote on resolutions, ordinances, or financial matters, but their recommendations are only advisory to standing committees and boards, which then make the final decisions. In a survey of 33 Wisconsin counties by UW-Extension Racine County faculty showed that an average county surveyed has 17 standing board committees and another 17 advisory committees.

Subsequent to board reductions conducted under 59.10 (3)(cm), many county boards consolidated their committees to further reduce their meeting load and streamline board functions.

Executive and Administrative Options

Prior to 1960, Wisconsin county boards functioned as both the legislative branch and the executive branch. However, as county government became more complex and the population became more urbanized, the *Wisconsin Statutes* were 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 first mandated for Milwaukee County in 1960. In 1969, the authority to create an executive position was extended to all counties, regardless of size (Sec. 59.17 *Wisconsin Statutes*). County executives are elected in the general non-partisan election on the first Tuesday in April and serve four year terms.

In 1985, the legislature made the position of appointed County Administrator the chief administrative officer of the county, with authority to appoint and supervise department heads (Wis. Stat. Sec. 59.10). In those counties that do not have either an Executive or a County Administrator, the law further required those counties to designate an Administrative Coordinator within 2 years to be responsible for coordinating all administrative and management functions (Wis. Stat. Sec. 59.19).

ITEM	Executive	Administrator	Admin. Coordinator
	(Sec. 59.17, Wis. Stats.)	(Sec. 59.18, Wis. Stats.)	(Sec. 59.19, Wis. Stats.)
HOW CREATED	Board resolution, petition, and/or referendum	Board resolution, petition and/or referendum	Board resolution or ordinance
HOW CHOSEN	Spring election every four years (non-partisan)	Appointed by majority vote of County Board	Appointed by majority vote of County Board
QUALIFICATIONS	U.S. Citizen, 18 years of age, county resident	Training, experience, education (no consideration for residence, nationality or political affiliation)	Elected or appointed County Official Other qualifications set by County Board
SOURCE OF POWERS	State statutes	State statutes	Limited State statutes and board resolution/ordinance
REMOVAL	By Governor for cause	By County Board (majority)	By County Board (majority)
BUDGET AUTHORITY	Prepares & presents to board	Prepares & presents to board	Only as authorized by board
VETO BOARD ACTIONS	Yes	No	No
DEPT. HEADS	Appoints (Subject to board confirmation) Removes at pleasure	Appoints & removes (Subject to board confirmation)	No authority unless granted by County Board
ADVISORY COMMITTEES ADMINISTRATIVE 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 County Board
COORDINATE DEPARTMENTS	Yes	Yes	Only management functions not assigned depts. by ordinance or law

Traditionally, in many counties utilizing the Administrative Coordinator option, most commonly in rural, less densely populated counties, the chair of the county board was assigned the duties of Administrative Coordinator as an additional duty. However, on October 27, 2011 the Wisconsin Attorney General issued a legal opinion that stated that, in an analysis of Wis. Stat. 66.0501 (2), a sitting county supervisor is precluded from accepting any other office or positions. Further analysis indicated that by accepting the position of Administrative Coordinator, any supervisor automatically resigns his/her position on the county board. Furthermore, an analysis of Wis. Stat. 59.10 (4) determined that the office of county supervisor is incompatible with any other county office or employment. Hence, neither the county board chair nor any other member of the board can hold the position of Administrative Coordinator without resigning his/her position as an elected member of the county board.

The Judicial Branch

In 1977 the “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. As of the year 2000, there were 241 circuit court judges sitting in courthouses throughout the 69 counties (3 pairs of counties share 1 court between them). Judges’ salaries are paid by the state, but most court staff salaries and court facilities are funded by county taxpayers. Circuit courts are established by state legislation. Circuit court judges are elected in the spring general election by the residents of the counties they serve and hold office for six-year terms. The judges have considerable authority to require local county boards to fund the courts at a level necessary to meet caseloads.

Other Elected and Key Appointed Officials

Under state law, county residents elect certain other county officials. These are the clerk, treasurer, sheriff, clerk of circuit courts, register of deeds, and district attorney.² These officials are up for re-election every two years at the partisan, general elections which are held on the Tuesday after the first Monday in November in even numbered years. The popular election of a county surveyor and a coroner is a local option, which 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, if the board provides the authority under the provisions of home rule, by the administrative coordinator, and are confirmed by the county board. Each county board must elect a highway commissioner, whose term is for two years, unless otherwise set by local ordinance (Sec. 83.001 (1) & (2) *Wisconsin Statutes*). Appointment of a head of emergency management services (Sec. 166.03 (4) (a) & (b), *Wisconsin Statutes*) is also required by law. Larger counties also have a finance director, social or human services director, corporation

² District Attorneys are considered state employees for salary purposes.

counsel, parks director, general services administrator, human resources director and other professional managers to carry out other specific duties.

Functions and Duties of Wisconsin Counties

Unlike Wisconsin cities and villages, counties do not have broad constitutional “home rule” authority. This means that, while cities and villages have broad authority to act for the health, welfare and safety of their citizens, counties may only undertake functions that are expressly granted them by state statutes. This has resulted in counties being assigned increased tasks on behalf of the state, but having limited authority to address local priorities. Major responsibilities required of the county include the provision of most social service programs (child welfare, juvenile justice, senior citizen services, public health, mental health, jail, developmental disabled, etc.) and responsibilities for county and state road maintenance. Counties also provide the majority of cultural and recreational amenities (e.g. parks, libraries, and snowmobile trails), law enforcement, health services, zoning and road maintenance for citizens in rural, unincorporated areas within their borders. Some of these same services are provided also to cities and villages through joint agreements.

Beginning in 1970, counties were permitted to pass ordinances declaring themselves “self-organized” for the purpose of setting board offices and compensation, establishing staggered supervisory terms, and filling vacancies in supervisory districts.³

In 1985 counties were granted “administrative home rule,” which allows them to organize their administrative departments, or consolidate them as they see fit. The legislature has also granted counties authority to permit them to address and fund local issues in metropolitan areas without specific state enabling laws (Sec. 59.03(2) *Wisconsin Statutes*). This home rule authority has allowed county government to gradually expand as a regional government in areas such as recycling, water quality management, transportation planning, and zoning review, but only in cases where a municipality or group of municipalities have requested the county to do so on their behalf through voluntary agreements.

Resources and References

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University of Wisconsin-Extension, Local Government Center. Fact Sheet #8: Self-Organized Counties, February 1997.

Wisconsin Counties Association. “County Government History, Services, and Funding,” educational pamphlet, February 2002, 6 pages.

³ Please see UW-Extension Local Government Center Fact Sheet #8: Self Organized Counties.

The Wisconsin Taxpayers Alliance. *The Wisconsin Taxpayer*, “County Organization and Administration,” April 1997, Vol. 65 No. 4.

The Wisconsin Taxpayers Alliance. *The Framework of Your Wisconsin Government*, 16th Edition 2001. pages 69-79.

Wisconsin State Statutes. (In general, Chapter 59 in its entirety deals with county structure and duties.)

Opinion of the Wis. Attorney General to Bradley D. Lawrence, Pierce County Corporate Counsel, AG-01-11 (October 27, 2011).

Acknowledgments

This publication was updated from a document initially authored by Dan Elsass, Local Government Specialist, UW-Extension Local Government Center. Reviewed by Kate Lawton, Chuck Law, Jim Schneider and David Hinds, UW-Extension Local Government Center. Also reviewed by Sarah Diedrick-Kasdorf, Wisconsin Counties Association.

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A photograph of a long, grand hallway with classical columns and a blue carpet. The hallway is lined with tall, white columns with ornate capitals. The ceiling is high and features decorative elements, including circular medallions. The carpet is a deep blue with a subtle pattern. The lighting is bright, creating a sense of depth and grandeur.

COUNTY GOVERNMENT HISTORY SERVICES FUNDING

WISCONSIN COUNTIES ASSOCIATION ♦ 2012



HISTORY

INTRODUCTION

The Wisconsin Counties Association (WCA) is once again pleased to provide you with this publication outlining the history of, services provided by, and funding sources for county government. This document was initially prepared for use by the county representatives that served on the Governor's Blue-Ribbon Commission on State-Local Partnerships for the 21st Century that was launched in April 2000 by Governor Tommy Thompson. The purpose of this document was to educate other commission members on the vital role county governments play in the provision of services across Wisconsin.

County governments play a multi-faceted role in the state-local relationship. That role has been recreated through time by the influence of our founding fathers, the court system, and in modern times, by the Wisconsin State Legislature. The role of counties continues to evolve and will continue to change as the state-local partnership is re-examined.

