	Tuesday, April 21, 2020 **9:00 a.m.**	**DOOR COUNTY BOARD OF SUPERVISORS**	*Door County Government Center* *County Board Room (C101), 1st floor* *421 Nebraska Street, Sturgeon Bay, WI*

Organizational Meeting Agenda

In light of WDHS 03-24-2020 'Safer-at-Home Order' and to mitigate the impact of COVID-19 this meeting will be conducted by teleconference or video conference. Members of the public may join the meeting remotely.

To attend the meeting via computer:
Go to https://globalpage-prod.webex.com/join
Enter the meeting number 626 218 508
Enter the password: c5CQUiNbk22

To connect via phone:
Call 1-408-418-9388
Access Code: 626 218 508
Enter the password: 25278462

1. Call Meeting to Order at 9:00 a.m. [County Clerk in Chair]
2. Pledge of Allegiance to the Flag
3. Roll Call by County Clerk
4. Oath of Office

Orientation Session

A. Welcome and Introductions
B. County Board Structure and Governance
C County Meeting Calendar
D. Legal Considerations
E. Finance
F. Eligibility for Meeting Per Diem / Paperwork / Voting Procedure
G. Human Resources

Continue with County Board Organizational Meeting:

5. Election of the Chairperson of the Board
6. Election of the Vice-Chairperson of the Board
7. Review, Revise and Adopt the Rules of Order and Duties of the Standing Committees
8. Election of the Highway Committee and Chairperson
9. Recess to Allow Chairperson of County Board and County Administrator and Selected Others to Confer Regarding Appointment of all Committee, Commissions and Boards. Reconvene.
10. Presentation of Agenda
11. Correspondence
    - Unassigned Fund Balance
12. Public Comment
13. Supervisor's Response
14. County Administrator
    - Monthly Report
    - COVID-19: Matters Under Consideration
15. Minutes of March 31, 2020 Regular Meeting
16. Pending Business / Updates
    - Assessment of Resolution No. 2020-19 Ratification Alteration Modification or Repeal of March 16, 2020 Proclamation Declaring a State of Emergency
17. Resolutions
    - 2020-36 2019 Carry-Forwards from General Fund Accounts
    - 2020-37 DCSO Cold Storage Facility Project
    - 2020-38 Approval of Donation to the Aging and Disability Resource Center of Door County
    - 2020-39 Ratification of Order(s) of County Board Chairman and County Administrator Per Resolution No. 2020-19
    - 2020-40 Authorize the Health and Human Services Board to Act as the Board of Health Per §251.03, Wis. Stats.
    - 2020-41 Appointments to Committees, Commissions and Boards *(to be handed out at the meeting)*
18. Ordinances
19. Special Reports
20. New Business
21. Oral Committee Reports
22. Review Committee Minutes
24. Announcements
    - *Next County Board Meeting: Tuesday, May 26. 2020. 9:00 a.m.*
25. Per Diem Code
26. Adjourn

In compliance with the Americans with Disabilities Act, persons needing assistance to participate in this meeting, should contact the Office of the County Clerk (920) 746-2200. Notification 48 hours prior to meeting will enable the County to make reasonable arrangements to ensure accessibility to that meeting	*Deviation from the order shown may occur.* *Posted _____, 2020 by_____*

Amendments for Organizational Meeting

1. Rules of Order 38, Donations, Gifts or Grants-Amendment:
    a. A Department may accept donations, gifts or grants in amounts up to $999.00. An oversight committee may accept donations, gifts or grants in amounts up to $4,999.00. County Board shall be provided notice of any donation, gift or grant equal to or in excess of ~~$1,000.00~~ $5,000.00 prior to acceptance. An itemized report of all donations, gifts or grants shall be submitted to the County Board on an annual basis.
2. Rules of Order 34, Contracts-Amendment:
    a. All contracts are subject to review by the Corporation Counsel and County Administrator. Any contract with a term in excess of three (3) years is subject to review and approval by the County Board, except Non-Commercial Hangar Site Lease Agreements may be approved by the Highway & Airport Committee.
3. Creation of a Sustainability Committee that shall consist of five (5) County Board Supervisors.
4. Reducing the number of members on the Museum Committee down to five (5) County Board Supervisors.
5. Board of Health and Human Services Board shall be combined to create the Health and Human Services Board consisting of nine (9) members total, five (5) County Board Supervisors and four (4) members-at-large of which two (2) should be health care professionals.
6. The Ambassador Program Committee shall consist of two (2) County Board Supervisors from the Legislative Committee and one (1) Member-At-Large.
7.

2020 *PROPOSED* RULES OF ORDER GOVERNING THE DOOR COUNTY BOARD OF SUPERVISORS

1. Regular and Statutory Meetings

All regular and statutory meetings shall be held at 9:00 A.M. or at the call of the County Board Chairman at the Door County Government Center. Regular meetings shall be held on the 4th Tuesday of each month. The Sec. 59.11(1)(c), Wis. Stats. organizational meeting shall be the 3rd Tuesday of April. The Sec. 59.11(1)(a), Wis. Stats. annual meeting shall be the Tuesday after the 2nd Monday of November.

2. Special Meetings

Special meetings may be called by the Chairperson, or in the manner prescribed by Sec. 59.11(2), Wis. Stats. In all cases the notice shall give the time, place and purpose of the meeting at least forty-eight (48) hours in advance.

3. Quorum

A majority of the entire membership elected to the Board shall constitute a quorum. A quorum must initially be established, and continue to exist, in order for a board, commission, or committee to transact business.

4. Presiding Office

The Chairperson shall preside at all meetings of the Board. The Vice-Chairperson shall preside at all meetings of the Board in the absence of the Chairperson or at the Chairperson's request. When both are absent, the Clerk shall convene the meeting and the Board shall elect one of its members as temporary Chairperson.

The County Clerk shall preside (as benevolent dictator) at the organizational meeting, until the County Board Chairperson and Vice Chairperson are elected. The Chairperson shall then take the chair.

5. Agenda

All items to be a part of the agenda shall be in possession of the Administrator before noon on the sixth (6th) day prior to the scheduled Board session.

6. Presentation of Agenda

At each session the agenda shall be submitted by the Chairperson and approved by the Board before proceeding with the meeting.

Any resolution, ordinance or business to be added to the agenda must be of an emergency nature and be approved by a majority of the members present before becoming part of the agenda, a two (2) hour notice is required per Sec.19.84(3) Wis. Stats.

7. Organizational Meeting Agenda

A. Organizational Meeting

1. Call to order [County Clerk in Chair]
2. Pledge of Allegiance to the Flag
3. Roll Call
4. Oath of Office
5. Election of the Chairperson of the Board
6. Election of the Vice-Chairperson of the Board
7. Review, Revise and Adopt the Rules of Order and Duties of the Standing Committees
8. Election of the Highway Committee: The Five Member committee shall consist of one (1) member North, one (1) member South, one (1) member City of Sturgeon Bay and two (2) members at large, (not more than two members are to represent each area. The County Board shall then elect one (1) of the five members as Chairperson.)
   a) Ballots cast for the Highway Committee and Highway Committee Chairperson by each County Board Supervisor will not be by secret ballot, but shall be signed on the back with his/her name.

   [Vote totals shall be announced after each round of voting under A. 5., 6., and 8. supra.]
9. Appointment of the Standing Committees shall be made by the Chairperson in consultations with a Committee on Committees appointed by him/her. Committee selections shall be announced on the same day of the Organizational Meeting.
10. Continue with No. 4 of Regular Meeting Agenda.

8. Regular Meeting Agenda

A. Regular Meeting

1. Call to order
2. Pledge of Allegiance to the Flag
3. Roll Call
4. Presentation of Agenda
5. Correspondence
6. Public Comment
7. Supervisor's Response
8. Administrator's Monthly Report
9. Approval of minutes of previous meeting
10. Pending Business
11. Resolutions
12. Ordinances
13. Special Reports
14. New Business
15. Oral Committee Reports
16. Review Committee Minutes
17. Review Vouchers, Claims and Bills
18. Announcements
19. Per Diem Code
20. Adjourn

9. Term of Office

The term of Chairperson and Vice-Chairperson shall be for two (2) years (Sec. 59.12 Wis. Stats.). All standing committees, elective or appointive, shall serve a one (1) year term unless the Wisconsin Statutes provide otherwise. Changes in committee names and structure shall be subject to the approval of a majority vote of the entire membership.

10. Committees

There are four types of committees: Standing, Statutory, AdHoc and Other. Committee appointments. Committees shall be established upon adoption of a resolution designating the name, number, purpose and term. Members shall be appointed by the County Administrator and/or Chairperson and confirmed by the Board. An AdHoc committee shall be dissolved upon completion of the purpose for which the committee was appointed.

11. Vouchers, Claims and Bills

Department Heads shall screen all bills and invoices and prepare vouchers.

Vouchers (along with the bill or invoice) shall be submitted to the Finance Department by 4:30 p.m. on the first and third Wednesday of each month for payment. Payment may then be made by the Finance Director semi-monthly.

The Finance Department will, on a semi-monthly basis, prepare a listing of all payments to be made. This listing is intended as, and will be deemed, an order for payment per Sec.'s 59.23(2)(c) & 59.25(3)(b) Wis. Stats. and will be signed by the County Clerk and counter-signed by the County Board Chairperson, and then filed with the County Clerk. A copy of the listing(s) will be provided to the oversight committee on a monthly basis.

12. Voting

All members of the Board shall vote on all questions except when excused or because of conflict of interest. All questions will be resolved by majority vote of those members voting (provided a quorum is present) except when the Rules of Order or Wisconsin Statutes provide otherwise.

In the absence of a unanimous vote or unanimous consent on a question, a recorded vote is required.

13. Consent to Speak

A member desiring to introduce a resolution, a motion, or to speak on or debate a question, when recognized by the Chairperson, shall confine his/her remarks to the subject. A member desiring to speak a second time on the same subject or questions, shall be limited to two (2) minutes. All debates shall be subject to the discretion of the Chairperson.

14. Referral of Correspondence or Reports

The Chairperson may refer correspondence and reports to committee as he/she determines unless a specific motion is made from the floor.

15. Motions

Motions should be reduced to writing and read by the County Clerk and seconded before debate or vote.

Motions and seconds may be withdrawn prior to amendments by the authors. A motion containing more than one (1) question may be divided.

16. Resolutions

All resolutions appearing on the agenda and submitted for approval shall contain thereon a number, title and the names of sponsoring committee(s) and supervisor(s) or individual supervisor(s) with concurrence of the County Board Chairperson.

17. Committee Reports

Committee reports, unless otherwise excused, shall be given by the committee chairperson or in his/her absence by another member of the committee.

18. Ordinances

Any ordinance to be submitted for consideration for adoption by the Board shall be placed on the agenda as herein prescribed and shall bear the signature(s) of its sponsor, either a member, a committee, or a joint committee of the Board. All ordinances, except zoning ordinances, including amendments thereto, authorized by Sec..59.69, Wis. Stats., shall be considered for adoption in the following manner:

A. The ordinance shall be presented to the Board for a reading. Reading the title of the ordinance at the Board meeting shall constitute the reading, if the ordinance is provided in written form to each of the Board members before the meeting at which the ordinance is to be taken up.

B. Following the reading and if no substantive changes are made to the ordinance, the ordinance may be enacted by a majority roll call vote of the members voting. (Punctuation and spelling corrections do not constitute substantive changes.)

C. If substantive changes are made to the ordinance, the ordinance shall be laid over to the subsequent meeting of the Board for a second reading. Reading the title of the ordinance at the Board meeting shall constitute the second reading, if the ordinance in revised form is provided in written form to each of the Board members before the meeting at which the ordinance is again to be taken up.

D. Following the second reading, the ordinance may be further amended. When all amendments, if any, have been acted upon, the ordinance may be enacted by the majority roll call vote of the members voting. Such ordinances shall be in effect the day following publication, unless otherwise specified.

E. Newly created zoning ordinances shall be considered for adoption as prescribed in ss.59.69(5)(a) and (b), Wisconsin Statutes, shall be considered for adoption in the following manner:

1. A petition for amendment may be made as specified in ss.59.69(5)(e) 1. and 2. Wisconsin Statutes.
2. Upon completion of procedures as specified in ss.59.69(5)(e) 1. and 2. Wisconsin Statutes, the committee of the Board designated to act in such matters shall, by way of a written report, recommend to the Board, subject to ss.59.69(5)(e) 3., Wisconsin Statutes, an action to take in the matter. The recommendation may be to approve of the petition, approve of a modified version of the petition, or to disapprove of the petition.
3. If the recommendation is to approve of the petition or a modified version of it, the committee shall draft an ordinance which would effectuate the committee's determination and submit to the Board the ordinance at the same time as the committee's recommendation.
4. After review of the committee's recommendation, the Board shall then act upon the ordinance as submitted by the committee. The ordinance, as submitted or as amended by the Board, may be adopted by majority roll call vote of the members voting, except as provided by ss.59.69(5)(e)5., Wisconsin Statutes.
5. If the recommendation is to disapprove of the petition, the Board shall act upon the recommendation, either accepting or rejecting the disapproval recommendation. A majority roll call vote of the members voting shall determine the result.
   (a) If the Board accepts the disapproval recommendation, the petition is thereby dismissed.
   (b) If the Board refuses to deny the petition for amendment as recommended it shall refer the petition to the committee with directions to draft an ordinance to effectuate the petition and report the ordinance back to the Board which may then enact or reject the ordinance as provided in ss.59.69(5)(e) Wisconsin Statutes.

F. Ordinances shall be in effect the day following publication unless otherwise specified. *Note: Having the ordinance in printed form two (2) days before a meeting date shall qualify for the informal reading by the reading of the title.

19. Non-Budget Items [Sec. 65.90 Wis. Stats.]

Any action involving any sum other than the amount provided for in the budget, or approved by the Finance Committee under Budget Intra-Transfers, shall be required to have a two-thirds (2/3) vote of the entire membership of the Board.

All resolutions under this rule shall be submitted by the Finance Committee. Said resolutions (or addendum) shall provide members sufficient detailed information on fiscal impact, project revenue, expense effect on tax rate and other relevant information, when available.

20. Previous Question

When a reasonable time for debate on a motion has elapsed, it may be in order to move for the previous question. If seconded and carried by a vote, the vote on the question shall immediately follow.

21. Reconsideration

It may be in order for any member voting with the prevailing side to move for reconsideration of the question at the same or succeeding session.

22. Roll Call Vote

When a roll call vote is statutory or required by the Rules or Order, it shall be announced as a “Roll Call Vote” before voting takes place via electronic balloting, i.e.: using the Voter Board. If the Voter Board malfunctions, the County Clerk will call for a roll call vote. If a member requests a roll call vote on any question, it shall be granted before the decision of the Chairperson is announced. There shall be no interruption during roll call.

23. Method of Roll Call

Roll call voting shall be in succession with all members voting as called. Each roll call vote shall begin with the member alphabetically following the first member called in the preceding vote.

A member not in the room and not excused for the session shall vote before the Chairperson announces the result.

24. Budget Inter-Transfers

A two-thirds (2/3) vote of the entire membership of the Board is necessary when transferring funds from one department or account to another. A roll call vote is required. (Statute 65.90).

25. Budget Intra-Transfers [Sec. 65.90 Wis. Stats.]

A. The Finance Committee is authorized to transfer funds between budgeted items of an individual county office or department pursuant to and in accordance with Sec. 65.90(5) Wis. Stats., or as subsequently amended or revised and subject to Paragraph 2 below.
B. Any transfer of funds between budgeted items of an individual county office or department that exceeds $10,000 is subject to prior approval by the County Board of Supervisors.

26. Out of Order

A member, when declared out of order by the Chairperson, shall immediately submit to the ruling of the Chair unless an appeal is made and permission granted by a majority vote of the members present.

27. Public Addressing the Board

The public notice of a meeting of the County Board or its sub-units may provide for a period of public comment during a meeting. During such a period the Board or a sub-unit may receive information from members of the public and may, to a limited extent, discuss any matter raised by the public.
It is advisable to limit discussion (if any) of the subject and to defer any extensive deliberation to a later meeting for which more specific notice can be given. No formal action may be taken on a subject raised in the public comment period, unless that subject is also identified in the meeting notice.

Reasonable rules governing the conduct of a period of public comment, for County Board or its subunits, includes the following:

A. A public comment period is limited to no more than thirty (30) minutes. The maximum time allotted to each speaker is three (3) minutes. A speaker may not yield or reserve their time to another speaker.

B. Public comment is limited to matters that are germane to or within the jurisdiction of the County Board or its sub-units

C. Public comment is not allowed as to matters that have been the subject of a public hearing (e.g., amendatory zoning ordinances) or quasi-judicial hearings.

D. Public comment is on a first-come-first-serve basis. A speaker must be present in person. Speakers must sign in before speaking. If time remains after the public comment period, the chairperson may ask if anyone wishes to make a public comment that did not have a chance to sign-in.

E. A speaker must get recognition from the chairperson before speaking, state their name, and address remarks to the chair.

F. To prevent cumulative and repetitive comments, the chairperson may, in her or his discretion, provide for the designation of spokespersons for groups of persons supporting or opposing the same positions.

G. Chairperson may provide for the maintenance of order and decorum in the conduct of the public comment period.

1. Maintaining order includes keeping speakers to their allotted time, controlling others from interrupting the speaker who has the floor, and preventing speakers from otherwise disrupting the meeting (e.g., clapping or shouting).

2. Maintaining decorum includes encouraging speakers to be courteous and respectful. The use of obscene, profane language or gestures will not be tolerated.

If order and decorum is not maintained, the chairperson may terminate a period of public comment.

H. The purpose of the public comment period is to give persons an opportunity to inform the governing body about their views. The meeting itself belongs to the governing body. The public does not participate in decision-making. Instead, it provides input to the governing body, which takes the input into consideration in making its decisions.

28. Adjourn or Recess

A motion to adjourn or recess shall be in order at any time except when a member has the floor or when the Board is voting.

29. Suspension of Rules

These rules may be suspended by a majority roll call vote of the entire membership unless unanimous consent is given.

30. Amending Rules

These rules may be amended at any regular session of the Board by a majority vote of the entire membership.

31. Elections

A. The County Board Chairperson and Vice-Chairperson shall be elected consistent with Sec.'s 19.88 and 59.12 Wis. Stats. as follows:
- By unsigned ballot;
- Nominations - Each County Board Supervisor shall cast a nomination ballot;
- Election - Each County Board Supervisor shall cast an election ballot;
- Voting continues until one nominee achieves a majority of the County Board Supervisors present (if a quorum exists).

B. Members of the Highway Committee and the Highway Committee Chairperson shall be elected consistent with Sec. 83.015 Wis. Stats. as follows:
- By signed ballot;
- Nominations - Each County Board Supervisor shall cast a nomination ballot;
- Election - Each County Board Supervisor shall cast an election ballot;
- Voting continues until one nominee achieves a majority of the County Board Supervisors present (if a quorum exists);
- For a term of two (2) years.

32. Rules of Order

The Rules of Order as adopted shall govern the proceedings of the Board, except as may be contrary to Wisconsin Statutes; in such event, the State Statutes shall prevail. Roberts Rules of Order (current and authorized edition) shall apply in those areas these Rules do not cover.

33. Executive Sessions

A. All anticipated executive sessions shall be so stated in the published agenda. When items are of an emergency nature, an executive session notice shall be given a minimum of two (2) hours prior to such sessions.

B. All Executive Sessions must be noticed according to Wisconsin Statute 19.85. The Corporation Counsel should be consulted for the proper exception notification.

C. The Chairperson must read the entire noticed reason before requesting a motion to move into an executive session.

D. A motion and a second stating the reason for said session must be adopted by majority roll call vote, prior to excusing all but elected supervisors from the Board Room, and those requested to remain.

E. Procedures in Closed Session:

a. Consistent with the statutory exception for the closed session, the Chairperson shall announce in closed session, prior to proceeding, the anticipated process or procedures, which will occur in the closed session.

b. By consensus, the Committee will have to agree to the Chairperson's proposed procedure.

c. If no consensus is reached, the Committee shall decide how the Committee shall proceed.

F. A Committee may not reconvene into open session until twelve (12) hours have elapsed (and proper notice given), unless the subsequent open session was noticed at the time of the notice of the meeting, convened prior to the closed session. (See: Section 19.85(2), Wis. Stats.)

G. Recommendation/Decisions in closed session should be made in open session.

H. A Supervisor is excluded from closed or "Executive" Sessions of a subunit of County Board, of which the supervisor is not a member. However, they may be included with the subunit chairperson's prior consent. A supervisor permitted to be present is honor bound, and is subject to disciplinary action for failure to preserve the confidentiality of the proceedings.

34. Contract

Rules of Order 34, Contracts-Amendment:

All contracts are subject to review by the Corporation Counsel and County Administrator. Any contract with a term in excess of three (3) years is subject to review and approval by the County Board, except Non-Commercial Hangar Site Lease Agreements may be approved by the Highway & Airport Committee. A majority vote of the total membership is required for approval. Any Invitation to Bid, Request for Proposal or Solicitation of Contract (rental, lease, agreements, services) and related processes or procedures shall be reviewed and approved by the Corporation Counsel prior to any award by Committee, Board or Commission.

35. Nepotism

Members of the Door County Board of Supervisors shall not participate in discussions or vote at County Board meetings or committee meetings on matters involving the hiring, compensation, promotion or discipline of a member's wife, husband, father, mother, guardian, sister, brother or children.

36. New or Altered Program

Whenever any County department starts or significantly alters a new or existing program or project, which will require the expenditure of more than $25,000 in any given year, regardless of the source of funding, said department will advise the County Board in writing, through the Board Chairperson, of the reason(s) for the new or significantly altered program or project and the source and level of funding.

37. Unanticipated Revenue

Unanticipated revenue (i.e., revenue not stated in a budget) may only be expended as set forth in Sec. 65.90 Wis. Stats.

38. Donations, Gifts or Grants

A Department may accept donations, gifts or grants in amounts up to $999.00. An oversight committee may accept donations, gifts or grants in amounts up to $4,999.00. County Board shall be provided notice of any donation, gift or grant equal to or in excess of ~~$1,000.00~~ $5,000.00 prior to acceptance. An itemized report of all donations, gifts or grants shall be submitted to the County Board on an annual basis.

39. Ethical Principles

(per Ordinance 2010-04; 4/20/10)

These ethical principles apply to any county (appointed or elected) public official, candidate for county public office and county employee.

The ethical county official, employee and candidate should:

- Properly administer the affairs of the county.
- Promote decisions which only benefit the public interest.

- Actively promote public confidence in county government.
- Keep safe all funds and other properties of the county.
- Conduct and perform the duties of the office diligently and promptly dispose of the business of the county.
- Maintain a positive image to pass constant public scrutiny.
- Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
- Inject the prestige of the office into everyday dealings with the public employees and associates.
- Maintain a respectful attitude toward employees, other public officials, colleagues and associates.
- Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the county.
- Faithfully comply with all laws and regulations applicable to the county and impartially apply them to everyone.

The ethical county official, employee and candidate should not:

- Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
- Improperly influence or attempt to influence other officials to act in his or her own benefit.
- Accept anything of value from any source which is offered to influence his or her action as a public official.

The ethical county official, employee and candidate accepts the responsibility that his or her mission is that of servant and steward to the public.

A county official, employee and candidate may be subject to censure or reprimand by the County Board or its designee, for violation of these ethical principles.

40. Cell Phones

Cell phones shall be maintained on silent or vibrate during County Board meetings, audible ring tones are prohibited. A donation of $25.00 (to the Door County United Way) will be collected from a Supervisor if their cell phone rings during a County Board meeting.

41. Minutes

The record of the proceeding of County Board and its sub-units is the minutes. The minutes should contain mainly a record of what was done at the meeting, not what was said by the members or others. A verbatim record is not necessary or advisable. [See: §19.88(3), Wis. Stats. and §59.23(2)(a) & (b), Wis. Stats. *and* Roberts Rules of order 10th Edition §48, pp. 451-458]

2 0 2 0 *P R O P O S E D*
RULES OF ORDER & ORGANIZATION OF ALL STANDING & SPECIAL COMMITTEES

[Note: These include the changes made in sections V. - VII. Effective April 21, 2020 (Per Resolution 2019-70)]

I. Committee Organization

A. The first member listed on any committee shall be the Chairperson. The Chairperson shall appoint a secretary to record minutes of all the committee meetings. Each committee should elect a Vice-Chairperson.

B. The County Board Chairperson, Vice Chairperson, or other person designated to perform the Chairperson's duties, is an ex-officio member of all committees. An ex-officio member has the same rights and privileges as, but none of the obligations of, all other members. Generally an ex-officio member does not have the right to vote and should not be counted in determining the number required for a quorum or whether a quorum is present at a meeting. If a quorum is not present at a meeting, then an ex-officio member may be counted in determining whether a quorum is present and may vote.

II. Quorum

A. A majority of the entire membership elected to the committee shall constitute a quorum. A quorum must initially be established, and continue to exist, in order for a committee to transact business.

B. If for some reason a member is unable to attend a Committee or County Board meeting, let the Chairperson or department head know.

III. Per Diem and Expenses

A. Recognizing that the Door County Board of Supervisors exercises legislative, administrative and policy making powers, the following rules cover the payment of per diem and expenses.

B. Requests for payment shall be presented, on an approved form, to the County Board Chairperson, Committee Chairperson, or County Clerk, for approval.

C. Requests for payment should not be submitted, and payment will not be authorized, unless the requester attended at least 30 minutes of the meeting.

D. Requests for payment should not be submitted, and payment will not be authorized except for mileage reimbursement, for any meeting if a quorum is not established.

[IV. - VI. Effective April 17, 2018 (Per Resolution 2017-70)]

IV. Compensation

A. Each Supervisor shall be paid by the County as follows:

1. A daily per diem rate of one-hundred fifty dollars ($150.00) for County Board meeting that s/he actually attends.
2. Fifty dollars ($50.00) plus an hourly rate of twenty five dollars ($25.00) for each hour above one-hour (up to eight-hours / $225.00 per day) that s/he actually attends, including:
   a) a meeting (i.e., a timely noticed and properly convened meeting, with a quorum present) of a sub-unit (i.e., commission, committee, or board) of the County Board of which they are a member or an invitee (i.e., expressly invited or authorized to attend by the sub-unit's chairperson on a matter within the authorized concern of the sub-unit);
   b) a meeting of a commission, committee or board of another local unit of government or the state as an invitee (i.e., expressly invited to attend by the commission's, committee's or board's chairperson and authorized in advance in writing to attend by the County Board Chairperson or her/his designee);
   c) face-to-face meetings with County (or other local unit of government, state, or federal) officials or employees *if* related to official County business *and* authorized in advance and in writing by the chairperson of the sub-unit or, in the case of a chairperson of a sub-unit, the County Board Chairperson or designee;
   d) an official legislative, administrative, or court proceeding or hearing, in which s/he is directed or required to take part, in their official capacity as a Supervisor;
   e) the Wisconsin Counties Association's ("WCA") Annual Conference;
   f) the WCA's Annual Legislative Exchange; or

g) the biennial Door/Kewaunee County Legislative Days.
h) DCEDC Annual Meeting/Luncheon (No compensation … meal only)

3. Twenty-five dollars ($25.00) per hour for all hours (up to eight (8) hours / $200.00 per day) that s/he attends any other conference, convention, institute, meeting, school, training session, or workshop *provided* funds have been appropriated for their attendance or their attendance is approved in advance by the Administrative Committee and Finance Committee
4. Hourly Rates will be prorated as follows:
   a) The hourly rate is to be prorated at twelve dollars and fifty cents ($12.50) per one-half hour.
   b) Any fraction of an hour shall be rounded (up or down) to the nearest half-hour.
5. A Supervisor may only receive compensation under. IV. A. 1. (i.e., is not allowed pay under IV. A. 2. or 3.) on days that the County Board meets.
6. The hourly rate of twenty five dollars ($25.00) will be paid for time spent (portal-to-portal) in out-of-county travel under, and subject to the same limitations as, IV. A. 2. & 3.

B. Additional compensation for the Chairperson/Vice-Chairperson

1. The County Board Chairperson will receive a monthly allowance of eight hundred and fifty dollars ($850.00) per month.
2. The County Board Vice-Chairperson will receive the applicable per diem and reimbursement if filling in for the County Board Chairperson or asked to attend a meeting by the County Board Chairperson.
3. A chairperson of a sub-unit (i.e., committee, commission, or board) of the County Board will receive an additional allowance of twenty dollars ($20.00) per meeting.

V. Reimbursement for Expenses (Authorized Meal, Mileage, Lodging and Registration Expenses)
The reimbursement for expenses currently established will change, for ensuing terms, as follows:
[*V. - VII. Effective April 21, 2020 (Per Resolution 2019-70)*]

A. Each supervisor will be allocated up to two thousand dollars ($2,000) annually for authorized expenses (i.e., meal, lodging and registration) actually incurred and related to approved conferences, conventions, institutes, schools, seminars, training or workshops. Mileage is addressed separately in Par. II. B. below.

1. Authorized meal expenses, incurred by a Supervisor shall be reimbursed as set forth in *Door County's Administrative Manual (Section 2.15 Expense Reimbursement, A. Meal Expenses, 1.-3.*).
2. Authorized lodging expenses, incurred by a Supervisor shall be reimbursed as set forth *in Door County's Administrative Manual (Section 2.15 Expense Reimbursement, D. Lodging).*
3. Authorized registration expenses, incurred by a Supervisor shall be reimbursed as set forth *in Door County's Administrative Manual (Section 2.15 Expense Reimbursement, E. Registration Fees).*

Per Diem (per paragraph IV. A. above) for approved conferences, conventions, institutes, schools, seminars, training or workshops, counts toward the two thousand dollars ($2,000) limit in paragraph V.A. above.

The County Ambassador Program is exempt from, and does not count toward, the two thousand dollar ($2,000) limit in paragraph V.A. above.

Funds not used by the end of a year will be returned to the General Fund. A supervisor may only exceed the annual allocation with prior approval of the County Board.

B. Mileage (§ 59.10(3)(g), Wis. Stats.)

1. Each supervisor shall receive mileage for each mile traveled in going to and returning from approved conferences, conventions, hearings, institutes, meetings, proceedings, schools, seminars, training or workshops by the most usual traveled route at the rate established by the County Board under § 59.22 Wis. Stats. as the standard mileage allowance for all County employees and officers (See: *Door County's Administrative Manual - Section 2.15 Expense Reimbursement, B. Mileage).*

2. Mileage reimbursement is to be calculated from the Supervisor's residence or their work location within Door County. If a Supervisor's work location is outside of Door County, mileage reimbursement will be calculated from the County line.

C. Supervisor Residing on Washington Island:

1. Is eligible to be reimbursed for one round-trip ferry ticket per day; and
2. Will, if an overnight stay on the mainland is necessary due to a meeting, be eligible for reimbursement for in-county lodging expense and meal expense consistent with Par. II. A. 1. & 2. above.

This is in addition to, and not in lieu of, other compensation and reimbursement set forth herein.

D. Reimbursement can only be made for allowable expenses actually incurred.

VI. Compensation / Reimbursement Procedure

A. All requests for reimbursement must (as a condition precedent to payment) be timely submitted (to the Finance Department) on properly completed and fully executed reimbursement request form(s), accompanied by any required documentation.

B. These forms and instructions are available in the office of County Clerk, and the Finance Department.

VII. Miscellaneous

A. The above is intended, and should be deemed, to fix the compensation and reimbursement, establish additional compensation, and increase the number of days for which compensation and reimbursement may be paid for Supervisors as allowed under Ch. 59, Wis. Stats.

B. The above is intended, and should be deemed as, the different amount fixed as a maximum by the County Board for Highway Committee members as contemplated by § 83.015(1)(b), Wis. Stats.

C. The purpose of any function for which a Board member claims a per diem, mileage or other reimbursement, must be specifically stated and become part of the committee minutes and the voucher thereof, must be co-signed by another committee member and must be approved by the committee.

D. Whether board members, serving as members of an Ad-Hoc committee, shall receive compensation in the form of per diems, mileage or allowable expenses for attendance at Ad Hoc Committee meetings shall be determined at the time of the creation of the Ad Hoc Committee.

E. Joint Meetings (of two or more Boards or Committees)

1. Calling of Joint Meetings
   a) The chairperson of each board, commission, or committee involved must agree to authorize a joint meeting.
2. One Presiding Officer or Chairperson of a Joint Meeting.
   a) To be determined by consensus of the chairpersons of the Boards, commissions, or committees involved.
   b) Absent such consensus, to be determined by drawing straws.
   c) Eligible to receive additional compensation under IV. Compensation B.3.
3. Quorum
   a) A majority of the entire membership of each board, commission, or committee involved in the joint meeting must be present.

F. Non-Members of the Door County Board of Supervisors

1. Such members are eligible to receive per diem for any committee, commission or board meeting (i.e., a timely noticed and properly convened meeting, with a quorum present) of a sub-unit (i.e., commission, committee, or board) of the County Board of which they are a member.
2. Such members are eligible for expense reimbursement as set forth in *Door County's Administrative Manual (Section 2.15 Expense Reimbursement)*.

VIII. Agenda and Minutes [Wisconsin's Open Meetings Law (Sec. 19.81 - 19.90 Wis. Stats) Applies]

A. Every meeting shall be preceded by public notice, consistent with Sec. 19.84 Wis. Stats. or as otherwise required by any other statute. Such public notice shall, at a minimum, be given in the following manner:

1. By communication from the chairperson or such person's designee to the public, to those news media who have filed a written request for such notices, and to the official newspaper (i.e., Door County Advocate).
2. By posting meeting notices in one or more places likely to be seen by the general public. As a rule, notice should be posted at three different locations within Door County.
3. Meeting notices may also be posted at the County's website as a supplement to other public notices, but web posting should not be used as a substitute for other methods of notice. If a meeting notice is posted on the County's website, amendments to the notice should also be posted.
4. Every public notice of a meeting of a governmental body shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session, in such form as is reasonably likely to apprise members of the public and the news media thereof.
5. The public notice of a meeting of a governmental body may provide for a period of public comment, during which the body may receive information from members of the public.
6. Public notice of every meeting of a governmental body shall be given at least 24 hours prior to the commencement of such meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than 2 hours in advance of the meeting.
7. Separate public notice shall be given for each meeting of a governmental body at a time and date reasonably proximate to the time and date of the meeting.

B. The Chair of the committee, commission, or board, in coordination with the respective department head(s), is responsible for the preparation of an agenda for all meetings. The chairperson of the committee, commission, or board must approve the final agenda prior to distribution to other committee, commission, or board members.

C. The secretary of the committee, commission, or board shall be responsible for providing copies of such agenda to other committee members, forty-eight (48) hours prior to such meeting. An electronic or paper agenda shall be posted on a board for public inspection and note thereon the date and time of such posting and the name or initials of the person doing the posting. Likewise, an agenda shall be delivered to the County Clerk's Office.

D. Informational material for items identified on the agenda shall also be provided for review by the membership, when available, at the same time as forwarding the notice of the meeting to allow review and research by the committee members.

E. A full agenda (notice with supporting documents) shall be furnished to the Administrator as specified above.

F. Consistent with Sec. 19.88(3) Wis. Stats., the minutes must include the motions and roll call votes of each meeting. As long as the body creates and preserves a reasonably intelligible description of the essential substantive elements of every motion made, who initiated and seconded the motion, the outcome of any vote on the motion, and, if a roll-call vote, how each member voted, it is not required by the open meetings law to take more formal or detailed minutes of other aspects of the meeting. Although the minutes should also accurately reflect the substance of the meeting.

G. Other statutes outside the open meetings law, however, may prescribe particular minute-taking requirements for certain bodies and officials that go beyond what is required by the open meetings law. For instance, Sec. 59.23(2)(a) Wis. Stats. requires a county clerk to, among other things, keep and record in a book therefor true minutes of all the proceedings of the board; make regular entries of the board's resolutions and decisions upon all questions; record the vote of each supervisor on any question submitted to the board, if required by any member present; and perform all duties prescribed by law or required by the board in connection with its meetings and transactions.

H. Minutes of all meetings shall be filed with the County Clerk's Office within ten (10) days of the meeting.

IX. Authorization to Speak or Perform Limited Duties

A member of a standing, special committee, or commission may perform limited duties or speak for the entire committee or commission only when specifically authorized by the committee or commission.

X. Budget

The County's annual budget process is governed by, and comports with, Sec. 65.90 Wis. Stats.

XI. Vouchers

Copies of Vouchers will be submitted to the appropriate over-sight committee for its information

XII. Other

All Committees shall be governed by the same applicable rules adopted for the Door County Board. If there are no rules specified for a particular situation, Roberts Rules of Order (current and authorized edition) will apply.

DUTIES OF COMMITTEES

Proposed for Adoption April 21, 2020

PREAMBLE

The principal purpose here is to delineate, without limitation by reason of enumeration herein, the primary roles, responsibilities, and authority of Door County's committees, commissions, and boards.

In any county that has a county administrator:

- **The county administrator is the chief administrative officer of the county, and coordinates and directs all administrative and management functions of the county government not otherwise vested by law in boards or commissions, or in elected officers (See: Section 59.18 Wisconsin Statutes).**
- **The various county committees, commissions, and boards are policy making bodies only, determining the broad outlines and principles governing such administrative and management powers.**

One objective here is to define and strike a balance between the administrative and management functions and policy making function of county government.