Due to the popularity of this publication, WCA has updated the information and is reprinting it for use by county officials across the state. We hope this document will prove useful to our newly-elected county officials in Wisconsin and all citizens of this state who benefit from the services provided by Wisconsin's 72 counties.

A HISTORICAL TIMELINE OF COUNTY GOVERNMENT

- 1783 Treaty of Paris transfers control of area to U.S.
- 1787 Northwest Ordinance approved. This provides for the creation of five states in the Northwest Territory (Ohio, Indiana, Illinois, Michigan and Wisconsin).
- 1800 Ohio becomes a state. Wisconsin is attached to the Indiana Territory (part of St. Clair County).
- 1805 Michigan Territory is separated from the Indiana Territory.
- 1809 Indiana becomes a state. Wisconsin is attached to the Illinois Territory.
- 1818 Illinois becomes a state. Wisconsin loses 60 miles of southern border (including the Chicago area). Wisconsin is attached to the Michigan Territory. Due to the distance between Wisconsin and Detroit, the territorial capital, three counties are organized in Wisconsin: Brown County in the east, Crawford County in the west, and Michilimackinac County in the north (included the U.P.). These counties perform administrative functions for the territorial government.
- 1823 Counties are made Judicial Districts by Congress and the first court proceeding is held in Brown County in 1824.
- 1829 The population increases in Southwest Wisconsin due to the growth in lead mining. The increased population leads to the creation of a fourth county— Iowa County.
- 1834 Westward migration of Yankees (natives or inhabitants of New England) through the Erie Canal leads to population growth along Lake Michigan. Milwaukee County becomes the fifth county.
- 1836 The Wisconsin Territory is created. The area includes the region that is now the states of Wisconsin, Iowa and Minnesota and parts of the Dakotas. Fifteen new counties are created within the territory: Calumet, Dane, Dodge, Fond du Lac, Grant, Green, Jefferson, Manitowoc, Marquette, Portage, Racine, Rock, Sheboygan, Walworth and Washington. From April 20, 1836, the date the Wisconsin Territory was created, through 1901, the number of counties grew from 6 to 71.
- 1961 The reservation of the Menominee Indians of Wisconsin, located in Oconto and Shawano Counties, becomes Wisconsin's 72nd county— Menominee County.

GOVERNMENT FUNCTIONS PERFORMED BY COUNTIES BEFORE STATEHOOD (1848)

Counties performed administrative services for the territorial government including the provision of sheriffs, judges, assessors, tax collectors and court clerks.

WISCONSIN'S STATEHOOD EFFORTS

- 1840 The first attempt at statehood fails by popular vote (92 yes, 499 no).
- 1842 The second attempt at statehood fails by popular vote (619 yes, 1821 no).
- 1843 The third attempt at statehood is defeated in territorial council.
- 1845 The fourth attempt at statehood is defeated in the House of Representatives.
- 1846 A bill is passed by Congress to "enable people of Wisconsin to form a constitution and state government, and for the admission of such state into the Union." The bill is signed by President Polk on August 10. Popular vote for statehood passes (12,334 yes, 2,387 no). Based on this "enabling act," the people of the territory called a constitutional convention in Madison to draft a fundamental law for governing the state.
- 1847 The first proposal for a constitution is submitted to the people on April 6. The voters reject it on a 14,119 to 20,231 vote.
- 1848 A second convention submits its draft on March 13 and is ratified by a vote of 16,799 to 6,384. Wisconsin becomes the 30th state in the Union on May 29.



THE CONSTITUTIONAL DEBATE AFFECTING COUNTIES

Type of County Government (Size & Function)

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

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

WISCONSIN'S CONSTITUTIONAL SOLUTION

Type of County Government

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

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

Provision of Services

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

Article IV, Section 22: “The Legislature may confer upon the boards of supervisors of the several counties of the state such powers of a local, legislative and administrative character as they shall from time to time prescribe.”

Article VI, Section 4 identifies county officers, as well as the conditions of their election, removal and terms of office. The constitutionally specified officers are sheriffs, coroners, registers of deeds, district attorneys, judges and clerks of circuit court. Additionally, county treasurers and county clerks were included in 2005 when terms of office for constitutional officers were changed from two to four years.

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

RECENT DEVELOPMENTS

1970s

Counties are given narrow power to control several elements of county board functioning. This is commonly referred to as “self-organizing.”

Counties are permitted to pass ordinances declaring themselves self-organized for the purpose of setting board offices and compensation, establishing staggered supervisory terms, and filling vacancies in supervisory districts.

1980s

Counties are granted “administrative home rule,” giving them greater control over organizing their administrative departments.

The Legislature granted counties authority to address and fund local issues in metropolitan areas without specific state enabling laws (Wis. Stats. 59.03(2)). This home rule authority has allowed county government to expand gradually as a regional government in areas such as recycling, water quality management, transportation planning and zoning review, but only in cases where a municipality or group of municipalities have requested the county do so on their behalf through voluntary agreements.

Today

Counties do not have constitutional home rule authority as cities and villages do. This means that while cities and villages can basically undertake anything that is not expressly prohibited by state statute or the constitution, counties can only undertake a function that is expressly allowed for or mandated by state statute or the constitution. Counties’ main function continues to be acting as the administrative arm of state government.

EXECUTIVE & ADMINISTRATIVE OPTIONS

Prior to 1960, Wisconsin county boards functioned as both the legislative branch and the executive branch. However, as county government became more complex and the population became more urbanized, the statutes were 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 (Wis. Stats. 59.17). County executives are elected in the general nonpartisan election on the first Tuesday in April and serve four-year terms.

In the 1985-87 State Biennial Budget, language was inserted to recognize the position of appointed county administrator. The county administrator is responsible for the annual budget, oversees county department heads and reports to the county board (Wis. Stats. 59.18).

This legislation also created Wis. Stats. 59.19, which 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.” In addition, the administrative coordinator is the contact person for official correspondence between the county and departments or agencies of the state of Wisconsin.

COMPARISON OF OPTIONS

Topic	Executive <i>Wis. Stats. 59.17</i>	Administrator <i>Wis. Stats. 59.18</i>	Administrative Coordinator <i>Wis. Stats. 59.19</i>
How Created	Board resolution, petition and/or referendum	Board resolution, petition and/or 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, county resident	Training, experience, education	Elected or appointed county official. Other qualifications set by board.
Source of Powers	State statutes	State statutes	Limited state statutes & resolution/ordinance
Removal	By Governor for cause	By board majority	By board majority
Budget Authority	Prepares & presents to board	Prepares & presents to board	Only as authorized by board
Veto Board Actions	Yes	No	No
Dept. 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/ Administrative 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 Depts.	Yes	Yes	Only management functions not assigned departments by ordinance or law

COUNTY CLERK

Election Administration

- ♦ Filing Officer – county candidates
- ♦ Publish election notices
- ♦ Layout/printing/delivery of ballots & supplies to municipal clerks
- ♦ Election equipment programming
- ♦ Statewide voter registration system
- ♦ Election night – election results/reporting
- ♦ Canvass Board – state & county offices, conduct state & county recounts
- ♦ Election training for municipal clerks & school districts

Services to the County Board

- ♦ Recording secretary
- ♦ Prepare and publish agendas and minutes
- ♦ Committee meeting minutes
- ♦ Certification of county board actions
- ♦ Publish official proceedings
- ♦ Open meeting law compliance
- ♦ Maintain records
- ♦ Compile/publish/maintain current county directory
- ♦ Sign contracts, deeds and agreements as approved by county board

Licenses & Permits

- ♦ Marriage licenses and docket
- ♦ Domestic partnerships and docket
- ♦ Domestic partnerships terminations and docket
- ♦ Distribution of state dog licenses to municipal treasurers – administer dog license fee accounts
- ♦ Passport agent
- ♦ DNR issuing agent
- ♦ Hayrack and sleigh ride permits
- ♦ Pawnbroker and secondhand dealer licenses
- ♦ Burning permits
- ♦ DMV issuing agent – temporary vehicle license plates/ registration renewals
- ♦ Work permits

Financial Functions

- ♦ Budgets
- ♦ Tax apportionment
- ♦ Borrowing
- ♦ General accounting
- ♦ Central purchasing
- ♦ Payroll
- ♦ Purchasing liability, property and other insurances
- ♦ Insurance maintenance
- ♦ Bonding
- ♦ GASB reporting
- ♦ Asset inventory
- ♦ Sale of tax deed property