References to the Wisconsin Statutes or Wisconsin Administrative Code are to those in full force and effect on the date this document is approved or as thereafter amended or revised

This document is subject and subordinate to the Wisconsin Statutes and Wisconsin Administrative Code.

FISCAL MATTERS APPLICABLE TO ALL COMMITTEES

1. **Annual Budget**

   The County Administrator and Finance Director will, annually, prepare a proposed budget for submission to the Finance Committee. The Finance Committee will review and approve or modify and approve the proposed budget, and then refer the same (in relevant part) to each departmental oversight committee. The oversight committees will review and approve or modify and approve the proposed budget, and refer the same to the Finance Committee. The Finance Committee will report the final proposed budget to County Board for consideration and action in accordance with Section 65.90 Wisconsin Statutes.

2. **Capital Improvements ("C.I.P.")**

   Each oversight committee is responsible for reviewing and approving all capital item requests, those that pertain to the CIP, prior to the departments submitting them for inclusion in the proposed CIP.

3. **Payment Vouchers ("PV")**

   Each oversight committee is empowered to review all proper claims and expenses for the departments.

4. **Contracts / Agreements**

   Contracts with a term greater than 1 year shall be approved by the oversight committee. Contracts with terms over 3 years or that were not part of the approved budget shall be recommended for approval to Finance Committee and the County Board.

DUTIES OF STANDING COMMITTEES

(7) Administrative Committee

Oversight for: Administrator, Corporation Counsel, Human Resources, Veterans, Child Support, County Clerk, Clerk of Court, Circuit Court and District Attorney

1. Oversight committee for the Administrator, Corporation Counsel, Child Support, Human Resources, County Clerk, Circuit Courts (Judges and Commissioners), Clerk of Courts, District Attorney, Register in Probate, and Veterans Service.
2. To review and (after County Board approval of the same) implement, aid in the enforcement of, and revise (subject to County Board approval) a County wide policy and procedure manual and/or employee handbook.
3. To review and establish or make changes to (subject to County Board approval) wages, benefits, hours, and other conditions of employment for County employees, appointed officials, and elective officers.
4. Review, develop and (after County Board approval of the same) implement and oversee compensation and expense reimbursement of County Supervisors and members of County Boards, Commissions, and Committees.
5. Responsible for position reviews (e.g., refill or reclassification requests) and, in conjunction with the Finance Committee, requests to establish new positions. The latter requests are subject to County Board approval.
6. The Administrative Committee shall have members serve on the Negotiating Team for collective bargaining purposes. In relation to the collective bargaining process, the Negotiating Team will establish goals and parameters, has the discretion (subject to the availability of funds) to retain outside professionals, and may tentatively approve the terms of any agreement reached by the Negotiating Team. Tentative agreements will be submitted to the County Board for ratification.
7. The Negotiating Team consists of the Administrator, Corporation Counsel and Human Resources Director and two members (and one alternate member) from the Administrative Committee. The Negotiating Team will provide periodic status updates to the Administrative Committee.
8. The Administrative Committee is designated as the Grievance Committee under Section 59.26 (8) (b) Wisconsin Statutes. This is an exclusive procedure, and not supplemental to the Section 66.0509 Wisconsin Statutes grievance procedure created by adoption of Resolution No. 2011-75.
9. All out of state travel, for conferences, conventions, seminars, meetings, or training, is subject to prior approval by the County Administrator. Each departmental oversight committee and the Administrative Committee shall be advised of any such approval.
10. Carry out any other policy making functions not assumed by any other board, commission or committee.

(5) Committee on Agriculture and Extension Education

Oversight for UW-Extension Department.

1. To serve as the committee on agriculture and extension education consistent with Section 59.56(3) Wisconsin Statutes.
2. Enter into joint employment agreements with the University Extension or with other counties and the University Extension for the employment of County Agents, with power to dismiss.
3. Act in an administrative and advisory capacity in all matters relating to the offices, duties, programs and activities of the various branches of the University Extension Department of the County.
4. Cooperate with other County departments, area or district activities and personnel and University Extension in those programs considered important to the economy of Door County.
5. Act as liaison between the Extension Office and the County Board and in that capacity confer with the department on a regular basis.
6. Extension work provided for in an act of congress that was approved on May 8, 1914 (38 Stat. 372) and all acts supplementary thereto.
7. Any other extension work that is authorized by local, state or federal legislation, including assistance with, providing for, and conducting the County Fair.

(7) Facilities and Parks Committee

Oversight of County Facilities and Parks

1. Serve as oversight committee of buildings and grounds of the County and the departments responsible for their operation, if not designated to another committee, to include Government Center, Justice Center, Library, Museum, Highway, John Miles Park, Door County ADRC and Emergency Services, Veterans Memorial, and all County Parks.
2. Serve as oversight committee for all County Parks in a manner that is generally consistent with Sections 27.02-27.075 Wisconsin Statutes.
3. Acquire and hold, lease or rent, convey real and personal property for public uses or purposes as authorized by the County Board.
4. Oversight for the purchase of all vehicles, building machinery and equipment, unless specifically delegated to another committee or department.
5. Oversight of all repair, maintenance and remodeling of County owned buildings, including government surplus property.
6. Oversight of new construction on all county owned property, unless specifically delegated to another committee.
7. Authorized to lease or rent unused space in County facilities.
8. Oversight of all County machinery and equipment not designated to another committee or department.
9. Authorize the sale, trade or disposal of all surplus obsolete equipment and machinery deemed no longer useful to the County.
10. Authorize the sale, trade or disposal of all surplus or obsolete real or personal property following County policy.
11. Provide general oversight of, and through the Fair Board and Fair Officers, provide for and conduct the Door county Fair. The Forgoing is subject to the regulations set forth in Sections 59.56(14) and 93.23 Wisconsin Statues, and Chapter ATCP 160 Wisconsin Administrative Code.

(7) Finance Committee

Oversight for Finance Department and Treasurer

1. To serve as the standing finance committee for all purposes, including those set forth in Section 65.90 Wisconsin Statutes.
2. To carry out the financial policy of the County as established in the County Budget, Board Ordinance and Resolutions; and make recommendations as to the interpretation and administration of such policy.
3. To receive and direct financial audits in conjunction with information from the Finance Director and County Administrator. Committees are to be informed of any special audits. The Finance Committee has the authority to request audits of all departments at any time. The Finance Committee further has the authority to accept the recommendations from the Finance Director and County Administrator in selecting who will conduct an audit.
4. To review, on a monthly basis, several key financial reports for Door County. These reports shall include the current status of Door County's investments, its unassigned fund balance, its contingency accounts, its health benefits fund, its workers compensation fund, and such other reports as the Finance Committee shall from time to time request. The annual budget, prepared by the County Administrator and Finance Director, shall be presented to the Finance Committee by the County Administrator. The Finance Committee shall then approve or modify budgetary provisions and pass the proposal on to the Oversight Committees. The Oversight Committees shall then be able to make changes to the proposed budget before passing it back to the Finance Committee. The Finance Committee must then send the final proposed document to the County Board for adoption.
5. To manage and dispose of delinquent real estate acquired by the County pursuant to Chapter 75 Wisconsin Statutes and applicable County Code.
6. Oversee the County Treasurer regarding collection of delinquent taxes including recovery of delinquent taxes and other costs against persons as provided in Section 74.53 Wisconsin Statutes, foreclosure of tax liens by action In Rem under Section 75.521 Wisconsin Statutes, and sale of tax delinquent real estate pursuant to Section 75.69 Wisconsin Statutes.
7. Serve as liaison between the Door County Economic Development Corporation and County Board.
8. General oversight of dog licenses and fees and humane society or other organization designated to provide a pound for collecting, caring for, and disposing of dogs as provided in Chapter 174 Wisconsin Statutes.

(5) Highway & Airport Committee (Section 83.015 Wisconsin Statutes)

Oversight for Highway & Airport Department

1. An elective body, consistent with Section 83.015(1) Wisconsin Statutes
2. The policy-making body, charged with determining the broad outlines and principles governing administration of the county highway department.
3. Possessed of powers and duties as set forth in Section 83.015(2) (a) & (b) Wisconsin Statutes.
4. Oversee the cost accounting system as set forth in Section 83.015(3) (a) – (d) Wisconsin Statutes
5. Oversee the solid waste management and/or recycling or resource recovery as directed by the County Board, consistent with Sections 59.70(2) & (3) Wisconsin Statutes. This includes exercising the authority and assuming the duties of the solid waste management board (See: Door County Ordinance 2-82 and Chapter 22, Door County Code).
6. May review and countenance the Highway Department's Annual Report, prior to its submission to the County Board.
7. Act as a liaison between the County Highway & Airport Department and County Board.
8. Serve as oversight committee for Cherryland Airport.
9. Enter into leases, rental and contractual agreements with all parties as authorized by the County Board.
10. Authorize all new construction with regard to the Airport as approved by the County Board
11. Oversight for the purchase of vehicles and equipment for the operation of the Airport.

(5) Legislative Committee

(Created per Resolution 32-99; Duties established by Resolution 41-99)

1. Study all matters of potential legislative nature by County Board members, departments and/or community sources;
2. Draft any Resolutions deemed to be of merit to the County, provide notice to potentially affected boards and committees, and submit to County Board for determination of action to be taken;
3. Review all Resolutions received from other counties and refer to appropriate committees for recommendation as to action of the County Board;
4. Review legislative material received through WI Counties Association and recommend to County Board the position of Door County on the same;
5. Meet as often as necessary to review all matters received and present items for County Board action.
6. Annually forward resolutions to be considered by the WI Counties Association.
7. Serve as a liaison to our state and federal legislators on positions which the Door County Board may choose to take.

~~(7)~~ (5) Museum ~~& Archives~~ Committee

Oversight for the Door County Historical Museum ~~& Archives~~

1. Oversight of the Door County **Historical** Museum ~~and Archives.~~
2. To serve as liaison between the Museum and the County Board.
3. Review and authorize rules for their operations.
4. Endeavor to cooperate with other local historic groups to foster the history of Door County.

(7) Public Safety Committee

. Oversight for Emergency Services (Chapter 256, Wisconsin Statutes), Emergency Management (Chapter 323, Wisconsin Statutes), and County Law Enforcement Agency (Chapters 59 and 302, Wisconsin Statutes).

1. Responsible for the general oversight of County's law enforcement agency, emergency medical services program, public-safety communications, and emergency management consistent with the applicable statutory and administrative code provisions.
2. Serve as the liaison between the Sheriff's Department and County Board, the Emergency Services Department and County Board, *and* Emergency Management and (Public Safety) Communications Department and County Board.

3. Encourage and facilitate the establishment and maintenance of relationships and cooperation (including mutual aid and assistance agreements) with other municipalities (e.g., counties, cities, towns and villages) with respect to law enforcement, public-safety communications, emergency medical services, and emergency management.
4. General oversight of the acquisition, maintenance and repair of vehicles *and* other equipment necessary for the operation of emergency services, emergency management and law enforcement consistent with the annual budget.
5. Work collaboratively with the Sheriff regarding the authority and responsibilities of the Humane Officer(s) and Humane Society consistent with Chapters 173 & 174, Wisconsin Statutes.
6. Periodic review of year to date expenditures and revenue to ensure the same are in line with the annual budget.
7. Review of audit(s) and annual reports.

(5) Resource Planning Committee

Oversight for the Land Use Services Department

1. Designated as Door County's planning and zoning committee, consistent with Section 59.69(2), Wisconsin Statutes.
2. A policy-making body, determining the broad outlines and principles governing administration of the Land Use Services Department. Among other things, the Land Use Services Department:
   a. Is designated as Door County's planning and zoning agency consistent with Section 59.69(2), Wisconsin Statutes.
   b. Is responsible for the private onsite wastewater treatment systems program, back-up to the registered sanitarian, functions and duties of the real property lister, development and maintenance of geographic information systems, functions and duties of the land information office, and administration of the county addressing program.
3. The liaison between the Land Use Services Department and County Board.

(5) Risk Management Committee

(Created per Resolution 2012-36; Duties established by Resolution 2012-51)

1. Assess, on an ongoing basis, the current state of the County's risks.
2. Determine whether the County has the appropriate strategies and capabilities in place to manage and ameliorate these risks, and recommend changes accordingly.
3. Acquire the necessary Insurance Knowledge and Aptitude, Including:
   a. Types of Insurance Coverage:
      i. General Liability;
      ii. Personal Injury Liability;
      iii. Discrimination;
      iv. Civil Rights Violations;
      v. Employment Related Actions;
      vi. Automobile Liability:
         1. underinsured motorist coverage; and
         2. uninsured motorist coverage.
      vii. Law Enforcement Liability;
      viii. Public Officials' Errors And Omissions Liability;
      ix. Property Insurance;
      x. Environmental;
      xi. Health Insurance;
      xii. Stop-Loss or Excess;
      xiii. Unemployment; and
      xiv. Worker's Compensation.
   b. Conditions, Exclusions, and Limitations of Liability.
   c. Related Services & Resources
      i. Claims Management
      ii. Loss Prevention

   iii. Policy, Procedure, & Protocol Review
   iv. Pre-Claims Loss Control
   v. Training
   vi. Underwriting
4. Respond to the Changing Insurance Coverage Needs of the County.
5. Maintain Official Bonds - County Officials
6. Financial Management: Adhere to fiscally sound and prudent business practices when reviewing, and renewing or purchasing, insurance coverage. To the extent feasible, make sure that appropriate resources are available and allocated to effectively address County's risks. Ensure that the continued financial strength and stability of the County are not threatened by known or anticipated emerging risks.
7. Recommend plans, policies, procedures, and protocols on risk and insurance management as deemed appropriate, then attempt to ensure that such are incorporated in priority setting, planning and decision making throughout the County.

(7) Technology Services

Oversight for: Technology Services Department, Register of Deeds.
Also oversight to the Communications Advisory Technical Subcommittee (CATS).

1. To develop policies for all data processing, communication and information management functions of the County.
2. Review technology decisions with recommendation to the Finance Committee and County Board.
3. Insure the efficient and necessary use of County technology to render services to county departments and taxpayers.
4. Insure that adequate technology services are available to County Departments. Confer with them regarding the operation of their offices and/or departments.
5. Review the annual County technology outlay and maintenance budget. Recommend approval of such budget to Finance Committee and County Board as necessary.
6. Oversight for the Public Safety technology and associated wireless communications systems that interface with the dispatch functions supported by the County of Door.
7. Oversight for the County fiber networks.
8. Oversight to the County community area network and resource sharing.
9. Oversight to the Communications Advisory Technical Subcommittee (CATS).

DUTIES OF STATUTORY COMMITTEES

~~(8) Board of Health~~

~~Oversight for Public Health Department~~

~~1. To serve as the county board of health pursuant to Section 251.04 Wisconsin Statutes.~~

(9) Health and Human Services Board

Oversight for Health and Human Services Department

1. The Human Services Board was initially created by adoption of Resolution Number 2012-87 on December 11, 2012. It's title and duties were changed by adoption of Resolution Number 2018-85 on December 18, 2018 and Resolution Number 2020-40 adopted on April 21, 2020. The powers and duties of the Health and Human Services Board are as set forth in Sections 46.23 & 251.04, Wisconsin Statutes.

(7) Land Conservation Committee

Oversight for Soil & Water Conservation Department

1. To serve as the land conservation committee pursuant to Sections 92.06 & 92.07 Wisconsin Statutes.
2. May carry out the powers and perform the duties the powers delegated to the land conservation committee subject to the approval of the county board.
3. These powers and duties include:
   a. May develop and adopt standards and specifications for management practices to control erosion, sedimentation and nonpoint source water pollution.
   b. May distribute and allocate federal, state and county funds made available to the committee for cost-sharing programs or other incentive programs for improvements and practices relating to soil and water conservation on private or public lands, and within the limits permitted under these programs, to determine the methods of allocating these funds.
   c. May encourage research and educational, informational and public service programs, advise the university of Wisconsin system on educational needs and assist the university of Wisconsin system and the department in implementing educational programs under Sections 36.25(7), 59.56(3) and 92.05 Wisconsin Statutes.
   d. May carry out preventive and control measures and works of improvement for flood prevention and for conservation, development, utilization and control of water within the county. These preventive and control measures and works of improvement may include, but are not limited to, changes in the use of land and use of engineering operations such as terraces, terrace outlets, desilting basins, floodwater retarding structures, floodways, dikes and ponds, methods of cultivation and the growing of vegetation. These preventive and control measures and works of improvement may be carried out on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction of the land, and on any other lands within the county upon obtaining the consent of the landowner or the necessary rights or interests in the land.
   e. May, in the name of the county, may cooperate with, enter into agreements with, or furnish financial, technical, planning or other assistance to any agency, governmental or otherwise, or any landowner or land user within the incorporated or unincorporated parts of the county, in carrying out resource conservation operations and works of improvement for flood prevention or for the conservation, development, utilization and protection of soil and water resources within the county.
   f. May provide assistance to and cooperate with the department of transportation as requested under Section 85.195 Wisconsin Statutes.
   g. May, in the name of the county, may obtain options upon and acquire, by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, any property or rights or interests in property or in water. A land conservation committee may maintain, administer and improve any properties acquired. A land conservation committee may receive income from these properties on behalf of the county and may expend this income in carrying out the purposes and provisions of this chapter. A land conservation committee may sell, lease or otherwise dispose of the property or interests in property in furtherance of the purposes and the provisions of this chapter.

h. May make available, on terms it may prescribe, to landowners and land users within the incorporated and unincorporated parts of the county, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, and other material or equipment which will assist the landowners and land users in carrying on operations upon their lands for the conservation of soil resources, for the prevention and control of soil erosion, for flood prevention, for the conservation, development and utilization of water or for the prevention of nonpoint source water pollution.
i. May construct, improve, operate and maintain structures necessary or convenient for the performance of any of the operations or activities authorized in this Chapter 92 Wisconsin Statutes.
j. May, in the name of the county, acquire, by purchase, lease or otherwise, and administer, any soil conservation, flood prevention, water management or nonpoint source water pollution abatement project or combinations of these projects, and participate in programs concerned with the conservation of natural resources located within the county undertaken by the United States or any of its agencies, or by this state or any of its agencies. May administer, as agent of the United States or any of its agencies, or of this state or any of its agencies, any soil conservation, flood prevention, water management, water quality improvement, nonpoint source water pollution abatement, erosion control, erosion prevention project or resource conservation program within the county. May act as agent for the United States, or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation or administration of any resource conservation program within the county. May, on behalf of the county, accept donations, gifts and contributions in money, services, materials or otherwise from any source and use or expend these moneys, services, materials or other contributions in carrying on its operations.
k. Each land conservation committee, in the name of the county, may make and execute contracts and other instruments necessary or convenient to the exercise of its powers.
l. As a condition to extending any benefits under this chapter to, or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, a land conservation committee may require contributions in money, services, materials or otherwise to any operations conferring the benefits, and may require landowners and land users to enter into and perform agreements or covenants respecting the use of land as will lead to conservation of soil and water resources.
m. Each land conservation committee may enter upon any lands within the county to examine the land and make surveys or plans for soil and water conservation without being liable for trespass in the reasonable performance of these duties. This authorization applies to the land conservation committee members and their agents.
n. May, if and to the extent authorized by the county board, administer and enforce those provisions of ordinances duly enacted.
o. May review and countenance the Soil and Water Conservation Department's Annual Report, prior to its submission to the County Board.
p. Act as the liaison between the Soil and Water Conservation Department and County Board.

Library Board

Oversight for the Door County Library **& Archives**

1. The County's public library board consistent with Chapter 43 Wisconsin Statutes.
2. The powers and duties of a library board under Chapter 43 Wisconsin Statutes.

DOOR COUNTY
UNASSIGNED FUND BALANCE (located within the General Fund)
As of March 31, 2020

The following information on the General Fund is being provided to the Door County Board of Supervisors pursuant to Rule 19:

	Unaudited	
Unassigned Fund Balance--General Fund as of 12/31/2019	**$ 15,634,828.24**	
2020 Approved Changes to Unassigned Fund Balance:		
Transfer from Unassigned Fund Balance included in 2020 Budget - for Jail Door CIP Project	(130,000.00)	
Transfer from Unassigned Fund Balance included in 2020 Budget - for Human Services Reserve	(792,538.00)	
Transfer of Non-Budgeted Funds - 56 N 4th Ave Building 2019 Property Tax Bill - Resolution 2020-___	*(18,004.00)*	
Transfer of Non-Budgeted Funds - Email Archival Solution - Resolution 2020-33	(23,416.67)	
	(963,958.67)	
Available Unassigned Fund Balance 3/31/2020	**$ 14,670,869.57**	***Unaudited***

Steve Wipperfurth, Finance Director

	As of 12/31/2017	As of 12/31/2018	As of 12/31/2019	As of 3/31/2020
Unassigned Fund Balance	$ 14,841,408.21	$ 16,996,928.24	$ 15,634,828.24	$ 14,670,869.57

Unassigned Fund Balance is designed to serve as a measure of the fund's financial resources available for appropriation and has a direct impact on bond ratings and borrowing power of the county.

Current Unassigned Fund Balance	$ 14,670,869.57
General Fund Budgeted Expenditures - 2020	$ 33,688,152.00
All Other Budgeted Funds Requiring Tax Levy - 2020	$ 27,199,151.00

The County's current unassigned fund balance of $ 14,670,869.57 represents approximately **24.09512%** of its governmental funds budgeted expenditures. This level of funding is above the the 12%-15% reserve funding levels set forth in Resolution 72-03 adopted August 26, 2003.

From the policy: 12% is the base per County Board Policy at which point the County would never want to let the unassigned fund balance reserved for working capital go below.

Note:

The amount above (below) the upper limit of 15% which, if above, could be a consideration for unforeseen expenditures	**$ 5,537,774.12**
15% Upper Limit would equate to an unassigned fund balance of	**$ 9,133,095.45**
12% Lower Limit would equate to an unassigned fund balance of	**$ 7,306,476.36**

COUNTY OF DOOR
County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Ken Pabich
County Administrator
(920) 746-2303
kpabich@co.door.wi.us

MEMORANDUM

TO: County Board of Supervisors

FROM: Ken Pabich, County Administrator

DATE: April 21, 2020

RE: Monthly Report

The monthly reports provide an overview of ***significant*** operational or capital projects for the organization that are above the ordinary day to day operations of the organization.

Operational Projects

Millpond Project:

- What: The County is drawing down the Millpond to compact the sediment over a two-year period.
- Status: Valve is still wide open and water levels are fluctuating with the spring rains.

Special Studies:

- The Sheriff is completing an operational study of the department to look for short- and long-term operation efficiencies. Status: In progress. The plan is expected to be completed in May.
- The Treasurer's office is having an operational study completed to ensure transition to the tax collection software. Status: In progress. The plan is expected to be completed in June or July.

Capital Projects:

- Cana Island Interpretive Center:
  - What: A new Interpretive Center on Cana Island. Funds were provided by the Maritime Museum through our agreement for them running Cana.
  - Status: Project is complete.

- Washington Island Government Facility:
  - What: We were requested by the Town to find a new location for our Emergency Services (ES) operations. We have also defined a need to have a basic office setup for other departments. The plan was to design something similar to BUG but just for the County facility (i.e. Town is not involved). We are considering two options: (1) New Construction or (2) Conversion of an existing facility.
  - Status: In progress. We are hoping to have the results of the study in May.

- Sheriff – Storage Building:
  - What: A storage building that would hold vehicles as evidence. The building does not have any heat or plumbing.
  - Status: At County Board for approval to proceed with construction.

- 421 Michigan St. (White House):
  - What:
    - The white house has been used for storage of Archive material. The goal is to determine what to do with the house as we move archives out of it.

    - Facilities & Parks (F&P) put out a bid to have the house relocated. It was determined that it cannot be relocated.
  - Status:
    - Health & Human Services can not use the home without significant changes and costs.
    - We are going to go out for bids for razing.

- 56 N 4th Ave. (former Younkers Building):
  - What: We are interested in determining the best long-term use for the building. We know it will house the Archives; however, we want to determine the most cost-effective way to use the rest of the building.
  - Status:
    - We have an architectural firm working with the County to develop layout options. We did conduct public input meetings and some of those comments have been incorporated by the Architect.
    - Facilities & Parks requested additional numbers for building options. These will be presented at the next meeting.
    - At the last County Board is was requested that we provide a summary of expenses to date on the building which is provided below.

54N 4th Ave - Old Younkers Building			
	2019 Expense	Adopted 2020 Budget	2020 Expense
Heat- Gas	$ 1,886.18	$ 18,500.00	$ 2,070.77
Utilities	$ 4,318.91	$ 15,500.00	$ 928.85
R&M Building	$ 35,802.18	$ 6,500.00	$ 9,339.70
Service Contract	$ 1,214.40	$ 4,000.00	$ 649.90
R&M Equipment	$ 14,962.11	$ 5,500.00	$ 454.37
Building Cost (Purchase Price)	$ 503,751.13		
Taxes	$ 18,003.89		
	$ 579,938.80	**$ 50,000.00**	**$ 13,443.59**
Total Cost Spent thru 4/10/2020			**$ 593,382.39**

- John Miles Park Entrance:
  - What: A new entrance gate was approved in the 2020 CIP plan for John Miles Park.
  - Status:
    - It was requested by the Fair Board to use the funds towards a new stage instead.
    - F&P is working with the Fair Board to determine the best path forward.
    - If the project is changed, it would require approval of the full County Board.

- Government Center and Justice Center LED Lighting Conversion:
  - What: CIP Funds were planned to upgrade the lighting at the Justice Center and Government Center.
  - Status: Justice Center is in progress. Government Center has not yet started.

- Airport Maintenance Building:
  - What:
    - A new maintenance facility is needed to replace the existing facility (it is literally rotting).
    - We are exploring two options: (1) New Facility or (2) Conversion of existing hangar.
    - Under either option the existing building would be razed.
  - Status: Review of the two options is in the planning / design phase and will be brought back to the Highway and F&P Committees for review.

- Justice Center & Government Center Meeting Room Upgrades:

- What: Both the Justice Center and Government Center were approved to have technology upgrades to the primary meeting rooms.
- Status: Project is in the planning process and was discussed at the February Administrative Committee meeting to determine long term needs for recording meetings. Depending on the path moving forward, the project may need to be redesigned.

- Library Boiler:
  - What: The boiler at the library is scheduled to be replaced in 2020. The boiler is funded 50/50 between the City and the County.
  - Status: Started.

MINUTES Tuesday, March 31, 2020	DOOR COUNTY BOARD OF SUPERVISORS	*Door County Government Center* *County Board Room (C101), 1st floor* *421 Nebraska Street, Sturgeon Bay, WI*

Call Meeting to Order
The March 31, 2020 Door County Board of Supervisors meeting was called to order at 9:08 a.m. by Chairman David Lienau at the Door County Government Center.

Lienau led the Pledge of Allegiance to the Flag.

Roll Call by County Clerk to Establish a Quorum
Roll call was taken – 17 County Board Members were physically present – Daniel Austad, Helen Bacon, Bob Bultman, David Englebert, Roy Englebert, David Enigl, Ken Fisher, Randy Halstead, Alexis Heim Peter, Jon Koch, Susan Kohout, David Lienau, Megan Lundahl, John Neinas, Nancy Robillard, Richard Virlee, and Laura Vlies Wotachek. 4 County Board Members appeared virtually - Vinni Chomeau, Joel Gunnlaugsson, Nissa Norton, and Linda Wait

Presentation of Agenda
Motion by Enigl, seconded by Bacon to approve the agenda. Motion carried by unanimous voice vote.

Correspondence
- Unassigned Fund Balance

Public Comment
The following persons commented:
- State Representative Joel Kitchens
- Christine Reid, Forestville

Supervisors Response
None given.

Administrator's Monthly Report
No specific update/report this month.

Approval of Minutes of the February 25, 2020 County Board Meeting and the March 17, 2020 Emergency County Board Meeting
Motion by Virlee, seconded by Fisher to approve the minutes of the February 25, 2020 County Board meeting. Motion carried by unanimous voice vote.

Motion by Koch, seconded by Virlee to approve the minutes of the March 17, 2020 emergency County Board meeting. Motion carried by unanimous voice vote.

Pending Business/Updates
Discussions and Conclusions Regarding Impacts of COVID-19 Pandemic
Public Health Manager Sue Powers updated the Board on the recent announcement of a confirmed case of COVID-19 in the County. Public Health is working on a daily basis to follow-up and to contact individuals who may have been in contact with this individual. The individual is a resident of Door County who traveled outside of the County but within the State. Powers reviewed the steps taken when notified of a COVID-19 case.

Emergency Management Director Dan Kane noted the emergency operations center is up and running and has been working well. Through the State Emergency Management, a survey has been taken to determine what law enforcement and emergency personnel needs are. Results of the survey should be coming soon.

Review of steps taken to protect Sheriff Deputies and Emergency Services staff. Review of Door County Hospital supplies.

Discussion and suggestions regarding the 3x per week reporting. Suggested the 3x week report include the words “known cases” rather than just cases. Review of the Highway Department operations.

Resolutions
2020-20 In Memoriam – Jan Sixel
Motion by Fisher, seconded by D. Englebert to approve Resolution 2020-20 - Recognition in honor of the achievements Jan attained during his tenure as a County Board Supervisor.

The resolution was read aloud by Supervisor Fisher

Motion carried by voice vote.

2020-21 International Migratory Bird Day
Motion by Austad, seconded by Virlee to approve Resolution 2020-21 – Proclaiming the second Saturday in May as International Migratory Bird Day in the County of Door.

Motion carried by voice vote.

2020-22 Families First Coronavirus Response Act (Additional FMLA & Temporary Paid Sick Leave) Policy
Motion by Fisher, seconded by Kohout to approve Resolution 2020-22 – Adoption of the Emergency Family and Medical Leave Expansion Action (EFMLEA), and the Emergency Paid Sick Leave Act (EPSLA) and the EPSLA Temporary Supplemental Policies.

CC Thomas explained this is in response to the COVID-19 virus. There is little the County can change as this is a federal act. CC Thomas reviewed the process of how an employee would use the leave. Administrator Pabich reviewed the process used to determine who could work from home, work in the building, and who would use their SPL. Pabich reviewed the approximate number of employees working from home and employees using the SPL bank. CC Thomas noted the County is working with the represented employees and their contracts. Administrator Pabich noted the County is continually assessing how the work from home employees are progressing. CC Thomas noted the only limiting factor right now are the work duties that aren’t accessible to work from home.

Motion carried by roll call vote with all 21 Members voting Yes.

2020-23 Resolution -Temporary COVID-19 Telework Arrangements
Motion by Vlies Wotachek, seconded by Lundahl to approve Resolution 2020-23 – Approval of the temporary telework as an option for particular (but not all) positions, based largely on whether the work performed is suitable for telework on a temporary basis.

This allows employees to work from home during the emergency situation we are under right now.

Motion carried by voice vote.

2020-25 Approval of Gift, Grant and/or Donation to the Facilities & Parks Department – Memorial Benches
Motion by Austad, seconded by Fisher to approve Resolution 2020-25 – Approval of the acceptance of the donation from Mary M. Bauhs valued at $1,500 for a memorial bench and from Karen Ash valued at $1,285 for a memorial bench and tree as a benefit to Frank E. Murphy Park and John Miles County Park.

Motion carried by roll call vote with all 21 Members voting yes.

2020-26 Approval of Gift, Grant and/or Donation to the Facilities & Parks Department – Enclosed Trailer
Motion by Austad, seconded by Bultman to approve Resolution 2020-26 – Acceptance of the donation from The Friends of the Parks LLC valued at $2,400 to be used towards the purchase of an enclosed trailer to be used primarily in conjunction with Cave tour logistics at Frank E. Murphy County Park and secondarily for Facility and Park operations.

Motion carried by roll call vote with all 21 Members voting Yes.

2020-27 Approval of FAA Antenna & Equipment Space Lease – Door County Cherryland Airport
Motion by Neinas, seconded by Fisher to approve Resolution 2020-27 – Approval of the FAA Antenna and Equipment Space Lease.

Motion carried by roll call vote with all 21 Members voting Yes.

2020-28 County Snowmobile Trail Aid, 2020-21 Snow Season
Motion by Austad, seconded by Virlee to approve Resolution 2020-28 – Approval of the application for funds under Section 23.09(26), Wisconsin Statutes, for aid to counties for snowmobile purposes.

Motion carried by voice vote.

2020-29 Approval of Multi-Discharger Phosphorus Variance Grant
Motion by Fisher, seconded by Halstead to approve Resolution 2020-29 – Approval of the acceptance of the Multi-Discharger Phosphorus Variance Funds from the Village of Casco in the amount of $4,505.32.

County Conservationist Erin Hanson explained the resolution is to accept funding through a statewide program managed by the DNR. This is a first time funding the County has received. The funding will be used to assist to bring landowners into compliance with NR 151 agricultural performance standards to effectively reduce phosphorous.

Motion carried by roll call vote with all 21 Members voting Yes.

2020-30 Approval of Donation for Prohibited Invasive Species Management
Motion by Fisher, seconded by Halstead to approve Resolution 2020-30 – Acceptance of the Wisconsin Department of Natural Resources Prevention and Early Detection Invasive Plant (PEDIP) funding in the amount of $3,500.

Motion carried by roll call vote with all 21 Members voting Yes.

2020-31 Property Taxes – 56 North 4th Avenue, Transfer of Non-Budgeted Funds
Motion by D. Englebert, seconded by Enigl to approve Resolution 2020-31 – Approval of the transfer of $18,004 from the Unassigned Fund Balance to the Younkers Bldg. Land Acquisition Expense Account for payment of the 2019 Real Estate Property Tax bill.

Discussion regarding current expenditures and next steps. The Facilities & Parks Committee is looking at additional options. Under the current circumstances it was suggested the County does not move forward on the project until a more reasonable environment evolves. It was requested the total amount of dollars to date spent be reviewed at the next county board meeting.

Motion carried by roll call vote with all 21 Members voting Yes.

2020-32 County Roads & Bridges Fund, Transfer of Non-Budgeted Funds
Motion by D. Englebert, seconded by Kohout to approve Resolution 2020-32 – Approval of the transfer of $323,138 from the County Roads and Bridges Reserve account to the County Roads and Bridges account to cover the funding deficit.

Administrator Pabich explained the Highway Department experienced a shortfall due to snowplowing. This is the off-set to balance the account. Review of targeted balance in Fund 205. Targeted balance is $500,000.

Motion carried by roll call vote with all 21 Members voting Yes.

2020-33 Approval of Agreement and Transfer of Non-Budgeted Funds for Mail Retention Archiving Solution
Motion by D. Englebert, seconded by Enigl to approve Resolution 2020-33 – Approval to enter into a 7-year contract with Barracuda Message Archiver at a cost of $32,509.68 and approval of the transfer of $11,509.68 from the Contingency Expense account and $23,416.67 from the Unassigned Fund Balance Reserve to the Capital Outlay Technology Services Expense account.

The County has been informed that our current archive vendor will no longer support the product. Technology Services has researched and vetted software products and recommends Barracuda Message Archiver. This was unbudgeted as it was unplanned. This is a 7-year contract.

Motion carried by roll call vote with all 21 Members voting Yes.

2020-34 Approval of Agreement to Amend County Administrator Contract
Motion by Lienau, seconded by Fisher to approve Resolution 2020-34 – Approval of the second amendment to the County Administrator's Contract which shall be effective upon adoption of the resolution.

Chairman Lienau explained this allows the Administrators contract to age with the County's compensation plan. The amendment doesn't guarantee the aging but allows the option of it during the Administrators review. The Administrative Committee has considered this over the past couple of months and worked with HR Director Hendee to draft the language. Discussion followed regarding amending the contract at this time, how the aging of the County Comp Plan works, and economic times. The request to change the contract came about through the Administrator's Annual Review.

Motion by Enigl, seconded by Koch to revise the second amendment to the county administrators contract to change line 6 to the date of December 31, 2023. Motion carried by voice vote.

Motion as amended carried by roll call vote with 13 members voting Yes – Austad, Chomeau, R. Englebert, Fisher, Gunnlaugsson, Heim Peter, Lienau, Lundahl, Neinas, Norton, Robillard, Virlee, and Vlies Wotachek; 8 Members voting No – Bacon, Bultman, D. Englebert, Enigl, Halstead, Koch, Kohout, and Wait.

2020-35 Ratification of Order(s) of County Board Chairman and County Administrator Per Resolution No. 2020-19
Motion by Fisher, seconded by Gunnlaugsson to approve Resolution 2020-35 – A resolution which ratifies the County Administrator and/or County Board Chairperson's authorization to transfer from the General Contingency account up to $5,000 for Facilities & Parks purchase of a special cleaning (fogging) machine and related materials, up to $15,000 for the purchase of work from home equipment and conference room meeting equipment through Technology Services, and up to $5,500 for equipment and supplies for the ADRC Meal program.

Administrator Pabich reviewed the expenditures: cleaning machine for rooms in the buildings, audio/video equipment for work at home and meetings and a freezer for ADRC for frozen home meals.

Motion by Enigl, seconded by Koch to remove the word "or" on line 11. Motion carried by voice vote.

Motion as amended carried by roll call vote with all 21 Members voting Yes.

The Board recessed at 11:07 a.m. and reconvened at 11:19 a.m.

Ordinances
2020-02 Invoking the Authority of §59.10(1), Wis. Stats. to Be a Self-Organized County
Ordinance 2020-02 – Board election that Door County be a self-organized county with authority to act under, among other statutes, Section 59.10(1), Wisconsin Statutes.