Other Statutory Duties

- ♦ Zoning issues
- ♦ Farmland preservation
- ♦ Library funding
- ♦ Wood cutting notices
- ♦ Probate claim notices
- ♦ Highway department records
- ♦ NTC appointment board recording secretary
- ♦ Keeper of all contracts, leases and agreements
- ♦ Filing agent for all claims against county

COUNTY TREASURER

Taxation

- ♦ Prepare and/or assist municipal staff with tax settlements
- ♦ Prepare and distribute April and August settlement for all taxing jurisdictions
- ♦ Maintain record of all paid and delinquent taxes
- ♦ Maintain at least 15 years of all tax information
- ♦ Process personal property chargebacks & 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
- ♦ Administrator of the lottery and gaming credits for both real and personal property
- ♦ Administrator of 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 to DNR managed forest land and private forest crop settlement
- ♦ 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

Cash Management

- ♦ Keep a true and correct account of all receipts & 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 & seek highest interest rates following Wisconsin State Statutes and county investment policy
- ♦ Determine and maintain cash flow
- ♦ Oversee separation of duties with cash
- ♦ Invest excess funds/invest in programs

Receipting & 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 WLIP recording fees to the appropriate state department
- ♦ Treasurer for drainage districts
- ♦ Deposit and pay out all monies for the county jail assessment fund
- ♦ Pay electronically payroll withholding taxes to the State and IRS in a timely fashion

CIRCUIT COURTS

Clerk of Circuit Court

- ♦ Collection of fees, fines and forfeitures
- ♦ Court administration
- ♦ Custodian of court records– civil, family, criminal and miscellaneous
- ♦ Jury management
- ♦ Court finances

District Attorney

- ♦ Collect and prosecute worthless check cases
- ♦ Prosecute all criminal cases– misdemeanors and felonies
- ♦ Prosecute all DNR cases
- ♦ Prosecute juvenile delinquency cases and children in need of protection and services (CHIPS) cases
- ♦ Prosecute termination of parental rights cases
- ♦ Prosecute traffic cases from county sheriff's office and Wisconsin State Patrol
- ♦ Provide crime victim and witness services
- ♦ Represent the county in the prosecution of county ordinance violations
- ♦ Payment of witness fees, including expert witness fees

Register in Probate

- ♦ Custodians of the record - probate, guardianship, mental commitments, adoptions, and in many counties the juvenile records
- ♦ Court finances
- ♦ Court administration
- ♦ Collection of fees

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

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

Other services

- ♦ Court reporters
- ♦ Courtroom security
- ♦ Guardians ad litem
- ♦ Indigent counsel
- ♦ Judicial assistants
- ♦ Law clerks
- ♦ Law library
- ♦ Mediation

CULTURE, RECREATION, EDUCATION, HOUSING

Cooperative Extension

(a division of UW-Extension)

- ♦ Teach, learn, lead and serve government
- ♦ Engage in transforming lives and communities by connecting people with the University of Wisconsin
- ♦ Work with local, state and federal partners to offer educational programs that address the important issues of individuals, families and communities
- ♦ Educational programs include the following topics:
 - ♦ 4-H, youth development, youth skills, youth leadership
 - ♦ Agriculture, natural resources, agribusiness and horticulture
 - ♦ Community, economic development, natural resources
 - ♦ Family, nutrition education, finances, parenting

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: Arts, beaches, campgrounds, economic development, regional planning commissions, fairs and exhibits, golf courses, historical societies, museums, parks, public housing, recreation facilities, recreational trails, two-year UW-system, appoint members to Wisconsin Technical College District Boards, zoos



HEALTH & 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 which can meet the needs of older adults
- ♦ 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

- ♦ Establishment of paternity
- ♦ Establishment and enforcement of court-ordered child support and medical support obligations
- ♦ Establishment and enforcement of support orders when children are placed out of the home

Human Services

Juvenile 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 & Other Drug Abuse (AODA) assessment funding and counseling
- ♦ AODA primary 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

Economic Support

- ♦ FoodShare
- ♦ Medical Assistance
- ♦ General Relief
- ♦ Energy Assistance
- ♦ Wisconsin Works
- ♦ Burials
- ♦ Child Care

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
- ♦ Bioterrorism 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
- ♦ Oral health care
- ♦ Injury prevention program
- ♦ Chronic disease prevention
- ♦ School nursing
- ♦ Reproductive health
- ♦ Health education

Nursing Homes

- ♦ Provide 24-hour skilled nursing care with an emphasis on serving residents with special care and behavioral needs
- ♦ Provide a range of services including long-term care, end-of-life care, dementia care, and/or short-term rehabilitative care
- ♦ Medical Assistance is the primary payer source with deficits certified by the state and used to claim federal matching funds for the state's Medical Assistance Trust Fund deficit

LAND SERVICES

Land Conservation

- ♦ Provide cost-sharing, technical and planning programs
- ♦ Distribute and allocate funds for conservation activities
- ♦ Actively solicit public participation in planning and evaluation of soil and water conservation programs
- ♦ Adopt and administer soil and water conservation standards
- ♦ Nutrient management planning
- ♦ Agriculture runoff control
- ♦ Groundwater, lakefront and river protection
- ♦ Urban storm water runoff management
- ♦ Forestry projects
- ♦ Invasive species awareness and control
- ♦ Prepare work plans
- ♦ Working lands support
- ♦ Household hazardous waste programs
- ♦ Implementation of shoreland preservation programs
- ♦ Large livestock siting
- ♦ Non-metallic mining reclamation
- ♦ Pollution prevention programs
- ♦ Preservation of open space
- ♦ Soil and water resource management
- ♦ Tree planter maintenance
- ♦ Watershed programs
- ♦ Wildlife damage claim and abatement program
- ♦ Wildlife habitat preservation

Land Information, Planning, Zoning

- ♦ Boards of Adjustment
- ♦ General zoning, shoreland zoning and floodplain zoning
- ♦ Global positioning systems
- ♦ Land division and subdivision review and approval
- ♦ Land use planning
- ♦ Large livestock siting
- ♦ Mapping
- ♦ Non-metallic mining reclamation
- ♦ Private sewage system monitoring
- ♦ Remonumentation
- ♦ Wisconsin Land Information Program
- ♦ Comprehensive planning
- ♦ Telecommunication tower siting
- ♦ Airport zoning
- ♦ Economic development
- ♦ Demographics/statistical management
- ♦ Site plan review
- ♦ Stormwater management planning & zoning

- ♦ Erosion control
- ♦ Addressing
- ♦ Recreation planning
- ♦ Transportation planning
- ♦ Energy/Sustainability planning

Sanitation/Solid Waste/Recycling

- ♦ Operate as enterprise funds
- ♦ Own and/or operate landfills
- ♦ Own and/or operate landfill-gas-to-energy production facilities
- ♦ Own and/or operate landfill gas bio-CNG (compressed natural gas) production facility
- ♦ Operate a port authority
- ♦ Own and/or operate a waste-to-energy solid waste incinerator
- ♦ Own and/or operate material recovery facilities
- ♦ Broker recyclable materials
- ♦ Serve as Responsible Unit for Recycling, meeting all facets of NR544
- ♦ Provide or contract for collection services
- ♦ Provide or contract for facility operational services
- ♦ Operate special/universal waste programs (i.e. 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) household hazardous materials programs (Clean Sweep)
- ♦ Conduct annual Clean Sweep events
- ♦ Provide environmental education and outreach to schools

Surveyor

- ♦ Establishment and remonumentation of Public Land Survey System corners
- ♦ Maintenance of all Public Land Survey System corners

- ♦ Index, file and maintain all survey records
- ♦ Perform GPS surveys for accurate tax parcel mapping
- ♦ Subdivision plat review
- ♦ Certified Survey Map review
- ♦ Conduct land surveys for other county departments
- ♦ Accident and reconstruction surveys.
- ♦ Prepare legal descriptions
- ♦ Testify in court as an expert witness.
- ♦ Construction staking
- ♦ Volumes and quantities acquisition
- ♦ Oversight of GIS development.
- ♦ Assist and prepare parcel mapping.
- ♦ Ground control for Orthophotography and LiDAR
- ♦ May serve as the Land Information Officer (LIO) for the Land Records Modernization Program for the county