CC Thomas noted, in essence, the statutes allow Wisconsin Counites to designate themselves a self-organized county. Self-organization provides the ability for the County to: set staggered supervisor terms,

setting of supervisor compensation, and ability to fill vacancies in the office of county supervisor. Chairman Lienau noted this came about in the event the April 7th Election is delayed. If the Election is delayed the elected offices would be vacant for an indefinite period of time without adoption of this ordinance. Enacting the ordinance does not necessarily enact any of the powers self-organizing gives. Adopting gives the County Board flexibility. A future County Board could revoke the self-organization. Discussion regarding the need to adopt now or postponing and calling an emergency meeting if needed.

Motion by Enigl to postpone ordinance 2020-02 and resolution 2020-24 until the next scheduled county board meeting, seconded by D. Englebert. Discussion of any ramifications of adopting the ordinance today.

Motion carried by roll call vote with 11 Members voting Yes – Austad, D. Englebert, Enigl, Fisher, Halstead, Koch, Lienau, Neinas, Norton, Virlee, and Wait; 10 Members voting No – Bacon, Bultman, Chomeau, R. Englebert, Gunnlaugsson, Heim Peter, Kohout, Lundahl, Robillard, and Vlies Wotachek.

2020-03 Amendment of Chapter 13, Door County Code – Airport Regulations
Motion by Neinas, seconded by Fisher to approve Ordinance 2020-03 – Amendment of Chapter 13, Door County Code.

Neinas noted this is a clean-up of the code due to the combining of the Highway Department and Airport. Many of the revisions are prompted by the recent FAA audit. Discussion regarding hunting on the airport property.

Motion carried by roll call vote with all 21 Members voting Yes.

2020-04 Procedure for Convening County Board in a Declared Emergency Per § 59.11(2)(a), Wis. Stats.
Motion by Koch, seconded by Vlies Wotachek to approve Ordinance 2020-04 – Resolving that the County Board Chairperson or, in his/her absence, Vice Chairperson or County Administrator, is authorized to declare an emergency under this ordinance for the purposes of convening the County Board.

CC Thomas noted it would be better to have a defined process to convene County Board in a declared emergency.

Motion carried by roll call vote with all 21 Members voting Yes.

Supervisor Kohout questioned if the vote was tallied correctly on Ordinance 2020-02. After consultation with CC Thomas a motion was made by Norton, seconded by Lundahl to reconsider. Motion to reconsider carried by roll call vote with 15 Members voting Yes – Austad, Bacon, Bultman, Chomeau, R. Englebert, Gunnlaugsson, Heim Peter, Koch, Kohout, Lienau, Lundahl, Neinas, Norton, Robillard, and Vlies Wotachek; 6 Members voting No – D. Englebert, Enigl, Fisher, Halstead, Virlee, and Wait.

Motion by Fisher, seconded by Virlee to amend the ordinance to include language “be it further resolved that this ordinance does not take effect unless the scheduled election for April 7th is postponed.

Per CC Thomas, the amendment overrides the motion to postpone.

Motion to approve the amendment to the ordinance carried by roll call vote with all 21 Members voting Yes.

Motion to enact 2020-02 as amended made by Fisher, seconded by Norton. Motion carried by roll call vote with all 21 Members voting Yes.

Resolutions
2020-24 Declaring and Filling Vacancies on the County Board if April 7, 2020 Election is Postponed
Motion by Fisher, seconded by Kohout to adopt Resolution 2020-24 as drafted. A resolution resolving that if the April 7, 2020 election is postponed beyond April 20, 2020, then each current incumbent seeking reelection to the county board of supervisors is hereby appointed to serve a temporary, interim term

beginning April 21,2020 and continuing only until the election is held and supervisors are elected for a full term and take office.

CC Thomas explained those who declared their non-candidacy would not be appointed to an interim term. If a significant amount of time is required until an election can be held it would allow the County Board Chairman and Board an option to appoint persons to fill those vacancies.

Motion carried by roll call vote with 20 Members voting Yes; 1 Member voting No – D. Englebert.

Special Reports
Summary of Accomplishments: April 2018 – April 2020 Term
Chairman Lienau reviewed the memo included in the meeting packet and thanked supervisors for their service.

New Business
Evaluation Process for County Administrator
Postponed.

Oral Committee Reports
Reviewed.

Review Committee Minutes
Reviewed.

Review Vouchers, Claims and Bills
Reviewed.

Announcements
- Next Regular County Board Meeting – Organizational Meeting – April 21, 2020 – 9:00 a.m.

Meeting Per Diem Code
331.

Adjourn
Motion by Neinas, seconded by Fisher to adjourn. Time 12:52 p.m. Motion carried by voice vote.

Respectfully submitted by Jill M. Lau, County Clerk

DOOR COUNTY

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD	X		
BACON	X		
BULTMAN	X		
CHOMEAU			X
D. ENGLEBERT	X		
R. ENGLEBERT	X		
ENIGL	X		
FISHER	X		
GUNNLAUGSON	X		
HALSTEAD	X		
HEIM PETER	X		
KOCH	X		
KOHOUT	X		
LIENAU	X		
LUNDAHL	X		
NEINAS	X		
NORTON	X		
ROBILLARD	X		
SCHULTZ	X		
VIRLEE	X		
VLIES WOTACHEK	X		

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve — Adopted [X]

1st Norton — Defeated [ ]

2nd Lundahl

Yes: 20 No: 0 Exc: 1

Reviewed by: _____, Corp. Counsel

Reviewed by: _____, Administrator

FISCAL IMPACT: If the County shuts down, Employees receiving Supplemental Paid Leave bank the estimated cost would be $760,000.00. There are no additional County funds needed to cover this cost. STW

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 17th day of March, 2020 by the Door County Board of Supervisors.

Jill M. Lau
County Clerk, Door County

Resolution No. 2020-19

RATIFICATION, ALTERATION, MODIFICATION OR REPEAL OF MARCH 16, 2020 PROCLOMATION DECLARING A STATE OF EMERGENCY

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, On March 16, 2020, Door County Board Chairman David Lienau and Door County Administrator Ken Pabich by proclamation declared that a state of emergency exists in Door County because of the COVID-19 pandemic consistent with *Section 323.14(4)(a), Wisconsin Statutes*; and

WHEREAS, Pursuant to *Section 323.14(4)(a), Wisconsin Statutes* the proclamation is "...subject to ratification, alteration, modification or repeal by the County Board as soon thereafter as the Board can meet, but the subsequent action taken by the governing body shall not affect the prior validity of the proclamation...".

WHEREAS, On March 16, 2020, Door County Board Chairperson David Lienau and Door County Administrator Ken Pabich additionally issued administrative orders that appear necessary and expedient for the health, safety, protection, and welfare of persons and property within Door County; *and*

WHEREAS, It is deemed appropriate and necessary to provide Door County Board Chairperson David Lienau and Door County Administrator Ken Pabich the general authority to order, subject to ratification if practicable, whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within Door County in the emergency; *and*

WHEREAS, The County Board and its subunits could be prevented from meeting physically, by reason of the COVID-19 pandemic, and may need to do virtual meetings; and

NOW,THEREFORE, BE IT RESOLVED, That the Door County Board of Supervisors hereby ratifies the March 16, 2020, Proclamation Declaring a State of Emergency in Door County, (attached hereto and incorporated herein by reference) by Door County Board Chairman David Lienau and Door County Administrator Ken Pabich.

BE IT FURTHER RESOLVED, That the Door County Board of Supervisors hereby ratifies the March 16, 2020, Administrative Orders (attached hereto and incorporated herein by reference) issued Door County Board Chairman David Lienau and Door County Administrator Ken Pabich.

BE IT FURTHER RESOLVED, That the Door County Board of Supervisors hereby vests Door County Board Chairperson and Door County Administrator with the general authority to order, subject to ratification if practicable, whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within Door County in the emergency.

BE IT FURTHER RESOLVED, That meetings of subunits of the Door County Board are hereby suspended until further notice.

BE IT FURTHER RESOLVED, As the Door County Board is prevented from meeting physically, by reason of the COVID-19 pandemic and related public health concerns, the County Board Chairperson or designee has the authority to declare the need for and hold a virtual meeting of the County Board that is reasonably accessible (i.e., accessible remotely only) and otherwise consistent with Wisconsin's Open Meetings Law.

SUBMITTED BY:

Dave Lienau, Chairman
Door County Board of Supervisors

Ken Pabich
County Administrator

DOOR COUNTY

Resolution No. 2020-36

2019 CARRY FORWARDS FROM GENERAL FUND ACCOUNTS

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD			
BULTMAN			
CHOMEAU			
COUNARD			
D. ENGLEBERT			
R. ENGLEBERT			
ENIGL			
FISHER			
GUNNLAUGSSON			
HEIM PETER			
KOHOUT			
LIENAU			
LUNDAHL			
NORTON			
ROBILLARD			
TAUSCHER			
THAYSE			
VIRLEE			
VLIES WOTACHEK			
VOGEL			

BOARD ACTION

Vote Required: Two-thirds of entire membership

Motion to Approve Adopted ☐

1st _____ Defeated ☐

2nd _____

Yes: _____ No: _____ Exc: _____

Reviewed by:

_____, Corp. Counsel

Reviewed by:

_____, Administrator

FISCAL IMPACT: Project funds or grants that are ongoing are non-lapsed or carried forward to the next budget year. There is no additional fiscal impact on the 2020 budget. STW

Certification:

I, Jill M. Lau , Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 21st day of April, 2020 by the Door County Board of Supervisors.

_____

Jill M. Lau
County Clerk, Door County

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, In accordance with Section 65.90(5)(a) Wisconsin Statutes and Rules of Order #19 the amounts of the various appropriations and the purposes for such appropriations stated in a budget may not be changed unless authorized by a vote of two-thirds of the entire membership of the County Board of Supervisors; and

WHEREAS, Carry forwards arise when there is a committed contract or project that was budgeted in one year and will not be completed until the following year and where the County has various grant projects that continue to provide programming as directed by the specific nature of the grant into the next year; and

WHEREAS, Those funds are available until the contracts or projects are completed; and;

WHEREAS, It is recommended that $647,428.07 be transferred from the respective non-lapsing accounts in 2019 to the respective non-lapsing accounts in 2020 (see attached listing) in accordance with the Finance Committee adopted Carryover of Funds from One Year to the Next procedure/policy. Policy attached.

NOW, THEREFORE, BE IT RESOLVED, That the Door County Board of Supervisors does hereby approve the request made to transfer $647,428.07 from the 2019 non-lapsing account to the respective 2020 non-lapsing accounts (see attached listing) to be expended in 2020 budget year.

SUBMITTED BY:

_____

David Lienau, Chairman
Door County Board of Supervisors

Attachment to Resolution 2020-36

DOOR COUNTY
Carry Forwards Approved by Finance Committee

Amounts Carried Forward from 2019 to 2020

Department	Account	Description	Amount	
General Administration	100.06.1161.51207	Unemployment Compensation	$ 14,656.45	
	100.06.1161.59103	Contingency Expense	$437,198.55	
		Subtotal		$451,855.00
Technology Services	100.13.1106.69901.00037	Capital Outlay Bldg.Maintenance (Park's Project Management Software)	$ 4,350.00	
	100.13.1106.69901.00013	Capital Outlay Tech.Services (Dual Factor Authentication)	$ 74,800.00	
	100.13.1106.54101	Conference Fees & Training (Citrix In-House Training)	$ 6,000.00	
	100.13.1106.52302.6943	SC-Sturgeon Bay CAN (Maintenance of Fiber Optic Network))	$ 43,384.53	
		Subtotal		$128,534.53
Soil & Water Conservation	100.31.6107.52101	Professional Services (Multi-Year Well Testing Project)	$ 10,386.00	
		Subtotal		$ 10,386.00
Airport	100.53.4201.69901	Airport Capital Outlay (Budgeted Match for Airport Entitlement Funds)	$ 37,902.54	
		Subtotal		$ 37,902.54
Finance Department	100.48.1102.52103	Independent Audit/Accounting (for Additional Audit Expenses)	$ 8,000.00	
	100.48.1102.52114	Investment Advisor	$ 6,000.00	
	100.48.1102.52127	Independent Actuary/OPEB (for Biennial OPEB Calculations)	$ 4,750.00	
		Subtotal		$ 18,750.00
Total Amount to be Transferred from Unassigned Fund Balance (#100.33101) to Designated for Subsequent Year's Budget (#100.33102)				**$647,428.07**

DOOR COUNTY
FINANCE COMMITTEE PROCEDURES/POLICIES

ISSUE DATE: 03/19/04

STANDARD PROCEDURE

REVISION DATE:

Carryover of Funds from One Year to the Next

Carryover of Funds from One Year to the Next

At the end of a given year, County departments may have monies remaining from their budgets from the closing year. The net effect of all departments at year-end flows directly into the Undesignated Fund Balance. The development of a carryover appropriation policy will improve the financial operation of the County by eliminating various questions and other issues that continually arise. This policy/procedure explains the areas in which the carrying over of these funds from one year into the next year is deemed appropriate and acceptable. The carryover policy/procedures also gives guidance for the process.

Definition:

A carryover is the moving of unused budgeted dollars from one year to the next.

(1) Carryovers arise when there is a committed contract or project that was budgeted in one year and will not be completed until the following year.

(2) Carryovers arise when there is no contract, project or purchase commitment at year end but a department wishes to obtain permission to expend unused budget dollars in a succeeding year.

Effects of Carryovers funds:

An approved carryover will be placed in a designated fund "Designated for Subsequent Year Expenditures". The Undesignated Fund Balance will be reduced by the amount being approved for use in the subsequent year.

Designated funds cannot be considerations in the formula for calculation of a possible tax levy offset during the budget process.

Without a policy/procedure, designated funds could create a situation where the annual budget is circumvented by allowing a large number of expenditures to be incurred that are not approved in the annual budget. In the opinion of the external auditors, designated funds of a government should be kept to a minimum.

Carryover Policy Conditions:

- **Federal and state funds (or program income) (grants) remain unspent at year-end and are legally required to be spent on a specific program.**
- **A construction or outlay project is in progress and funds were budgeted in the current year to finance completion of the project.**

DOOR COUNTY
FINANCE COMMITTEE PROCEDURES/POLICIES

ISSUE DATE: 03/19/04

STANDARD PROCEDURE

REVISION DATE:

Carryover of Funds from One Year to the Next

- **A designated fund was established to provide funded depreciation or replacement resources to be used for future outlay purchases or projects (i.e. vehicle replacement designated fund).**
- Non-capital outlay items (operations), the amount can be carried over to a like object budget line item. These items must be detailed as to the reason for the carryover.
- Unexpended budgets cannot be simply carried forward unless there is a specific item requested to be rolled over.
- A department may not carry over funding because they feel they will be short in the next year.
- Carryovers must be for a specific item and the request must include an explanation as to why it wasn't budgeted during the budget process.
- Carryovers will be limited to the lessor of the amount requested or the amount available under that budget line item.

Carryover Request Instructions:

Fill out a **Request for Year End Carryover**. This is located on the "P" Drive, Finance, Forms and Template, Year End Carryover Template.

1) **Department Name**
2) **Oversight Committee approval and date approved, month, day and year**
3) **Account** – Include Account Name, Fund, Dept #, Sub-Dept, Account # and Detail account if applicable
4) **Amount** – Give the amount of the carryover.
5) **Reason for Carryover** – State the specific reason for the carry over request (i.e. what will be purchased or the expenditure)
6) **Preparer's Signature**
7) **Department Heads Signature**
8) **Date**

Submit oversight committee approved request to the Finance Director for verification and inclusion with that years' carryover listings. All approved requests are to be submitted to the Finance Director by the end of the third (3rd) week in March.

DOOR COUNTY

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD			
BULTMAN			
CHOMEAU			
COUNARD			
D. ENGLEBERT			
R. ENGLEBERT			
ENIGL			
FISHER			
GUNNLAUGSSON			
HEIM PETER			
KOHOUT			
LIENAU			
LUNDAHL			
NORTON			
ROBILLARD			
TAUSCHER			
THAYSE			
VIRLEE			
VLIES WOTACHEK			
VOGEL			

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve Adopted ☐

1st _____ Defeated ☐

2nd _____

Yes: _____ No: _____ Exc: _____

Reviewed by:

_____, Corp. Counsel

Reviewed by:

_____, Administrator

FISCAL IMPACT: The remaining budget for this project in 2020 is $326,433.22. STW

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 21st day of April, 2020 by the Door County Board of Supervisors.

_____

Jill M. Lau
County Clerk, Door County

Resolution No. 2020-37

DCSO COLD STORAGE FACILITY PROJECT

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, Integrity Engineering & Design, LLC was retained to provide design professional (architectural/engineering) services for the DCSO Cold Storage Facility Project (hereafter "Project"); *and*

WHEREAS, The Design Development Phase and Construction Documents Phase services have been completed for the Project [See: Resolution No.'s 2019-17 and 2019-84]; *and*

WHEREAS, The Project was competitively bid, responsive bids were timely received from seven contractors [See: Facilities and Parks Director Spritka's April 7, 2020 Memo and Integrity Engineering & Design, LLC's April 7, 2020 Memo] and Keller, Inc., with a base bid of $269,995, and Alternative 1 ($17,450), is considered the lowest responsible bidder; *and*

WHEREAS, Capital planning for this project has been done, as part of County's current Capital Improvement Plan, funds totaling $350,000.00 have been set aside, and the sum of $326,433.22 remains available for the Project; *and*

WHEREAS, The Project serves a public purpose, and it is deemed to be advantageous to the County to proceed with the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Door County Board of Supervisors**,** that the Construction Phase of the Project is hereby authorized to proceed.

BE IT FURTHER RESOLVED, by the Door County Board of Supervisors**,** that the contract be awarded to the lowest responsible bidder, i.e., Keller, Inc., with a base bid of $269,995, and Alternative 1 ($17,450).

BE IT FURTHER RESOLVED, by the Door County Board of Supervisors**,** that the County Administrator or his designee, subject to the general oversight of the Facilities and Parks Committee, is authorized to see the Project through to completion.

SUBMITTED BY:

_____

David Lienau, Chairman
Door County Board of Supervisors

Back-Up Information to Resolution 2020-37

County of Door
FACILITIES & PARKS DEPARTMENT
County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Wayne Spritka
Facilities & Parks Director
(920) 746-2211
Mobil 920-495-2131
wspritka@co.door.wi.us

MEMORANDUM

TO: Door County Administrator
Door County Board of Supervisors, Chairman

FR: Wayne J. Spritka W.J. Spritka
Director, Facilities and Parks

SUBJECT: DOOR COUNTY SHERIFF'S STORAGE GARAGE –BID RECOMMENDATION

DATE: April 7, 2020

The County conducted the bid opening for the Door County Sheriff garage storage building with the the Architect of record, Integrity Engineering & Design on 4-2-20. Concurrent with the Architect's recommendation, the Facilities and Parks Department recommends Keller, Inc for the construction of the Door County Sheriff's Storage Garage. The recommended award would consist of the base bid of $269,995.00 and the Alternate #1 of $17,450.