Forestry

- ♦ Coordinate county ATV trail program
- ♦ Coordinate county snowmobile program
- ♦ Conduct sales of county tax-delinquent lands
- ♦ Develop and maintain county park, wayside and beach facilities
- ♦ Develop and maintain county campground facilities
- ♦ Develop and maintain cross-country ski trails
- ♦ Establishment of forest compartments and stands
- ♦ Forest lands reconnaissance
- ♦ Implement forest certification standards
- ♦ Invasive species monitoring and control
- ♦ Maintain lake and river accesses throughout the county
- ♦ Oversee and coordinate maintenance and development of horse trails
- ♦ Oversee and coordinate maintenance and development of mountain bike trails
- ♦ Promote soil and water stewardship by following Best Management Practices (BMPs) for water quality
- ♦ Provide nature and hiking trails
- ♦ Timber sale establishment, administration and bid process
- ♦ Tree planting on county forest lands
- ♦ Wildlife habitat development and maintenance on county forest lands
- ♦ Work with Ice Age Trail Foundation

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, mental retardation, other developmental disabilities, or similar 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. Stats. 48) for children who are in need of protection and services
- ♦ Prosecute certain actions to terminate parental rights when it is in the best interests of the child to do so

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 State 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), issue certified copies
 - ♦ Issue copies of recorded and filed records upon demand and collect required fees
 - ♦ Accurate bookkeeping practices to 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 these public records
 - ♦ Use technologically advanced electronic programs to become more efficient in our duties 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 our citizens
 - ♦ Provide public education and assistance

PUBLIC SAFETY SERVICES

Sheriff

- ♦ Coordinate accident reduction project
- ♦ Dive rescue
- ♦ Dog handlers
- ♦ Drug and crime prevention
- ♦ Holding of state prisoners
- ♦ Prisoner law library
- ♦ School liaison officers
- ♦ Tactical teams
- ♦ Transport of adult prisoners
- ♦ Transport of juvenile prisoners
- ♦ Water patrol
- ♦ Snowmobile patrol
- ♦ ATV patrol
- ♦ 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)

Public Safety Answering Points

- ♦ Answer 911 calls
- ♦ Answer non-emergency calls
- ♦ Provide pre-arrival instruction
- ♦ Record phone and radio conversations
- ♦ Dispatch appropriate services (police, fire, EMS)
- ♦ Operate state TIME system for police

- ♦ Operate Computer Aided Dispatch (CAD) system
- ♦ Work with GIS information
- ♦ Use electronic investigation to assist police
- ♦ Maintain and verify warrant stolen property and missing persons records
- ♦ Provide public education

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 (i.e., 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)

Coroner/Medical Examiner

- ♦ Complete reports of inquests and investigations
- ♦ Investigate deaths per Chapter 976 of the Wisconsin Statutes
- ♦ Interact with next of kin of deceased, including notification of death and follow-up information 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

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
- ♦ Maintain and repair of all State and Interstate roads through contract with WisDOT
- ♦ 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, re-construction, and rehabilitation
- ♦ Planning and engineering
- ♦ Plowing, de-icing, shoveling and hauling snow
- ♦ Installation and removal of snow fence, application of salt and sand
- ♦ Bridge and culvert installation/maintenance
- ♦ Guard rail installation and repair
- ♦ Litter and trash pick-up
- ♦ Shoulder maintenance
- ♦ Vegetation control
- ♦ Street lighting
- ♦ Signing
- ♦ Traffic control

VETERANS 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, and assist in any complaint or problem arising out of such service and render to veterans and their dependents all possible assistance
- ♦ Cooperate with federal and state agencies that serve or grant aids and benefits to former military personnel and their dependents
- ♦ Furnish information about veteran's burial places within the county
- ♦ Disability compensation and/or pension benefits through Veterans Affairs (VA)
- ♦ Apply for G.I. Bill education benefits for veterans
- ♦ Vocational rehabilitation for disabled veterans
- ♦ Assist with federal home loans and home improvement loans
- ♦ Provide burial benefits (i.e. cemeteries, markers, burial flags, funeral honors, etc.)
- ♦ Provide dependent and survivor benefits (i.e. healthcare, education, pensions, etc.)
- ♦ Enrollment of veterans into VA medical system
- ♦ Register discharge papers/DD-214's with county
- ♦ Transportation to and from medical care
- ♦ Help determine eligibility and complete paperwork for veteran's homes and long-term care
- ♦ Provide and/or refer veterans to appropriate federal, state and non-governmental emergency financial aid
- ♦ Assist homeless veterans
- ♦ Assist with applications for Wisconsin Department of Veterans Affairs (WDVA) benefits

FUNDING

COUNTY AND MUNICIPAL AID- SHARED REVENUE

In general, shared revenue is unrestricted aid paid to counties and municipalities by the state. Shared revenue funding can be utilized for any activity approved by the local governing body.

Wisconsin's practice of sharing state taxes with local governments dates back to 1911 when a share of the new state income tax was earmarked for local governments to compensate them for property tax exemptions that were enacted at the same time. Through a number of law changes in the early 1970s, the shared revenue program evolved.

Prior to 2004, unrestricted aids were paid to local governmental units under the shared revenue program. In 2004, the county and municipal aid program was created.

Payments under the program are made on the fourth Monday in July (15%) and the third Monday in November (85%). Prior to 2004, the shared revenue program consisted of four components: utility aid, aidable revenues, per capita, and minimum/maximum. Currently, payments to each county and municipality are set at the same amounts received in 2011 adjusted for cuts included in the 2011-2013 state biennial budget.

In addition to the base amount of shared revenue, counties also receive public utility aid payments. Public utility aid payments compensate local governments for costs incurred in providing services to public utilities.

County and Municipal Aid Payments (Shared Revenue) & Public Utility Aid Payments

County Payments (in millions)

Year	Base Payment	Percent Change	Utility Aid Payment	Percent Change
2001	\$175.3		\$14.4	
2002	\$176.5	0.7	\$15.1	4.7
2003	\$177.2	0.4	\$16.3	8.0
2004	\$157.2	-11.3	\$17.0	4.7
2005	\$157.2	0.0	\$17.2	0.5
2006	\$157.2	0.0	\$19.7	14.5
2007	\$157.2	0.0	\$20.1	2.1
2008	\$157.2	0.0	\$20.3	1.3
2009	\$157.2	0.0	\$28.4	39.8
2010	\$151.7	-3.5	\$29.3	3.0
2011	\$151.7	0.0	\$30.9	5.6
2012*	\$122.6	-19.2	\$32.0	3.3

Total Percent Change **-43.0** **121.0**

For purposes of this chart, the Base Payment column also includes County Mandate Relief for 2001, 2002 and 2003. The County Mandate Relief program was eliminated in 2004. Beginning in 2004, the Shared Revenue program was replaced with two separate programs: County and Municipal Aid and Public Utility Aid.

* Payments in 2012 are estimated payments.

Source: Legislative Fiscal Bureau

TAXES

When state and federal sources of funding are inadequate to pay for services provided by counties, local taxpayers must make up the difference. The two principal sources of local revenue for county operations are property taxes and sales taxes.

Property taxes account for the bulk of local revenues for county operations and are the second-biggest source of funding for county government, after state and local aids. State law also allows counties to enact a 0.5% sales tax. As of April 2012, 62 counties had enacted the local sales tax. In many instances, the sales tax was enacted to offset additional increases in property taxes or reductions in state aid.

State law limits how much counties may increase their property taxes through two separate and distinct restrictions.

Since 2005, the state has limited the total amount counties can raise, or levy, through levy limits. Currently, the levy limits allow counties to increase total property tax collections by either 0% or the percentage increase in the local property tax base attributable to new construction, whichever is larger.

Since 1994, counties have also had to operate under tax rate limits, which prohibit counties from increasing their property tax (or mill) rate higher than what it was in 1992. (Note: This provision has been temporarily suspended for property taxes payable in 2012 and 2013.)

Counties may exceed either the levy limits or the tax rate limits if voters approve a referendum.

FUNDING HEALTH & HUMAN SERVICES

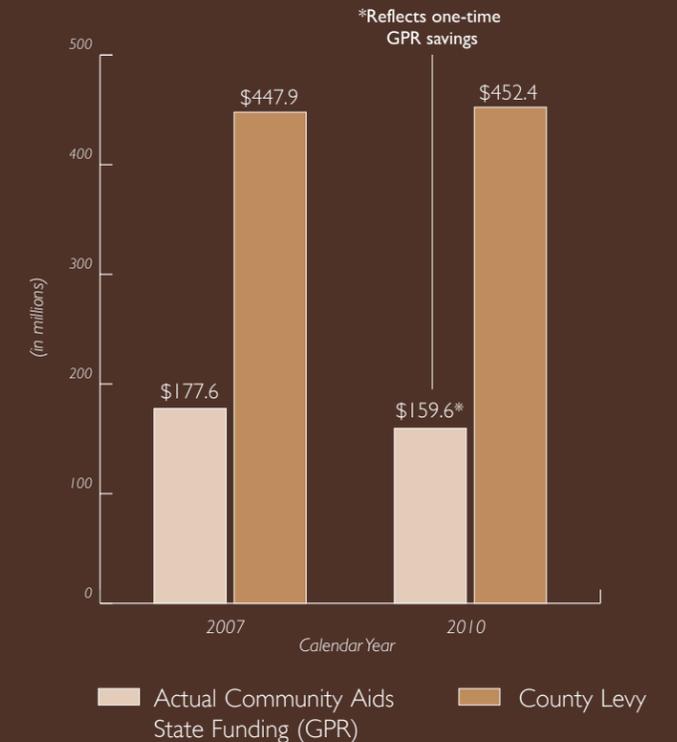
Community Aids & Children and Family Aids are the major state funding sources counties utilize to help fund their human services responsibilities.

Eligible Community Aids and Children and Family Aids Services

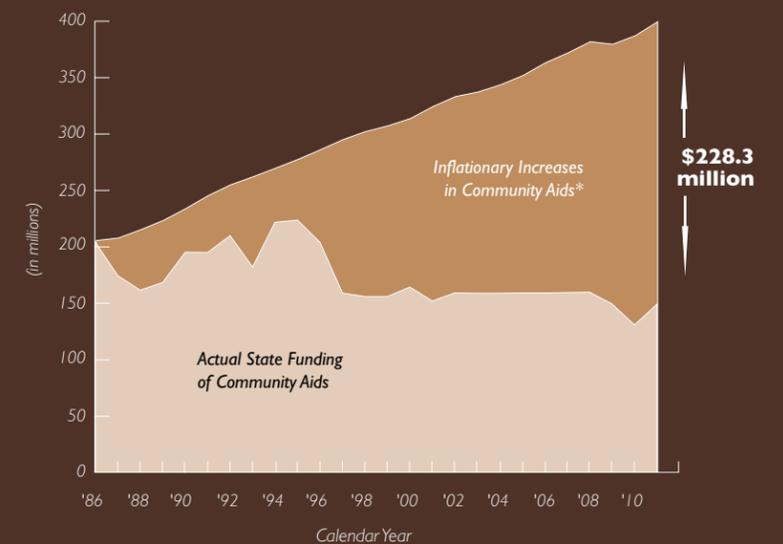
- ♦ Child care
- ♦ Supportive home care services
- ♦ Specialized transportation and escort services
- ♦ Community living/support services
 - ♦ Adult day care
 - ♦ Respite care
 - ♦ Housing/energy assistance
 - ♦ Daily living skills training
 - ♦ Interpreter services and adaptive equipment
 - ♦ Family support
 - ♦ Congregate meals
 - ♦ Home-delivered meals
 - ♦ Family planning
 - ♦ Protective payment/guardianship
 - ♦ Case management
- ♦ Investigations and assessments
 - ♦ Court intake and studies
 - ♦ Intake assessment
- ♦ Community support programs
- ♦ Work-related and day services
 - ♦ Nonmedical day care services
- ♦ Supported employment services
- ♦ Community residential services
 - ♦ Adoptions
 - ♦ Adult family home care
 - ♦ Foster home care
 - ♦ Group home care
 - ♦ Shelter care
 - ♦ Detoxification— social setting
 - ♦ Community-based residential facility care
- ♦ Community treatment services
 - ♦ Juvenile probation and supervision
 - ♦ Juvenile reintegration and aftercare
 - ♦ Restitution
 - ♦ Crisis intervention
 - ♦ Counseling/therapeutic resources
 - ♦ Medical day treatment
- ♦ Inpatient and institutional care
 - ♦ Juvenile correctional institution services
 - ♦ Detoxification— hospital setting
 - ♦ Inpatient
 - ♦ Child caring institution services
 - ♦ DD center/nursing home
- ♦ Institution for Mental Disease (IMD) services
- ♦ Community prevention, access and outreach
 - ♦ Recreation/alternative activities
 - ♦ Community prevention, organization, and awareness
 - ♦ Outreach
 - ♦ Information and referral
 - ♦ Advocacy and defense resources
 - ♦ Health screening and accessibility

Source: Legislative Fiscal Bureau

Community Aids & Children and Family Aids State (GPR) Funding & County Levy



Community Aids and Children & Family Aids 1986-2009



This chart depicts what community aids funding would look like if there was an inflationary increase each year. The bottom or taupe portion of the chart shows actual state funding of community and children and family aids, while the top or orange section shows community aids increased by inflation from 1986 to 2011. If community and children and family aids funding had kept pace with inflation, there would have been \$228.3 million more available funding for the program in 2011.

*The funding levels were adjusted for inflation using the Consumer Price Index for the Midwest urban area.

Data source for the above graphs: Wisconsin Department of Children and Families, and Wisconsin Department of Health Services

FUNDING THE STATE COURT SYSTEM

The Wisconsin court system was established when Wisconsin became a state in 1848 by Article VII of the Wisconsin Constitution.

The state was divided into five judicial districts, with five judges who were required to meet once a year in Madison as a Supreme Court.

In 1903, the Supreme Court was expanded to seven members and the Constitution was amended to require separate "probate courts" and allowed the Legislature to establish inferior courts.

In 1962, the court system was reorganized into a two-tiered system with circuit courts and county courts. There were 26 judicial circuits and county courts had at least one judge in each county.

In 1977, the Constitution was amended to eliminate the requirement of one probate court in each county and the Legislature passed the "Court Reorganization Act." The "Court Reorganization Act" merged circuit and county courts into one trial court system.

As a result of the reorganization, the 26 circuit courts were expanded to the current 69, and existing circuit and county judges became judges in the circuit in which their chambers were located.

All matters pending before the county court were transferred to the circuit court.

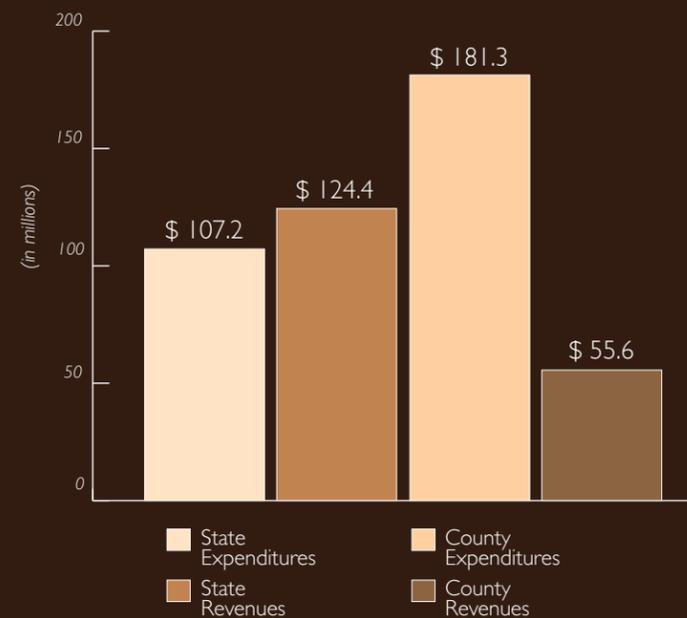
The act also phased out four existing judgeships and phased in 13 additional judgeships for a total of 190 circuit court judges in 1980.

Sixty more judgeships have been created since 1980 for a total of 249 circuit court judges statewide.

While the circuit courts are under the control of the state, a large portion of the court system is still funded by counties. State funds are used to pay the salaries of the judges, official court reporters and reserve judges. By law, counties are responsible for all other operating costs.

CIRCUIT COURT EXPENDITURES & REVENUES STATE FY 09-10 & COUNTY CY 2009

Data source: Legislative Fiscal Bureau



JUVENILE JUSTICE FUNDING

Youth Aids is the major state funding source counties utilize to fund their juvenile justice activities.

Under current law, counties have the primary financial responsibility for juvenile delinquents.

Youth Aids was implemented statewide in January 1981. Youth Aids was designed to assist counties in covering the costs of both in-home and out-of-home placements for juveniles found delinquent.

The Youth Aids program was created to reduce the number of individuals in the state's Juvenile Correctional Institutions (JCI) by eliminating any fiscal incentive for counties to place juveniles in these institutions. (In other words, the state JCI would charge the county for each juvenile sent to the JCI by a state judge.)

Generally, a circuit court judge orders either an in-home disposition or an out-of-home disposition.

In-home dispositions range from attending weekly therapy sessions to electronic monitoring devices. All juveniles with in-home dispositions remain under the direct supervision of their counties of residence, and county officials are responsible for making decisions about their treatment.