The Facilities & Parks Department concurs with Integrity Engineering & Design to recommend that Keller, Inc as the general contractor on the project. Recommendation is based on the following:

- Keller Inc, is the low qualifying bidder and will provide the best opportunity to keep the project within the approved budget
- Keller,Inc is a reputable and experienced contracting firm in Wisconsin who has meet the prequalification requirements of the project.
- The Facilities and Parks Department has worked with Keller, Inc to complete numerous government related construction projects.

Attachments:
-Bid Opening Summary 4-2-20
-Recommendation letter from Integrity Engineering & Design, LLC 4-7-20
-Draft Budget worksheet and projections 4-7-20

#

INTEGRITY
ENGINEERING & DESIGN, LLC

Date: April 7, 2020

To: Door County Facilities and Parks Director
421 Nebraska Street
Sturgeon Bay, WI 54235
Attn: Mr. Wayne Spritka

From: Integrity Engineering & Design, LLC

RE: **Door County Sheriff's Storage Garage – Bid Recommendation**

Following the bid opening that occurred on 4-2-2020, it was determined that seven out of the eight submitted bids were acceptable per the requirements set forth in the bid documents. The apparent low bidder, A.C.E. Building Service Inc., should not be considered for this project as a result of not meeting the submittal requirements. Looking at the bid results when considering Alternate #1, Keller, Inc. would be deemed the qualifying low bidder on the project.

It is Integrity Engineering & Design's recommendation that Keller, Inc. be selected as the general contractor on the project based on the following:

- Selecting the low qualifying bidder will provide the best opportunity at keeping the project within the budget constraints.
- Keller, Inc. is a reputable and experienced general contracting firm in Wisconsin.
- Keller, Inc. has completed numerous government related construction projects within Door County and understands the working relationship required to complete these projects.

Door County Sheriff's Storage Garage

Bid Opening: 4/2/2020
10:00 AM

Contractor	Proof of Responsibility Met	Addendum Acknowledgement	Bid Bond Requirement Met	Base Bid Amount	Alternate #1 Bid Amount	Alternate #1 Bid Amount
Quasius Construction, Inc.	Yes	Yes	Yes	$ 353,286.00	$ 18,800.00	$ 372,086.00
Keller, Inc.	Yes	Yes	Yes	$ 269,995.00	$ 17,450.00	$ 287,445.00
DeLeers Construction, Inc.	Yes	Yes	Yes	$ 339,072.00	$ 20,365.00	$ 359,437.00
A.C.E. Building Service, Inc.	Yes	No	Yes	$ 268,190.00	$ 19,227.00	$ 287,417.00
Heyrman Construction Co, Inc.	Yes	Yes	Yes	$ 279,778.00	$ 19,829.00	$ 299,607.00
Alliance Construction & Design, Inc.	Yes	Yes	Yes	$ 298,770.00	$ 19,027.50	$ 317,797.50
Cardinal Construction Co., Inc.	Yes	Yes	Yes	$ 306,984.00	$ 18,400.00	$ 325,384.00
Mike Koenig Construction Co., Inc.	Yes	Yes	Yes	$ 304,000.00	$ 41,000.00	$ 345,000.00
						$ -
						$ -
						$ -
						$ -
						$ -
						$ -

PROJECTED SHERIFF GARAGE

PLANNED FUNDS AVAILABLE AND EXPENSES PAID THRU 4-10-20

Back-Up Information to Resolution 2020-37

Date	Description	CIP Planning				Totals	
	SOURCES OF FUNDS						
2018	2019 CIP Budget	$200,000.00		$0.00	$0.00	$200,000.00	
2019	2020 CIP Budget	$150,000.00		$0.00	$0.00	$150,000.00	
		$0.00		$0.00	$0.00	$0.00	
		$0.00	$0.00	$0.00	$0.00	$0.00	
		$0.00	$0.00	$0.00	$0.00	$0.00	
	Total Funds Available	**$350,000.00**	**$0.00**	**$0.00**	**$0.00**	**$350,000.00**	
	USES OF FUNDS						
2019	Keller Architects	$0.00	$0.00	$0.00	-$750.00	-$750.00	
	Gannet	$0.00	$0.00	$0.00	-$16.78	-$16.78	
	Integrity Engineering & Design	$0.00	$0.00	$0.00	-$14,000.00	-$14,000.00	
					$0.00	$0.00	
					$0.00	$0.00	
	Subtotal - Paid in 2019	$0.00	$0.00	$0.00	-$14,766.78	-$14,766.78	
2020	Integrity Engineering & Design	$0.00	$0.00	$0.00	-$8,200.00	-$8,200.00	
	Gannett -const Bid RFP	$0.00	$0.00	$0.00	$0.00	$0.00	
	SBU-Utilities	$0.00	$0.00	$0.00	$0.00	$0.00	
	State Plan Certifiacation Fee	$0.00	$0.00	$0.00	-$600.00	-$600.00	
		$0.00	$0.00	$0.00	$0.00	$0.00	
		$0.00	$0.00	$0.00	$0.00	$0.00	
		$0.00	$0.00	$0.00	$0.00	$0.00	
		$0.00	$0.00	$0.00	$0.00	$0.00	
		$0.00	$0.00	$0.00	$0.00	$0.00	
		$0.00	$0.00	$0.00	$0.00	$0.00	
	Subtotal - Paid in 2020 Year-to-Date	$0.00	$0.00	$0.00	-$8,800.00	-$8,800.00	
Remaining	Estimates						
2020	Architect -Integrity- Design Development phase I				$0.00	$0.00	
	Architect- Integrity Construction Docs phase II				-$12,300.00	-$12,300.00	Integrity
	Site Survey engineering				-$2,491.00	-$2,491.00	
	Construction Costs				-$269,995.00	-$269,995.00	BID
	Contingency 7%				-$18,525.00	-$18,525.00	
	Utilities				-$5,000.00	-$5,000.00	SBU
	Gannett				-$22.22	-$22.22	
	Builders Risk Insurance				-$650.00	-$650.00	
	Alt #1 paving				-$17,450.00	-$17,450.00	BID
					$0.00	$0.00	
					$0.00	$0.00	
					$0.00	$0.00	
					$0.00	$0.00	
					$0.00	$0.00	
	Subtotal for 2020	$0.00	$0.00	$0.00	-$326,433.22	-$326,433.22	
	Total Expenses				**-$326,433.22**	**-$350,000.00**	
	Total Spent - 2019	$14,766.78		Total Funds Available		$350,000.00	
	Total Spent - 2020	$8,800.00		Total Expenses Estimated		-$350,000.00	
	Total Spent to Date	$23,566.78		Total Funds Remaining		$0.00	
	401.51.7190.69901.00028						

DOOR COUNTY

Resolution No. 2019-84

APPROVAL OF DESIGN DEVELOPMENT FOR THE DOOR COUNTY SHERIFF'S DEPARTMENT VEHICLE STORAGE AND EVIDENCE FACILITY PROJECT

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD	X		
BACON	X		
BULTMAN		X	
CHOMEAU	X		
D. ENGLEBERT	X		
R. ENGLEBERT	X		
ENIGL	X		
FISHER	X		
GUNNLAUGSSON	X		
HALSTEAD	X		
HEIM PETER	X		
KOCH	X		
KOHOUT	X		
LIENAU	X		
LUNDAHL	X		
NEINAS	X		
NORTON	X		
ROBILLARD	X		
VIRLEE	X		
VLIES WOTACHEK	X		
WAIT	X		

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve — Adopted ☐

1st Austad — Defeated ☐

2nd Kohout

Yes: 20 No: 1 Exc: 0

Reviewed by: _____, Corp. Counsel

Reviewed by: _____, Administrator

FISCAL IMPACT: The 2019 Budget includes $200,000 in budgeted expenditures for this project. The 2020 Budget includes $150,000 in budgeted expenses for this project. STW

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 17th day of December, 2019 by the Door County Board of Supervisors.

Jill M. Lau
County Clerk, Door County

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, Capital planning for this Project has been done, as part of the County's current Capital Improvement Plan, and funds totaling three hundred fifty thousand dollars ($350,000) have been set aside for this Project; *and*

WHEREAS, Retention of a design professional and needs assessment was authorized by Resolution No. 2019-17 for the design development and estimating phase. The design development and cost estimates were favorably reviewed by the Facilities and Parks Committee; and

WHEREAS, It is deemed appropriate to proceed with the construction documents phase, competitive bidding phase, and the construction phase services for this project; and

WHEREAS, This Project is considered to be advantageous to the County, and serves public purposes; and

WHEREAS, This Project has been reviewed, and is viewed favorably, by the Public Safety Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Door County Board of Supervisors, that the County Administrator or his designee(s), subject to the general oversight of the Facilities and Parks Committee, is authorized to proceed with the construction documents phase, competitive bidding phase, and the construction phase services for this project.

BE IT FURTHER RESOLVED, by the Door County Board of Supervisors, that up to three hundred fifty thousand dollars ($350,000), may be expended for this Project.

BE IT FURTHER RESOLVED, by the Door County Board of Supervisors, that the review requirements of Resolution 2019-17 have been met.

SUBMITTED BY:
Facilities & Parks Committee

Dan Austad, Chairperson

Randy Halstead

Helen Bacon

Susan Kohout

Roy Englebert

Richard Virlee

Ken Fisher

DOOR COUNTY

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD	X		
BACON	X		
BULTMAN	X		
CHOMEAU	X		
D. ENGLEBERT	X		
R. ENGLEBERT	X		
ENIGL			X
FISHER	X		
GUNNLAUGSSON	X		
HALSTEAD	X		
KOCH	X		
KOHOUT	X		
LIENAU	X		
LUNDAHL	X		
NEINAS	X		
NORTON	X		
ROBILLARD	X		
SCHULTZ			X
VIRLEE	X		
VLIES WOTACHEK	X		
WAIT	X		

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve — Adopted [X] — Defeated [ ]

1st Austad

2nd Virlee

Yes: 19 No: 0 Exc: 0

Reviewed by: _____ Corp. Counsel

Reviewed by: _____ Administrator

FISCAL IMPACT: The 2019 Budget includes $200,000 in budgeted expenditures for this project. STW

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 26th day of February, 2019 by the Door County Board of Supervisors.

Jill M. Lau
County Clerk, Door County

Resolution No. 2019-17
DOOR COUNTY SHERIFF'S DEPARTMENT
COLD STORAGE AND EVIDENCE FACILITY PROJECT

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, Capital planning for this Project has been done, as part of County's current Capital Improvement Plan, and funds totaling two hundred thousand dollars ($200,000) have been set aside for this Project; *and*

WHEREAS, Retention of a design professional for the design development phase (and, *if authorized to proceed*, construction documents phase, competitive bidding phase, and construction phase) services for this Project is reasonably necessary; *and*

WHEREAS, It is deemed appropriate to proceed with a needs assessment and design development phase services for this Project.

WHEREAS, This Project is considered to be advantageous to the County, and serves public purposes; and

WHEREAS, This Project has been reviewed, and is viewed favorably, by the Public Safety Committee.

NOW, THEREFORE, BE IT RESOLVED, By the Door County Board of Supervisors, that the County Administrator or his designee(s), subject to the general oversight of the Facilities and Parks Committee, is authorized to proceed with the design development phase of this Project...including the retention of a design professional.

BE IT FURTHER RESOLVED, That up to fourteen thousand dollars ($14,000), may be expended for the design development phase of this Project.

BE IT FURTHER RESOLVED, That the design development documents and estimate of the cost of the work will be submitted to the County Board for review and approval before proceeding with the construction documents, competitive bidding, and construction phases.

SUBMITTED BY:
Facilities & Parks Committee

Dan Austad, Chairperson

Randy Halstead

Helen Bacon

Susan Kohout

Roy Englebert

Richard Virlee

Ken Fisher

DOOR COUNTY

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD			
BULTMAN			
CHOMEAU			
COUNARD			
D. ENGLEBERT			
R. ENGLEBERT			
ENIGL			
FISHER			
GUNNLAUGSSON			
HEIM PETER			
KOHOUT			
LIENAU			
LUNDAHL			
NORTON			
ROBILLARD			
TAUSCHER			
THAYSE			
VIRLEE			
VLIES WOTACHEK			
VOGEL			

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve Adopted ☐

1st _____ Defeated ☐

2nd _____

Yes: _____ No: _____ Exc: _____

Reviewed by:

_____, Corp. Counsel

Reviewed by:

_____, Administrator

FISCAL IMPACT: The adoption of this resolution accepts the donation and allows the ADRC to use the monies as designated. No other fiscal implication. STW

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 21st day of April, 2020 by the Door County Board of Supervisors.

_____

Jill M. Lau
County Clerk, Door County

Resolution No. 2020-38

APPROVAL OF DONATION TO THE AGING AND DISABILITY RESOURCE CENTER OF DOOR COUNTY

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, Section 59.52(19) Wis. Stats. empowers the County Board to accept donations, gifts, or grants of money for any public governmental purpose within the powers of the County; and

WHEREAS, Resolution 75-84 entitled "Gifts, Grants & Donations to the County of Door" requires approval of the Door County Board of Supervisors, for acceptance of all donations, gifts, and grants whether in the form of money, or personal or real property; and

WHEREAS, Rule of Order # 38, entitled 'Donations, Gifts or Grants', authorized an oversight committee to accept donations, gifts or grants; requires County Board be provided notice of any donation, gift or grant in excess of $1,000 prior to acceptance; and requires that an itemized report of all donations, gifts or grants shall be submitted to the county board on an annual basis; and

WHEREAS, The Aging and Disability Resource Center of Door County received an anonymous donation of fifty thousand dollars ($50,000) on March 20, 2020; and

WHEREAS, Acceptance of this donation, for the benefit of the ADRC, is deemed to be in the public's interest and serves public purposes.

NOW THEREFORE, BE IT RESOLVED, That the Door County Board of Supervisors does hereby accept the anonymous donation of fifty thousand dollars ($50,000) to the Aging and Disability Resource Center of Door County;

BE IT FURTHER RESOLVED, That the aforesaid grant and donation shall be administered by the Department of Health and Human Services, subject to oversight by the Health and Human Services Board.

SUBMITTED BY:

_____

David Lienau, Chairman
Door County Board of Supervisors

DOOR COUNTY

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD			
BULTMAN			
CHOMEAU			
COUNARD			
D. ENGLEBERT			
R. ENGLEBERT			
ENIGL			
FISHER			
GUNNLAUGSSON			
HEIM PETER			
KOHOUT			
LIENAU			
LUNDAHL			
NORTON			
ROBILLARD			
TAUSCHER			
THAYSE			
VIRLEE			
VLIES WOTACHEK			
VOGEL			

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve Adopted ☐

1st _____ Defeated ☐

2nd _____

Yes: _____ No: _____ Exc: _____

Reviewed by:

_____, Corp. Counsel

Reviewed by:

_____, Administrator

FISCAL IMPACT: The fiscal impact is a decrease of up to $6,324.38 to the Contingency Expense Account, which would leave an available balance of $491,865.49 in this account. STW

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 21st day of April, 2020 by the Door County Board of Supervisors.

_____
Jill M. Lau
County Clerk, Door County

Resolution No. 2020-39

RATIFICATION OF ORDER(S) OF COUNTY BOARD CHAIRMAN AND COUNTY ADMINISTRATOR PER RESOLUTION NO. 2020-19

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, Resolution No. 2020-19, adopted March 17, 2020, provided in pertinent part, that "... the Door County Board of Supervisors hereby vests Door County Board Chairperson and Door County Administrator with the general authority to order, subject to ratification if practicable, whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within Door County in the emergency; and

WHEREAS, Since March 31, 2020, the County Administrator and County Board Chairperson have authorized the following:

- Temporary Memorandum of Agreement – Door County Deputy Sheriffs' Association - COVID-19 Public Health Emergency

- Expenses to be transferred from the General Contingency Account (#100.06.1161.59103) and placed into a special tracking account for COVID-19 expenses (#100.06.1161.53110.001):
  - Facilities & Parks: $ 900 Face Masks
  - Facilities & Parks $5,424.38 Protective Panels

NOW,THEREFORE, BE IT RESOLVED, That the Door County Board of Supervisors hereby ratifies each of the above listed actions authorized by the County Administrator and/or County Board Chairperson.

SUBMITTED BY:

_____
David Lienau, Chairman
Door County Board of Supervisors

_____
Ken Pabich
County Administrator

TEMPORARY MEMORANDUM OF AGREEMENT

[COVID-19 - Public Health Emergency]

This Memorandum of Agreement (MOA) is entered into by and between the County of Door (hereafter referred to as "Door County" or "Employer") and the Door County Deputy Sheriffs' Association (hereafter referred to as "Bargaining Unit").

- Term
  - The term of this MOA commences April 5, 2020. Its term will not extend beyond the duration of the COVID-19 Public Health Emergency.

- Emergency Alternative Work Schedule
  - Applicable to all bargaining unit members.
  - Twelve (12) hour work days.
  - Two (2) shifts 7:00 a.m. – 7:00 p.m. and 7:00 p.m. to 7:00 a.m.
  - Within any given 28-day work period, there will be three schedules:
    - → Schedule A: 7-days on, 14-days off, 7-days on.
    - → Schedule B: 7-days off, 7-days on, 7-days standby, 7-days off.
    - → Schedule C: 7-days standby, 7-days off, 7-days on, 7-days off.
  - The general idea is that employees will be scheduled to work 168 hours in a 28-day work period and average ~ 42 hours of pay per week.

- Establishment of a Qualifying Section 207(k) work period.
  - This work period will be 28 days in length.
    - → Overtime pay is required, *under the FLSA*, when the number of hours actually worked exceeds 171 in any 28-day work period.

- Changes to Contractual Overtime Provisions.
  - *Article 17; Section 17.01*
    - → *Article 16-Overtime* applicable if workday exceeds twelve consecutive hours or employee is called in on a scheduled day off ... but not when employee is called in when on standby.
  - *Article 16; Section 16.01*
    - → Normal work day is 12-hours.
    - → Work period is 28-days.

- Emergency Alternative Work Schedule Bidding .
  - Alternative work schedules will, to the extent practicable and feasible, be selected by seniority.
  - Other factors, such as ability to perform the job, availability of supervisors and OIC's, and experience, will play a part in assignments.

- Standby Days
  - 12-hours (either 7:00 a.m. -7:00 p.m.; or 7:00 p.m. to 7:00 a.m.)
  - Regular rate of pay.
  - Must be available to work assigned hours if called in on a standby day.
  - Will be called in by seniority, will start at bottom of work group and rotate through.