Out-of-home dispositions include foster homes, treatment foster homes, group homes, residential care centers and JCIs.

In 2012, counties received \$86,926,756 in youth aids. It is estimated that the youth aids appropriation funds approximately one-half of county juvenile justice expenditures.

COUNTY TRANSPORTATION FUNDING

Wisconsin has over 114,800 miles of roads. Local governments have jurisdiction over 103,000 miles, or 90%, of those road miles. Counties, cities, towns and villages work to carry out many different state and federal transportation programs.

When looking at average daily traffic, the state roads consist of approximately 60% and local governments consist of approximately 40%. Wisconsin funds its transportation system almost exclusively through user fees - mostly the gas tax and registration fees.

Counties receive funding from the state for transportation through various programs including General Transportation Aids (GTA), Local Transportation Facility Improvement Assistance, Local Bridge Assistance and Mass Transit. County funding for transportation is derived from state aid, the property tax and special assessments.

GTA is the largest funding source paid to local governments. In calendar year 2012, \$403,519,900 was appropriated to local governments, \$94,615,600 for counties, which is the equivalent of about 23% cost sharing. GTA helps offset the cost of county and municipal road construction, maintenance, traffic and other transportation-related costs. These funds are distributed based on a six-year spending average of a statutorily set rate-per-mile.

Another source of money for local governments is Local Transportation Facility Improvement Assistance. This includes the Surface Transportation Rural Program (STP-Rural), the Surface Transportation Urban Program (STP-Urban) and the Local Roads Improvement Program (LRIP). Local governments will receive annual federal funds totaling \$42,381,927 in the STP-Urban and \$24,890,973 in the STP-Rural program for 2011-2014. LRIP funding for 2011-2013 was \$56,066,000 from state segregated funds, with a minimum of \$56,066,000 in local matching dollars.

Local governments will also receive \$32,890,200 in annual funds under the Local Bridge Improvement Assistance program for the 2011-2014 program cycle, with \$24,431,300 coming from federal funds and \$8,459,200 coming from state funds. This program helps rehabilitate and replace the most seriously deficient existing local bridges on Wisconsin's local highway system.

Finally, in the area of mass transit, qualifying local governments can receive funding through the State Urban Mass Transit Operating Assistance Program. Eligible applicants for this program include municipalities and counties with populations greater than 2,500. Eligible public transportation services include buses, shared-ride taxicabs and rail. The state budgeted \$106,478,300 for this program in 2012.



YOUTH AIDS FUNDING CY 2008-2012



Data source: Wisconsin Department of Corrections (DOC) Division of Juvenile Corrections (DJC)

JUVENILE CORRECTIONAL RATES FY 04 - FY 13





WISCONSIN COUNTIES ASSOCIATION

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THE MAIN MOTION

The main motion is the motion by which you introduce business to the County Board. A majority of the action taken by the County Board takes the form of a resolution or ordinance, additionally members may be asked to consider reports, elections to committees. The chair should not allow debate if there is no main motion pending.

When a member wishes to bring business to the attention of the assembly, after gaining the chair's recognition, the member's opening words should be: "I move adoption of resolution 03-99" In addition, the motion should be framed in the positive. Only one main motion can be on the floor at one time.

The best protection against confusion is for the chair to restate the motion before he or she allows debate. Not only does restatement of the motion by the chair clarify the motion (or reveal its defects), it also transfers ownership of the motion from the proposer to the board/committee.

TO OBJECT TO CONSIDERATION

The purpose of the motion to object to consideration is to prevent the consideration - debate - of an original main motion by the board/committee. The motion must be made before debate has begun on the original main motion.

The motion does not require a second. It takes a two-thirds vote in the negative for the objection to consideration to pass. If the motion to block consideration is successful, the main motion is dismissed for that meeting and cannot be renewed during the same meeting except by unanimous consent or by reconsideration of the vote on the objection.

TO AMEND OR SUBSTITUTE AND AMEND THE AMENDMENT

The motion to amend is a subsidiary motion dealing with a main motion and takes one of two ranks:

- Primary Amendment – a primary amendment modifies the immediately pending motion
- Secondary Amendment – a secondary amendment amends the primary amendment
- **No “Third Degree Amendment” amendment to an amendment to an amendment or an exists**

Primary or secondary amendments may insert or add, delete or strike out, or substitute language within the main motion. Any amendment must be germane, or relevant, to the motion. Amendments may be hostile, when germane, but not negative or attempt to change the affirmative of the motion or amendment to the negative.

For example, the main motion: "I move the association recognize Jane Smith as the outstanding teacher of the faculty of Sam Ervin High School for the current school year."

If the intent of the motion is to get the association to express its feelings about Ms. Smith, then:

- an amendment to strike "outstanding teacher" and insert "worst teacher" would be in order because the motion still expresses feelings about Ms. Smith. It is hostile to the specific position the original motion expresses, but it is germane to the general purpose of that original motion;
- an amendment to strike "Jane Smith" and insert "Joe Higgins" would not be in order because it would not express the association's feelings about Ms. Smith.

If the intent of the motion is to select the recipient for the association's outstanding teacher award, then:

- an amendment to strike "outstanding teacher" and insert "worst teach" would not be in order because the change would not be germane to the intent of the motion;

- an amendment to strike "Jane Smith" and insert "Joe Higgins" would be in order because the change would be hostile, but not negative.

The above example shows how an amendment may be hostile to the specific intent of the motion, but germane to the general intent of that motion.

FRIENDLY AMENDMENTS

A friendly amendment is nothing more than a member's suggestion that the maker of the motion request permission to modify his or her motion. Friendly amendments once accepted by the maker of the motion become part of the motion without a vote of the board. Any member, however, can object to friendly amendments.

REFER TO COMMITTEE

Motions are referred to committees for further study, possible amendment and a later report or because the board or committee is unprepared to deal with the issue at the time it is proposed.

TO LAY ON THE TABLE

The purpose of the motion to lay on the table is to set aside routine business to turn to something more urgent. Because it is not debatable, requires a majority vote, and has a high precedence, members are sometimes tempted to use the motion to kill the main motion. This is an improper use of the motion to table and is an example of how parliamentary procedure earns the adverse term, railroading. If a member wishes to suppress action on a main motion, he should move to postpone it indefinitely, which is debatable.

Another misuse of the motion to lay on the table is to confuse the motion with the motion to postpone to a certain time. Often, when a member wishes to postpone a main motion until later in the same meeting or until a later meeting (only the following meeting according to Robert's), the member uses the motion to lay on the table rather than the proper motion: the motion to postpone to a certain time.

All pending motions accompany the main motion when the main motion is tabled. The motion can remain on the table until the end of the following meeting. If a main motion is not taken from the table until the end of the following meeting, the main motion dies and would have to be made as a new main motion at the next meeting.

TO TAKE FROM THE TABLE

After a main motion has been tabled, a member must wait for one intervening main motion before the member can move to take from the table. Robert's says the motion to take from the table can be renewed each time any business has been transacted. The main motion remains on the table until the end of the following meeting. If the motion is not taken from the table, it dies and may be made as a new main motion at a subsequent meeting. If the motion to take from the table is made at the same meeting that the main motion was tabled, all pending motions return with the main motion. At a later meeting motions to limit or extend debate would no longer be pending.

The chair cannot take business from the table, but can remind the board/committee what motions have been postponed temporarily.

TO MODIFY OR WITHDRAW A MOTION

Only the maker of the original motion can modify or withdraw it. Any member can suggest that the proposer ask permission to withdraw it. A motion can be withdrawn any time before voting on the original motion has begun. Until a motion has been presented to the County Board by the chair, the maker of the

motion can modify or withdraw it without anyone's consent. After the motion has been presented to the assembly, the proposer can modify or withdraw it only with the permission of the assembly

If a member wishes to modify or withdraw his or her motion after the motion has become the property of the County Board, the member should state: "Mr. Chair/Madame Chair, I request permission to withdraw my motion." The chair should state: "Ms. Jones requests permission to withdraw her motion. If there is no objection, the motion will be withdrawn (pause)." If a member objects, then the chair states: "There has been an objection. All those in favor of allowing Ms. Jones to withdraw her motion, signify by..." If a majority of the members vote to continue to consider the motion, the request to withdraw is denied.

TO DIVIDE A MOTION

Robert's says the motion to divide a motion applies to main motions and their amendments. A motion can only be divided if each division can stand by itself. If a subsidiary motion is made to a motion which has been divided, the subsidiary motion applies only to the specific division which is being discussed.

TO LIMIT OR TO EXTEND LIMITS OF DEBATE

On pending motions, the motion to limit or extend debate can be made: Robert's states that limits or extensions to debate "can be applied to any immediately pending debatable motion, to an entire series of pending debatable motions, or to a consecutive part of such a series beginning with the immediately pending question." Motions to limit or extend debate are not debatable.

A motion to limit debate applies to the motion, as well as, any subsequent motions. Conversely, motions to extend debate have no effect on pending or subsequent. Limits or extensions to debate do not carry forward if the main motion is deferred to a future meeting.

Without a motion, is there a limit to debate or the member's right to speak? According to Robert's there is. "Each member has the right to speak twice on the same question on the same day and for no longer than ten minutes at a time. "

TO CALL FOR THE PREVIOUS QUESTION

A motion to "call the question" asks the County Board to vote immediately on the pending or a series of pending motions. A motion to "call the question" is not debatable, and must be made in the same manner that other motions must be made.

The chair should always include the name of the motion which is being voted on: "All those in favor of ceasing debate and voting immediately signify by saying 'aye'; all opposed to ceasing debate and voting immediately signify by saying 'no'."

Remember that it is the responsibility of the chair to expedite the business and to protect the rights of each member. The chair can bring closure when it appears that debate is exhausted by saying: "If there is no further discussion, we will now vote...(pause for a few seconds to honor the right of a member to continue debate)" or "If there is no objection... (pause)."

TO RECONSIDER

Only a member who voted on the prevailing side can move to reconsider. The motion to reconsider must be made during the same meeting and temporarily suspends any action resulting from the vote it is proposing to reconsider. The motion to reconsider can be made immediately after the vote on the original motion. The motion to reconsider is in order at any time during the same meeting. It is not an appropriate motion at subsequent meetings. See motion to rescind.

No question can be reconsidered twice unless it was materially amended during its consideration. The chair decides if a motion has been "materially amended."

TO RESCIND

Robert's stipulates no limitation on how soon one can make the motion to rescind. Technically, a motion to rescind may be proposed immediately, by a member on the prevailing side. Generally, a motion to rescind is in order, at subsequent meetings.

The motion to rescind is not in order in the same meeting after a motion to reconsider has been defeated. Because by refusing to reconsider the vote, the board or committee has shown that it will not, at that meeting, change the action taken.

According to Robert's a majority vote is required on a motion to rescind if notice has been given. If there was no previous notice of the intent to consider a motion to rescind, then the vote required is two-thirds.

TO APPEAL A DECISION OF THE CHAIR

Generally, any decision of the chair is subject to appeal, before any new business has intervened. As a matter of process, the member who has appealed states his or her reasons and the chair states the chair's reasons. Each member is then entitled to speak once.

TO RAISE TO A POINT OF ORDER

The purpose is to correct a parliamentary order when a member believes that the rules are being violated. In ordinary meetings, it is undesirable to raise points of order on minor irregularities of a purely technical character if it is clear that no one's rights are being infringed upon and no real harm is being done to the proper transaction of business.

A point of order must be made immediately. The member should say, "Point of Order!" and repeat it until recognized by the chair. Once a point of order is raised, the chair should rule either "Your point is well taken," or "Your point is not well taken."

TO REQUEST A PARLIAMENTARY INQUIRY

A parliamentary inquiry is a question on a matter of parliamentary law or the rules of the organization bearing on the business at hand. A point of information is a request for information relevant to the business at hand but not related to parliamentary procedure. The chair's reply to parliamentary inquiry is not subject to appeal. It is an opinion, not a ruling. A member has the right to act contrary to this opinion, however, and if ruled out of order, to appeal such a ruling.

One way this motion could be used is if a member feels that a speaker is out of order, the member might find it beneficial to raise a parliamentary inquiry: "Is the speaker's debate germane to the amendment?" This may be preferable to: "The speaker's debate is not germane to the amendment." Indirect suggestion is often preferable to confrontation.

TO RECESS

The motion to recess is privileged only when business is pending. A motion to recess that is made when no question is pending is a main motion. If it is a privileged motion, it is not debatable. However, as a main motion it is debatable.

Business is taken up where it was interrupted when the motion to recess was made. There is no definite limitation on the length of a recess except that it cannot be extended beyond the time set for the next regular or special meeting.

TO ADJOURN AND TO ADJOURN TO A SPECIFIC TIME

At the termination of a recess, business takes up where it was interrupted; at the meeting following adjournment, business begins with the complete order of business.

There are generally two forms of the motion to adjourn. "I move that we adjourn," is a privileged motion and is not debatable. A qualified motion to adjourn, that is, to fix the time to which to adjourn which sets the time, and sometimes the place, for another meeting to continue business of the session. The qualified motion to fix time is subject to limited debate.

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ACTIONS REQUIRING A SUPER-MAJORITY VOTE AND OTHER ACTIONS

ACTION	VOTE REQUIRED	STATUTORY REFERENCE	
APPROPRIATIONS OF MONEY/TRANSFERS OF FUNDS	2/3 OF MEMBERS ELECT	STATE STATUTES	Section 65.90 (5)(b)
BUDGET AMENDMENTS	MAJORITY OF MEMBERS PRESENT		
BUDGET ADOPTION/APPROVAL	MAJORITY OF MEMBERS PRESENT	STATE STATUTES	Section 65.90 (5)(a)
CARRYOVERS	2/3 OF MEMBERS ELECT		
COUNTY BOARD SALARY INCREASE	2/3 OF MEMBERS ELECT	STATE STATUTES	Section 59.10 (3)(i)
ISSUE DEBT (BORROW MONEY)	3/4 OF MEMBERS ELECT	STATE STATUTES	Section 67.045 (1)(f)
NEW POSITION OR INCREASES IN HOURS	MAJORITY OF MEMBERS PRESENT	OZAUKEE COUNTY CODE	Section 2.013 (15)
NEW PROGRAM	MAJORITY OF MEMBERS PRESENT	OZAUKEE COUNTY CODE	Section 10.11 (1)(a)
TAX LEVY	MAJORITY OF MEMBERS PRESENT	STATE STATUTES	Section 70.62 (1)

MOTION	DEBATABLE	VOTE REQUIRED
ADJOURN	NO	MAJORITY OF MEMBERS PRESENT
CALL PREVIOUS QUESTION	NO	TWO-THIRDS OF MEMBERS PRESENT
CALL QUESTION	NO	TWO-THIRDS OF MEMBERS PRESENT
CAST UNANIMOUS BALLOT	NO	MAJORITY OF MEMBERS PRESENT
CORRECT OR AMEND	YES	MAJORITY OF MEMBERS PRESENT
EXCUSE FROM VOTING	NO	MAJORITY OF MEMBERS PRESENT
LIMIT DEBATE	NO	TWO-THIRDS OF MEMBERS PRESENT
EXTEND DEBATE	NO	TWO-THIRDS OF MEMBERS PRESENT
POSTPONE ACTION	YES	MAJORITY OF MEMBERS PRESENT
POSTPONE INDEFINITELY	YES	MAJORITY OF MEMBERS PRESENT
RECONSIDER	YES	MAJORITY OF MEMBERS PRESENT
RECONSIDER ISSUE CONSIDERED TWICE	YES	MAJORITY OF MEMBERS PRESENT
REFER TO COMMITTEE	YES	MAJORITY OF MEMBERS PRESENT
SUSPEND OR AMEND RULES	NO	TWO-THIRDS OF MEMBERS PRESENT
TABLE	NO	MAJORITY OF MEMBERS PRESENT

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15 Tips for Being an Effective Legislator

Here's some practical wisdom on coping with an ever-increasing number of complex issues.

"Listen, think and vote your conscience. Your constituents will not always agree with you, but they will respect you for thinking through the issues and leveling with them."

—SENATOR LETICIA VAN DE PUTTE, TEXAS

#1

HONOR THE INSTITUTION.