- Vacations
  - *Article 7; Section 7.04*
    - Vacation bank accrual limits will be suspended during the term of this MOA and for a period of time (to be determined) thereafter sufficient to allow employee's a reasonable opportunity to use their accumulated vacation.
  - Time off requests must be sent directly to division Lieutenants for consideration.
  - *Article 7; Section 7.*01, all employees will accrue vacation at the five-two (5-2) schedule (2080 hours) rate.

- *Article 26; Section 26.03*, Shift Differential:
  - 7 a.m.-7 p.m. – fifty cents ($.50)
  - 7 p.m. -7 a.m. – seventy-five cents ($.75)

The COVID-19 Public Health Emergency is fluid and quickly evolving. It is understood that the Sheriff may, in the exercise of her discretion, change the emergency alternative work schedule if deemed necessary. Employer will provide the Bargaining unit as much prior notice of any such change as is feasible and practicable *and* will timely and in good faith bargain any impact.

Except as temporarily modified herein all terms and conditions of the collective bargaining agreement shall remain in full force and effect.

This MOA shall not establish any precedent or practice.

Accepted and agreed the 3rd day of April, 2020.

Bargaining Unit:

Brendan P. Matthews, Attorney at Law

Cermele & Matthews, S.C.

Mark Hilsabeck, DCDSA President

Nathan Guilette, DCDSA-Vice President

Brad Shortread, DCDSA-Treasurer

Employer:

Tammy Stennard, Sheriff

Ken Pabich, County Administrator

Kelly Hendee, Human Resources Director

David Lienau, County Board Chair

GMas 04-03-2020

Grant P. Thomas, Corporation Counsel

DOOR COUNTY

Resolution No. 2020-40

AUTHORIZE THE HEALTH AND HUMAN SERVICES BOARD TO ACT AS THE BOARD OF HEALTH PER §251.03, WIS. STATS.

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD			
BULTMAN			
CHOMEAU			
COUNARD			
D. ENGLEBERT			
R. ENGLEBERT			
ENIGL			
FISHER			
GUNNLAUGSSON			
HEIM PETER			
KOHOUT			
LIENAU			
LUNDAHL			
NORTON			
ROBILLARD			
TAUSCHER			
THAYSE			
VIRLEE			
VLIES WOTACHEK			
VOGEL			

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve Adopted ☐

1st _____ Defeated ☐

2nd _____

Yes: _____ No: _____ Exc: _____

Reviewed by:

_____, Corp. Counsel

Reviewed by:

_____, Administrator

FISCAL IMPACT: There is no fiscal implication with the adoption of this resolution. STW

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 21st day of April, 2020 by the Door County Board of Supervisors.

_____

Jill M. Lau
County Clerk, Door County

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, By virtue of Resolution 2018-85, enacted on December 18, 2018, the powers and duties of the Door County Health Department and Door County Health Officer were transferred to the Door County Human Services Department effective 01-01-2019; and

WHEREAS, The Door County Human Services Department was, effective 01-01-2019, re-titled the Door County Health and Human Services Department; and

WHEREAS, §251.03, Wis. Stats. allows a county human services board under §46.23(4), Wis. Stats. to act as a county board of health if the membership of the county human services board meets the qualifications specified in §251.03, Wis. Stats., if it uses the word "health" in its title, and if the county human services board is authorized to act in that capacity by the county board of supervisors; and

WHEREAS, It is deemed prudent for the Door County Human Services Board to act as the Door County Board of Health.

NOW THEREFORE, BE IT RESOLVED, That the Door County Human Services Board be re-titled as the Door County Health and Human Services Board and is, effective immediately, authorized to act as the Door County Board of Health consistent with §251.03, Wis. Stats.

BE IT FURTHER RESOLVED, That the Door County Board of Health is extraneous and will no longer exist.

SUBMITTED BY:

_____

David Lienau, Chairman
Door County Board of Supervisors

DOOR COUNTY

Resolution No. 2018-85

TRANSFER OF POWERS AND DUTIES TO THE DOOR COUNTY DEPARTMENT OF HUMAN SERVICES PER SECTION 46.23(3)(b), WISCONSIN STATUTES

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD	X		
BACON	X		
BULTMAN	X		
CHOMEAU	X		
D. ENGLEBERT	X		
R. ENGLEBERT	X		
ENIGL	X		
FISHER	X		
GUNNLAUGSSON	X		
HALSTEAD	X		
KOCH	X		
KOHOUT	X		
LIENAU	X		
LUNDAHL	X		
NEINAS	X		
NORTON	X		
ROBILLARD	X		
SCHULTZ	X		
VIRLEE	X		
VLIES WOTACHEK	X		
WAIT	X		

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve — Adopted [X]

1st Bacon — Defeated [ ]

2nd Kohout

Yes: 21 No: 0 Exc: 0

Reviewed by: _____, Corp. Counsel

Reviewed by: _____, Administrator

FISCAL IMPACT: There is no additional fiscal implication with the adoption of this resolution. STW

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 18th day of December, 2018 by the Door County Board of Supervisors.

Jill M. Lau
County Clerk, Door County

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, Door County has established a single-county county department of human services under *Ch. 46.23, Wis. Stats.*

WHEREAS, Consistent with *§ 46.23(3)(b), Wis. Stats.* the Door County Board of Supervisors may transfer the powers and duties of the following to the Door County Department of Human Services:

- A local board of health for a local health department, as defined in *§ 250.01 (4) Wis Stats.*.
- A local health officer for a local health department, as defined in *§ 250.01 (4) Wis. Stats.*
- A local health department, as defined in *§ 250.01 (4), Wis. Stats.*

WHEREAS, Pursuant to § 251.03(1), Wis. Stats., a county human services board may act as a county board of health *if* the membership of the county human services board meets the qualifications specified in *§ 251.03, Wis. Stats.*, if the county human services board is authorized to act in that capacity by the county board of supervisors, *and* the county human services board use the word "health" in its title.

WHEREAS, Consistent with *§§ 59.18(2) & 251.06(4), Wis. Stats.*, the county administrator is empowered to appoint, subject to confirmation by the county board, the county health officer.

WHEREAS, The relationship between the county human services director and the county health officer derives from *§ 46.23(6m)(a), Wis. Stats.* Consequently, if and when a county board of supervisors makes the transfer of duties authorized by *§ 46.23(3)(b), Wis. Stats.*, the county health officer is placed under the supervision of the county human services director.

NOW, THEREFORE, BE IT RESOLVED, By the Door County Board of Supervisors that, effective January 1, 2019, the powers and duties of the Door County Health Department *and* Door County Health Officer are hereby transferred to the Door County Department of Human Services pursuant to *§ 46.23(3)(b), Wis. Stats.*

BE IT FURTHER RESOLVED, That, as a result of this transfer, the Door County Human Services Director will supervise and administer (what were formerly) Door County Health Department Programs ... *and* the Door County Health Officer is placed under the supervision of the Door County Human Services Director ... as provided in § 46.23(6m)(a), Wis. Stats.

BE IT FURTHER RESOLVED, That the "Door County Human Services Department" is, effective January 1, 2019, re-titled the "Door County Health and Human Services Department"

BE IT FINALLY RESOLVED, That the Door County Administrator is to examine and evaluate transfer of the powers and duties of the Door County Board of Health to the Door County Human Services Board under *§ 46.23(3)(b), Wis. Stats.* and report back to the Door County Board of Supervisors with a recommendation not later than December 31, 2019.

SUBMITTED BY: ADMINISTRATIVE COMMITTEE

David Lienau, Chairman

Susan Kohout

Ken Fisher

John Neinas

Dan Austad

Nancy Robillard

Joel Gunnlaugsson

THOMAS, GRANT

From:	THOMAS, GRANT
Sent:	Monday, March 05, 2018 12:29 PM
To:	PABICH, KEN
Subject:	Transfer of Functions of Health Department to Human Services Department -and- Human Services Board absorbing the Board of Health
Attachments:	201803051111.pdf; 201803051201.pdf

Ken-

§251.03 (1), Wis. Stats. (copy attached) provides as follows:

> *"A county human services board under s. 46.23(4) may act as a county board of health if the membership of the county human services board meets the qualifications specified in this subsection and if the county human services board is authorized to act in that capacity by the county board of supervisors. If a county human services board acts in this capacity, it shall use the word "health in its title."*

The "qualifications" are as follows:

> *"A local board of health shall consist of not more than 9 members. At least 3 of these members shall be persons who are not elected officials or employees of the governing body that establishes the local health department and who have a demonstrated interest or competence in the field of public health or community health. In appointing the members who are not elected officials or employees, a good faith effort shall be made to appoint a registered nurse and a physician. Members of the local board of health shall reflect the diversity of the community."*

The powers and duties of a Board of Health are as set forth in *§251.04, Wis. Stats.* (see attached).

So ... if the Health Department is to be folded in to Human Services (as allowed under *§46.23(3)(b), Wis. Stats.*) ... approval of the DC Board of Supervisors (by adoption of a resolution) is necessary. Such resolution would:

- Transfer the powers and duties of the Health Officer / Health Department to the Human Services Department.
- Authorize the *§§46.23(4) & (5m), Wis. Stats.* (attached) Human Services Board to act as the *§251.03, Wis. Stats.* Board of Health;
- Re-title the "Human Services Board" as the "Human Services and Health Board" or "Health and Human Services Board" *; and*
- Ensure that the member qualifications (it's composition) matches up with *§251.03 (1), Wis. Stats.*

There is nothing in *Ch. 251, Wis. Stats*. that requires a county to create a stand-alone county health department or that precludes a human services director from exercising supervisory authority over the county health officer and the operation of the health department program.

Let me know if you have any questions, concerns or comments.

Thanks!

Grant

Grant P. Thomas
Door County Corporation Counsel
County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235
PH 920-746-2227
FAX 920-746-2339
gthomas1@co.door.wi.us

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Door County Board of Supervisors

Orientation

April 21, 2020

A. Welcome and Introductions

B. County Board Structure and Governance

- Roles, Duties and Authority
- WCA handout: County Government – History Services Funding

C. County Meeting Calendar – Regular Dates

D. Legal Considerations

- Legal Status; Powers; How Exercised
- Conflict of Interest, Ethics and Incompatibility
- Open Meetings
- Public Records
- Parliamentary Procedure

E. Finance

- Wisconsin Statutes, Section 65.90 – Municipal Budgets
- 2020 Door County Adopted Budget, by Department
- Unassigned Fund Balance
- County Sales Tax
- Health Insurance / Workers Comp.
- 2021 Budget Schedule (Proposed)

F. Eligibility for Meeting Per Diem / Paperwork / Voting Procedure

- Conflict of Interest Statement
- Supervisor Information Sheet
- 2020 Board Meeting Schedule

G. Human Resources

Local Government CENTER

FACT SHEET NO. 21

Limits of County Board Administrative Authority

Prepared by Alan Probst and Philip J. Freeburg, J.D.,
University of Wisconsin-Extension Local Government Center
August 2012

This Fact Sheet is part of a series of publications produced by the UW-Extension's Local Government Center. More information about a variety of topics can be found on our website, http://lgc.uwex.edu.

Introduction

Conflicts over administrative roles of county boards, on the one hand, and county officers, administrators and executives, on the other, are not uncommon.County administrative duties under Wisconsin law are never so clear as to explicitly say to the Board "Thou shall not micro-manage." However, a review of the statutes, their history, subsequent court decisions and attorney general opinions and resulting practices show there are limits on a county board's authority to act in the day-to-day administration of county government.

Prior to 1960, Wisconsin county boards carried out both the legislative and executive (supervisory) functions in the county. In 1960, state statutes were amended to permit the creation of a separate, elected position of county executive, thereby setting the precedent for the separation of powers in Wisconsin counties. In a 1979 opinion, the Wisconsin Attorney General described the ensuing years after that as "a significant evolution...in the law relating to county administrative practice in Wisconsin."[1]The "significant evolution" continued with the creation of the County Administrator position and culminating in the requirement to have an Administrative Coordinator no later than 1987 if the county had neither a County Executive nor County Administrator.[2] The clear progression is a diminishing of county board administrative functions, and greater specification of administrative authority in one of the three county administrative position options.

The statutes delineate the duties of those holding these primary administrative positions.

[1]68 Wis. Op. Att'y Gen. 92 (1979) (OAG 32- 79).
[2] 1985 Act 29 s.1164

County Executive

Wis. Stat. § 59.17(1)(a) states "each county with a population of 500,000 or more, a county executive *shall* be elected for a 4-year term." In addition, Wis. Stat. § 59.17(1)(b) provides that "Counties with a population of less than 500,000 *may* by resolution of the board or by petition and referendum create the office of county executive or abolish it by petition and referendum."

The county executive's duties include:

- Serve as "chief executive officer" for county
- Coordination and direction of all administrative and management functions of the county government not otherwise vested by law in other elected officers.
- Appoint and supervise of department heads subject to county board confirmation, unless confirmation is waived or there exists a civil service system.
- Appoint members to boards and commissions, where statutes give this authority to county board or its chairperson, subject to board confirmation.
- Submit the annual budget
- Annually communicate to the Board on the condition of the county.
- Veto authority
    - May veto ordinances and resolutions
    - May veto appropriation in whole or part
    - County board can override with 2/3 vote [3]

In the case of the county executive, the authority to appoint and supervise employees is categorically reserved for the county executive and excludes county board supervisors. Thus, the county boards of supervisors have no authority to supervise at all, much less to micro-manage.

County Administrator

Wis. Stat. § 59.18(1) states, "Counties having a population of less than 500,000 may by resolution of the board or by petition and referendum create the office of county administrator"

County administrators have the following authority:

- Serve as "chief administrative officer" for county
- Coordinate all administrative and management functions of the county government
- Appoint and supervise department heads subject to county board confirmation, unless confirmation waived or the county is under a civil service system.
- Appoint members to boards and commissions, where statutes give this authority to county board or its chairperson, subject to board confirmation
- Annually communicate to the Board on the condition of the county.
- Submit the annual budget [4]

[3] Wis. Stat. §59.17(2)
[4] Wis. Stat. §59.18(2)

Again, as with the county executive, the statutes grant supervisory authority to the county administrator and any individual county board supervisor attempting to supervise or give direction to staff is operating outside his or her authority.Elections make a county executive answer to the public, and the county administrator serves at the pleasure of the county board.

A 2010 formal Wisconsin Attorney General's Opinion reinforces the authority of the county executive and county administrator when clarifying the limitations on county board authority stating:

> In my opinion, a county board in a county with a county administrator or a county executive cannot reassign the power of appointment that is statutorily granted to a county executive or county administrator in cases where the statutes provide that appointments to a particular board or commission are to be made by...the county administrator or county executive.[5]

Administrative Coordinator

The authority of the administrative coordinator is less explicit and sometimes invites more questions as to whether there is room for board supervision of staff than the other two forms of county government.

Nonetheless, the intent of the statute is apparent.Wis. Stat. § 59.19 states: "The administrative coordinator *shall* be responsible for coordinating *all administrative and management* functions of the county government not otherwise vested by law in boards or commissions, or in other elected officers."(*Emphasis added*)

The terms "all administrative and management functions" show the intent of the statute is making the administrative coordinator responsible for ensuring that the day-to-day functions of the county are performed. In those cases where an elected officer, board or commission is vested with the authority, those cases are designated in the statutes.

The history of these administrative positions in the statutes demonstrate movement away from the earlier county board model in which the board jointly functioned with legislative and central executive duties to a more efficient model vesting executive functions in an executive, administrator or administrative coordinator. The statute must be given effect, and practically it can have no other intent than separation of day to day county administration from the county board. The separation of administrative authority from county board supervisor authority is underscored in a 2011 Attorney General Opinion that determined the positions of county supervisor and county administrative coordinator was incompatible.[6]

An analogy to illustrate the functions of the county administrative function is to look at cities and villages. A county executive functions like a city mayor, and a county administrator and

[5]Opinion of Wis. Att'y Gen. to Dennis Kenealy, Ozaukee County Corp. Counsel, OAG 1-10, ¶3, (January 28, 2010).
[6] Opinion of Wis. Att'y Gen. to Bradley Lawrence, Price County Corp. Counsel, OAG 1-11 (October 27, 2011).

administrative coordinator function like a city or village administrator, except unlike the municipal administrator, a county administrator has appointment and hiring authority granted by statute.

The "other elected officers" referred to in the statutes means the constitutional officers, such as the sheriff or county clerk. Note that no statute grants duties to individual supervisors other than to act collectively through the board. The term "supervisor" is not descriptive of that office's duties, but a historical term. Retention of the historic term "supervisor" may be misleading, but not when read in conjunction with the statutes establishing the county executive, administrator and administrative coordinator.

Constitutional and Statutory Officers

Constitutional officers have their own duties, responsibilities, and authority described in the statutes. They are as follows:

Sheriff	59.26-59.33	(jail, law enforcement)
Coroner (or Medical Examiner)	59.34	(medical examiner)
Clerk of Court	59.40	(court records)
Register of Deeds	59.43	(record real estate and vital statistic documents)
Clerk	59.23	(board & other records)
Treasurer	59.25	(collect & disperse funds)
District Attorney	978.05	(criminal prosecutor)
Surveyor	59.45	(certain land surveys)

Because these officers are elected, just as the members of the County Board of Supervisors are, with statutes defining their office's authority, the Board has no supervisory authority or legitimate authority to micro-manage the affairs of the departments under those officers. Straightforwardly, "thou shall not micro-manage" is the clear intent of the statutes.

Furthermore, a great deal of case law supports the authority of the Constitutional Officers in their positions. Court decisions involving disputes between constitutional officers and county boards have established the limitations on the board to encroach on the duties of county constitutional officers.Some examples of case law limiting the powers of County Board Supervisors include:

> *Beal v. Supervisors of St. Croix County***,** 13 Wis 500 (1861), forbidding the county board from revoking county officer powers that were conferred by statute.
>
> *Schultz v. Milwaukee County*, 250 Wis 18, 26 NW2d 260(1947),and *State ex rel. Conway v. Elvod***,** 70 Wis 2d 448, 234 NW2d 354(1975), limitingthe board's ability to change salaries.

Maier v. Racine County, 1 Wis 2d 384, 84 NW2d 76(1957), holding county boards have only such powers as are conferred upon them by statute, expressly or by clear implication.

Schuette v. Van De Hey, 205 Wis 2d 475, 556 NW2d 127 (Ct App. 1996), approving of the Attorney General Opinion at 68 Wis. Op. Att'y Gen. 92 (1979) (OAG 32- 79), stating the governmental concept that the county board's function is primarily as a policy making and legislative and the county executive is administrator and manager.

County Board Authority

Chair. Wis. Stat. § 56.12 of the statutes provides for the County Board Chairperson to administer oaths, countersign ordinances, and preside over meetings. When directed by ordinance, the Chairperson also transacts necessary board business with local and county officers, expedites business, and ensures all laws are enforced.