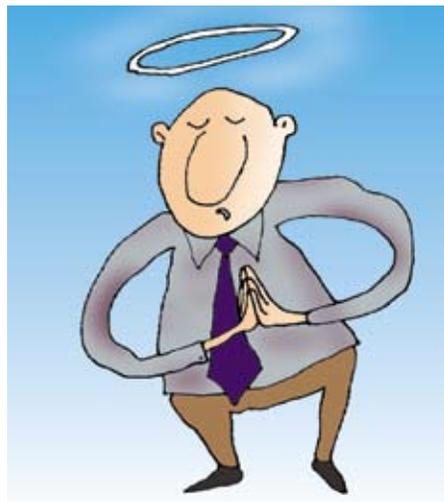


Thomas Jefferson did it. So did James Madison, George Washington and Alexander Hamilton. They worked tirelessly to make representative government work. Now, the well-being of your state legislature is in your hands. Preserve and protect it so it remains a strong, co-equal branch of government. Legislative service is one of democracy's worthiest pursuits. It is an important duty that deserves our time, attention and dedication. To work well, government requires a bond of trust between citizens and their representatives. Tearing down government diminishes your ability to solve problems in the legislature. When you demean the institution, you demean yourself. Try to appeal to the best instincts of the electorate, talk about what you stand for and what you intend to do during your time in office, then work as hard as you can to fulfill those promises. Remember why you ran for office—to make a difference, a difference for the better.

#2

TAKE THE HIGH ROAD.

If it won't "read good" tomorrow, don't do it today. That's the best rule to follow when judging those instances that are perfectly legal, but could look bad. Would you be embarrassed to see your actions reported in the newspaper? Make sure you understand your state's ethics codes and adhere to them. New legislators are rarely prepared for close scrutiny of their behavior, nor do they recognize the effect of their behavior on the institution. Avoid even the appearance of impropriety—always take the high road. Understanding legislative etiquette and ethical responsibilities is vital, not only to the institution and your constituents, but to yourself.



#3

MASTER THE RULES.



Play volleyball or tennis without knowing the rules? You'll lose. The same goes for legislating. You need to know the rules. It's a good idea to carry them around with you to read as you see the process unfold. Soon they will start to make sense. Get to know experienced parliamentary experts (legislators and staff) and seek their advice routinely. And don't ever fool yourself by presuming that you have conquered the rules—there's always someone in your chamber who can challenge you.

#4

KNOW WHERE TO GET HELP.

Get acquainted with staff members, not only legislative staff but key people in the governor's office and cabinet offices. Look for expertise among members on both sides of the aisle. Turn to them for advice and counsel. Lobbyists also can serve as resources, but be sure to ask for information on all sides of an issue. Trust legislative staff. When you have the opportunity to hire them, surround yourself with the most intelligent, dedicated staff you can find. Set aside 20 minutes or so a few days before every committee meeting to review the bills on the agenda with legislative staff. It will help you prepare.

#5

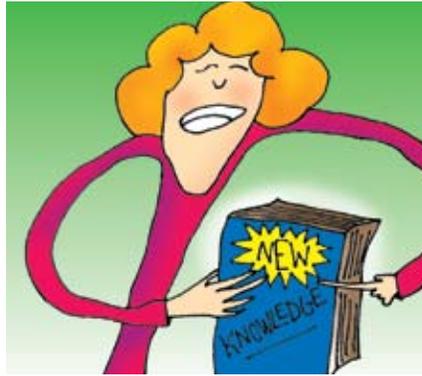
MANAGE YOUR TIME.



It's the effective legislator's creed: Organize, prioritize, commit to those things you consider important. If you can do this, you'll be ahead of the pack. An effective legislator is punctual: Get to the floor on time, get to your appointments on time, get to your committee meetings on time. It's the little things that trip you up—like deadlines. If you miss a bill filing, it could be a whole year before you can try again. If you're late in filing campaign contributions—or don't file at all—you might read about it in the paper or see it in your next opponent's campaign brochure. So attend to the housekeeping chores.

#6

DEVELOP A SPECIALTY.



You can't be an expert in all things. Focus your policy pursuits so you can do a few tasks very well. Be selective in the bills you introduce. Decide the two or three issues you are going to specialize in and make a difference. Don't try to be all things to all people. Pursue committee assignments in your areas of interest, get appointed to a task force and help negotiate an issue even if you aren't the major sponsor of a bill. By being the point person on these issues, you will be the one members turn to for help and information. You will develop your negotiating skills and build your reputation as a serious lawmaker among your colleagues and outside the legislature.

#7

VOTE YOUR CONSCIENCE.

Your constituents sent you to the legislature, and you must represent them. But you are also a trustee of your entire state. Sometimes a hot issue presents nearly irreconcilable conflicts among these responsibilities, but you still have to come to a decision and vote. It may not please everybody, but remember that you are the only person you have to live with 24 hours a day, every day. The voters have already decided they approve of your basic philosophies and have chosen to place their trust in you. Make the commitment to communicate with your constituents about how you evaluate issues and arrive at decisions. That allows you not only to represent by listening, but also to represent by leading, by shaping opinions. It will give you latitude with people who may not always agree with you, but who will respect you for thinking through issues.

#8

DON'T BURN BRIDGES.

It's going to happen. You're going to disagree and become upset and sometimes even dislike another legislator. But remember that today's adversary may be tomorrow's ally, so learn how to disagree without being disagreeable. Don't react emotionally or in anger on the floor to something someone has said. The things you say in these cases will come back to haunt you. You might create an unnecessary enemy, one thing you don't need in the legislature. People don't have to like you, but if they respect you and know you are going to play it straight, you'll be all right.

#9

KEEP YOUR WORD.

Ben Franklin was right. Honesty is the best policy in life and in the legislature. A legislator's effectiveness and reputation are only as good as his or her word. Without truth there can be no trust. If you promise someone your vote, deliver. A good working relationship, whether with your fellow legislators or your constituents, depends on their ability to believe what you say. Sometimes after you have promised to vote a certain way, you will get additional information that changes your mind. When this happens, tell the people you've changed your mind. Remember, credibility is key around the legislature; you can't be effective if you are perceived as untrustworthy.

#10

BE CAREFUL WHAT YOU AGREE TO.

The casual co-sponsorship of bills promises minor rewards and major headaches. When in doubt—don't. Be careful not to let socializing on the floor, friendship and trust come before scrutiny of a bill. Too often, you'll end up having to vote against a bill that you've signed on to sponsor. One protection is a 24-hour waiting period. No matter how much you like a person and normally trust that person's views, make sure you understand the bill. Take time to decide. If someone really wants you as a sponsor, he or she will wait a day.

“There’s one easy rule. If you have to ask if it’s ethical, it isn’t.”

—REPRESENTATIVE SHERYL ALLEN, UTAH

#11

DON'T HOG THE MIKE.

When you make a speech on the floor, always prepare in advance and make sure that your topic is something that’s important to you. Don’t talk about everything. Even if you are an expert in everything, you risk wearing out your welcome if you feel the need to hold forth on every bill. Sometimes, the most effective legislator is the one who speaks only three or four times during the session. Yet when he does, all eyes are on him and everyone listens.

#12

STAY IN TOUCH WITH YOUR CONSTITUENTS.



Communicate with your constituents. This is an overwhelming task, but it’s critical. Return phone calls, answer e-mails and letters, have town meetings. Let them know who you are, that you’re approachable and responsible, that you represent them. Besides, it makes the job a lot more interesting if you really know the people you represent. It’s difficult to build a bond with your constituents simply through press releases. If you have any writing skills at all and you care about policy, it’s well worth the time to write a weekly column for the news media, start a blog or post your views on a Facebook page. It’s important to think through the issues before a decision and to explain to your constituents—either before or after you vote—how you got there.

#13

BE A PROBLEM SOLVER.

Controversial, even inflammatory issues will arise in your district. Use your skills and your office to help the community find solutions. Whether it’s the location for a new prison or closing a school, work with the state agencies and local governments to find the best solution. Don’t take sides on clearly local issues, but serve as a resource for information to help find the best solution. Call on the experience and knowledge of members who have served longer than you, ask questions, do research, show you can be a positive influence in the community.

#14

WORK WITH THE MEDIA.

Don’t assume the media are your adversary. Reporters have a responsibility to inform the public, and they take it seriously. Be proactive. Contact reporters regularly to tell them about your position on issues and the work you are doing. Focus on the policy process and the issues, not on partisan differences and conflict. Present information that is easy to understand and use. Know your local newspapers’ deadlines. Call writers back promptly. Don’t expect them to use your press releases if you avoid their phone calls. When the media do a good job, acknowledge it. At the same time, don’t hesitate to ask for corrections of distortions in facts or other errors in stories.

#15

STOP AND SMELL THE ROSES.

In politics, it’s a struggle to maintain a normal private life. Politicians can be tempted to take family members for granted, to treat them as appendages, decorations on campaign literature, free help when envelopes need to be licked. Sometimes it’s difficult to resist self-importance. The grand responsibilities and acclaim that come with holding public office can be unhealthy substitutes for reflection, ordinary friendships and meeting the simple responsibilities of life. Don’t forget to take care of yourself. Eat right. Exercise. And make time for yourself. 