Board. Wis. Stat. § 59.51(1) gives the board authority to exercise organizational or administrative powers subject only to the Constitution and any enactment of the Legislature which grants those powers to the County Executive or the County Administrator, or "...[a]ny enactment of statewide concern and which uniformly affects every county." The last phrase is significant because the statute specifically references county executive and administrator powers as limiting board administrative authority. It does not mention the administrative coordinator, because Wis. Stat. § 59.51 was enacted in 1975, and Wis. Stat. § 59.19, creating the administrative coordinator went into effect afterwards in 1985. Thus the requirement that all counties have one of the three types of administrative positions is an enactment affecting counties uniformly statewide, and a further limit to county board administrative authority granted under §59.51(1). These statute statutes have diminished, if not eliminated entirely, county board daily administrative authority.

The *Schuette* case, cited above, clarified the respective roles by stating boards are policy makers and executives or administrators are managers. It may sometimes be a challenge to distinguish policy making and administrative authority. As an example, one Attorney General's Opinion states the decision to enter into a public works contract is policy, but the administration of the contract terms is a manager function.[7] It is the contrast between means and ends. Policy determines the ends to be achieved and administration the means to achieve the policy ends. In business, it is the difference between the roles of the corporate board to set policy and the chief executive officer to manage the affairs of the business. You do not see a bank's directors overseeing the bank tellers. A vivid example is the Green Bay Packers. It is a corporation with a board of directors that sets policy, but the board does not draft the players and certainly the board is not on the sidelines during the game calling the plays. Play calling is clearly not policy making, but administrative and management duties. These divided duties are true, be it Packer football, business or county governance.

[7]80 Wis. Op Att'y Gen. 49 (1991).

Summary

County Board authority is only that granted by the legislature in statutes.[8] Reviewing the pertinent statutes, case law, Attorney General opinions, with the Constitution of the State of Wisconsin, it is evident that supervisors' administrative authority (i.e. the authority to "micro-manage) does not exist and the essence of all applicable legislation is to limit and outright prohibit board members from becoming directly involved with supervision of county employees. The title "Supervisor" is, in fact, a misnomer in that it does not confer the right to actually supervise. The modern County Board has evolved into a legislative and policy setting body.

Acknowledgment

Thanks to reviewer Andrew Phillips, J. D.

[8] *Jackson County v. State*, 2006 WI 96 ¶16, 293 Wis. 2d 497, 717 N.W. 2d 713.

COUNTY GOVERNMENT

HISTORY SERVICES FUNDING

WCA
WISCONSIN
COUNTIES
ASSOCIATION

WISCONSIN COUNTY GOVERNMENT

HISTORY SERVICES FUNDING

The Wisconsin Counties Association (WCA) is once again pleased to provide 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. The purpose of this document is to educate the citizenry 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 influenced of our founding fathers, the court system, and 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. WCA hopes 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.

HISTORY

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, as well as 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 grows 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.

HISTORY

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; 1,821 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.

COUNTY ADMINISTRATIVE OPTIONS

Topic	Executive Wis. Stat. § 59.17	Administrator Wis. Stat. § 59.18	Administrative Coordinator Wis. Stat. § 59.19
How Created	Board resolution, citizen petition/referendum	Board resolution, citizen petition/referendum	Board resolution or ordinance
How Chosen	Spring election every four years (nonpartisan)	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 and other qualifications set by county board
Source of Powers	State statutes	State statutes	Limited state statutes and county board resolution/ordinance
Removal	By governor for cause	By county board majority	By county board majority
Budget Authority	Prepares and presents to county board	Prepares and presents to county board	Only as authorized by county board
Veto Board Actions	Yes	No	No
Department Heads	Appoints (subject to county board confirmation), removes at pleasure	Appoints (subject to county board confirmation), removes at pleasure	No authority unless granted by county board
Advisory Committees/ Boards	Appoints, removes subject to county board confirmation unless waived or made under civil service	Appoints, removes subject to county board confirmation unless waived or made under civil service	No authority unless granted by county board
Coordinate Depts.	Yes	Yes	Only management functions not assigned departments by ordinance or law

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, it 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. Its 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 handle 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.

One such provision, Article IV, Section 22, stated, "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."

Another provision, Article VI, Section 4, identified county officers, as well as the conditions of their election, removal, and terms of office. The constitutionally-specified officers were identified as sheriffs, coroners, registers of deeds, district attorneys, judges, and clerks of circuit court. 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 purposes of setting board officers 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 its behalf through voluntary agreements.

Today

Counties do not have constitutional home rule authority as do cities and villages. This means that cities and villages can undertake anything that is <u>not expressly prohibited</u> by state statute or the constitution. Counties, on the other hand, can only undertake a function that is <u>expressly allowed</u> for or mandated by state statute or the constitution. County governments' main function continues to be acting as the administrative arm of state government.

SERVICES

CIRCUIT COURTS

County governments in Wisconsin are primarily responsible for the day-to-day administration of the circuit court system. Key personnel involved in the administration of the circuit court system and a brief description of their offices' associated services follow.

Clerk of Circuit Court
Collection of court-related fees and fines, administration of the court and its records, as well as management of juries.

Circuit Court Commissioner
Performs a number of judicial duties including initial appearances, small claims, preliminary and certain juvenile hearings, as well as probate, guardianship, and mental commitment proceedings.

District Attorney (DA)
Technically not a county employee, counties fund the DA's office. The DA is responsible for prosecuting all criminal cases and providing crime victim and witness services.

Family Court Commissioner
Conducts court hearings and renders decisions on many issues in family court cases.

Register in Probate
Custodian of the record and court administration for the following case types: probate, guardianship, mental commitment, and adoption.

COUNTY CLERK

The county clerk is an elected constitutional officer whose responsibilities include:

- Election administration
- County finances
- Issuance of licenses and permits
- County board administrative functions
- Other statutory duties

HEALTH & HUMAN SERVICES

County Social/Human Services Departments
County social/human services departments provide an array of services, ranging from serving young children in the Birth to Three program to the aging population in the adult protective services system. County human services programs can be categorized in five broad areas:

- Children and Families – includes child protective services
- Behavioral Health – includes mental health and alcohol and other drug abuse services
- Youth Justice – includes community-based youth justice programs, as well as out-of-home services
- Long-Term Support – includes services for children and adults with disabilities, as well as services to the aged
- Economic Support – includes eligibility determinations for the FoodShare, Medical Assistance, and child care programs

Public Health
Local public health departments work on a daily basis to promote and protect the health of all citizens. While programs vary from department to department, common health department services include:

- Childhood and/or adult immunizations
- Communicable disease follow-up
- WIC nutrition services
- Health education
- Prenatal care coordination
- Emergency preparedness and response
- Community assessment and health improvement planning
- Chronic disease prevention

HEALTH & HUMAN SERVICES (CONT)

County Healthcare Facilities

County nursing homes provide 24/7 skilled nursing care with an emphasis on serving residents with special care and/or behavioral needs. Services provided by county nursing homes include:

- Respite care
- Short-term rehabilitation with physical, speech, and occupational therapies
- Long-term care
- End-of-life care
- Palliative care
- Memory care for those with Alzheimer's disease and other dementias

Some counties with skilled nursing facilities also provide assisted living, group home, and other types of supportive care environments.

Aging

The federal Older Americans Act, along with the Wisconsin Elders Act, direct how aging services in Wisconsin are provided. In addition to county aging units, many counties also operate Aging and Disability Resource Centers that provide a place for the public to receive accurate, unbiased information on all aspects of life related to aging or living with a disability. Common aging services include:

- Access to information and services
- Elder Benefit Specialist services
- Organizing and administering congregate programs – nutrition, senior centers, adult day care, respite, evidence-based prevention programs
- Transportation services

Child Support

County child support agencies administer the state's child support program. Services provided include:

- 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

LAND SERVICES

Counties provide a multitude of land-related services. These include the following:

Forestry

Own and manage public forest lands.

Land Conservation

Primary local delivery system of natural resource programs.

Land Information, Planning, Zoning

Preparation and adoption of a county development plan, including general zoning, shoreland zoning, floodplain zoning, and land-use planning.

Sanitation/Solid Waste/Recycling

Conduct solid waste management planning, including operating county landfills, providing waste/recycling collection services, and providing collection and proper disposal of household hazardous waste.

Surveyor

Remonumentation, preservation, and maintenance of public land survey system corners.

SERVICES

PUBLIC SAFETY SERVICES

Coroner/Medical Examiner
Counties have the option to elect a coroner or appoint a medical examiner. Services include death investigations, medicolegal autopsies, and signing death certificates and cremation permits.

Emergency Management
County emergency management is responsible for developing and implementing an emergency response plan that is consistent with the Wisconsin Emergency Response Plan. This department also establishes, maintains, and operates the county's Emergency Operations Center.

Public Safety Answering Points (PSAP)
PSAPs are responsible for all 911 calls and affiliated activities including dispatching police, fire, and EMS services.

Sheriff
The sheriff is an elected constitutional officer whose responsibilities include:

- Maintaining and operating the county jail
- Attending upon the courts
- Enforcing all state and local laws

REGISTER OF DEEDS

The register of deeds is an elected constitutional officer whose responsibilities include:

- Examining, recording, indexing, archiving, and maintaining all instruments authorized by law and returning them as designated
- Maintaining vital records and issuing certified copies

TRANSPORTATION/ PUBLIC WORKS

- Highway maintenance and repair of county roads and bridges
- Maintain and repair state and interstate roads through contract with the Wisconsin Department of Transportation
- Airport operation and maintenance
- County mass transit

TREASURER

The county treasurer is an elected constitutional officer whose responsibilities include:

- County cash management
- Administering and collecting property taxes
- Forwarding fees, fines, and forfeitures to the appropriate government agencies
- Maintaining tax information

VETERANS SERVICES

Counties employ a county veterans services officer (CVSO) who serves as the primary contact for veterans and their families within the county. CVSOs advise U.S. veterans on any benefits to which they may be entitled. CVSOs also assist veterans with any complaint or problem arising out of such military service, and provide veterans and their dependents all possible assistance.

CULTURE, RECREATION, EDUCATION & HOUSING

Counties provide many additional services including:

- Libraries
- Beaches
- Campgrounds
- Economic development
- Regional planning
- Fairs and exhibits
- Historical societies and museums
- Parks
- Public housing
- Recreation facilities and trails
- Zoos

FUNDING

SPENDING & SERVICES

County government provides a wide range of services for Wisconsin residents. In 2018, the state's 72 counties spent $5.6 billion protecting citizens, maintaining county and state highways, providing health and human services to those in need, maintaining parks and recreation areas, and providing many other services.

The largest share of county spending is in the health and human services area. In 2018, 33% of county expenditures, or $1.9 billion, was allocated to these services. They include programs for child welfare, mental health, alcohol and drug abuse, veterans, and transportation and nutrition for the elderly.

Another $1.2 billion, or 22% of the total, paid for public safety, with the bulk of the dollars spent on law enforcement and operating county jails.

Counties spent $576 million on transportation. For all counties, this includes repairing and maintaining county roads and bridges, and maintaining state roads. For some counties, it also includes dollars spent on operating mass transit and airports.

Just under 18% of county spending is for services such as those provided by the register of deeds, the operation of circuit courts, and for general operations.

COUNTY REVENUES

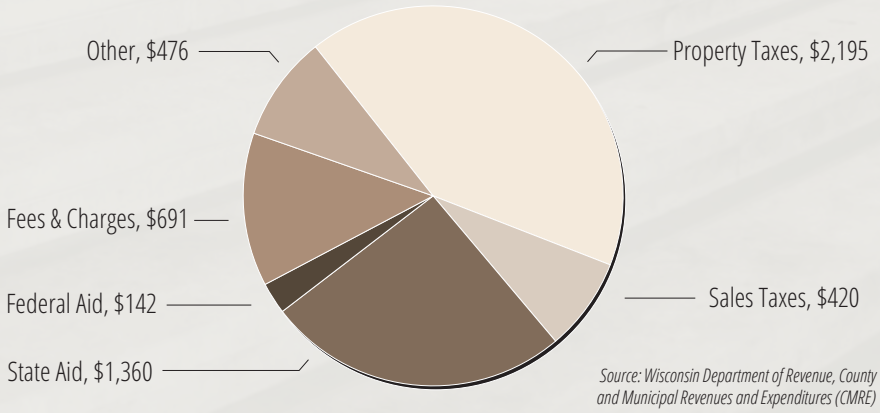
The services that Wisconsin county governments provide are funded mostly with a combination of taxes, state and federal aid, and various fees and charges for services. The main county revenue source is the property tax. In 2018, counties collected $2.2 billion in property taxes, accounting for 42% of revenues.

State aid, which totaled $1.4 billion or 26% of revenues, is paid to counties through several programs. Two-thirds of that aid helped fund the large number of health and human services programs that counties run. Another 12% of the aid is from two "shared revenue" programs – county and municipal aid and utility aid. Counties also receive state dollars to help pay for spending on roads, bridges, and other transportation services.

Counties have few local revenue options. Other than the property tax, the only other tax they can levy is an optional 0.5% sales tax. Sixty-eight of the state's 72 counties have opted to impose the tax. Collections totaled $420 million in 2018.

Counties also charge fees for some of the services they provide. Charges, fees, and fines totaled $691 million in 2018, accounting for about 13% of county revenue.

COUNTY REVENUES, 2018
(in millions of dollars)



Source: Wisconsin Department of Revenue, County and Municipal Revenues and Expenditures (CMRE)

FUNDING

PROPERTY TAX LIMITS

The property tax is the largest revenue source for Wisconsin counties. It accounted for 42% of total revenues in 2018.

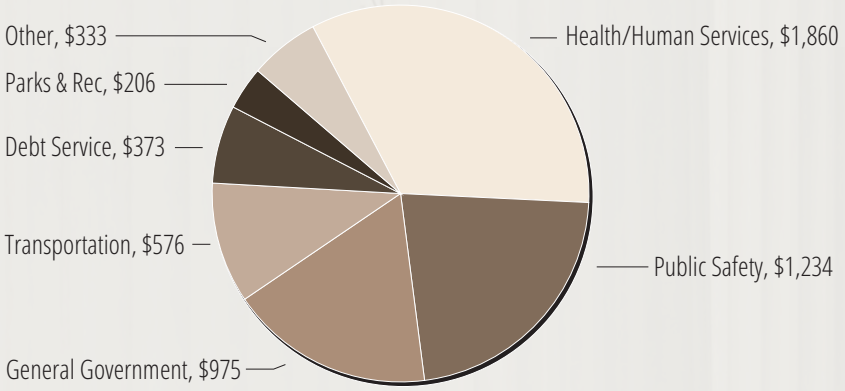
The amount of property tax that counties can levy is limited by state law. These levy limits tie changes in the county property tax to the amount of net new construction occurring throughout the county. They were first implemented for property taxes levied in December 2005.

Each year, the Wisconsin Department of Revenue calculates a percentage equal to the value of all net new construction in a county as a share of the total value of all taxable property therein. County levy increases cannot exceed that percentage.

There are some exceptions to the limits, with the largest for debt service. If a county borrows for a building, a road project, or for other capital spending, the property taxes needed to repay that loan are exempt from the limits.

Since 2010, net new construction statewide has averaged 1.2% per year. For individual counties, net new construction has averaged between 0.5% and 2.0% per year.

COUNTY SPENDING, 2018
(in millions of dollars)



Source: Wisconsin Department of Revenue, County and Municipal Revenues and Expenditures (CMRE)

WCA
WISCONSIN
COUNTIES
ASSOCIATION

22 E. Mifflin Street, Suite 900
Madison, WI 53703
608.663.7188
www.wicounties.org

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COMMITTEE MEETING INFORMATION

COMMITTEE	* REGULAR MEETINGS:			Department/Person Responsible For Agendas:	Deadline for Agenda Materials
	DAY	TIME	LOCATION		
ADMINISTRATIVE	3rd Tuesday	9:00 A.M.	Chambers	County Clerk's Office with info gathered from Administrator/ HR/ CC/ County Board Chair	6 days prior
AG & EXTENSION	2nd Wednesday	1:00 P.M.	Chambers	County Extension Department (Rob Burke)	1 wk prior
BOARD OF ADJUSTMENT	2nd & 4th Tuesday	6:30 P.M.	Peninsula Room	Land Use Services Department	10 days prior
COUNTY BOARD	4th Tuesday (Except Apr., Sept. & Nov.)	9:00 AM 10:00 AM winter.	County Board Room	County Board Chair / Administrator / County Clerk	Noon the Wed. before
FACILITIES & PARKS	2nd Wednesday	9:00 a.m.	Chambers	County Clerk's Office (Jill) (Info gathered from Chair, Facilities & Parks Director, Administrator, & Corp. Counsel)	6 days prior
FINANCE	3rd Monday	2:00 P.M.	Chambers	County Clerk's Office (Info gathered from Chair, Finance Director, Administrator, Corp. Counsel, and Treasurer)	6 days prior
HIGHWAY & AIRPORT	2nd Monday	9:00 AM/10AM winter	Highway Dept. meeting room	Highway Department (John Kolodziej)	6 days prior
HIGHWAY SAFETY	Quarterly (Feb., May., Aug., Nov. –1st Thurs)	9:00 A.M.	Justice Center multi-purpose room	Hwy Safety Chair & Highway Commissioner (assembled by Lori Holtz)	6 days prior
HEALTH & HUMAN SERVICES	2nd Monday	2:00 P.M.	Chambers	Health & Human Services Dept. / Human Svcs Chair	6 days prior
LAND CONSERVATION	2nd Thursday	8:30 A.M.	Chambers	Soil & Water Cons. Dept. (Chair / Director / Beth Hanson)	1 wk prior
LEGISLATIVE	2nd Tuesday *varies*	3:00 P.M., or 1:00 P.M.	Chambers	County Clerk's Office (Info from Chair / Administrator)	
LIBRARY BOARD	3rd Monday	5:00 P.M.	Library Headquarters	Library (Library Director/ Kay Jensen)	6 days prior
PUBLIC SAFETY	2nd Monday	11:00 A.M. or 1:00 P.M.	Justice Center	Sheriff's Dept. (Info gathered from Sheriff by Diane Franklin)	6 days prior
RESOURCE PLANNING	1st & 3rd Thursday	3:00 P.M.	Chambers	Land Use Services Department	1 wk prior
TECHNOLOGY SERVICES	2nd Thursday	3:00 P.M.	Chambers	County Clerk's Office (Info gathered from TS & Reg. of Deeds)	1 wk prior
*DAY, TIME & LOCATION SUBJECT TO CHANGE – THESE ARE JUST THE *USUAL* MEETING TIMES					

Legal Status; Powers; How Exercised

§ 59.01, Wis. Stats.

Each county in this state is a body corporate, authorized to sue and be sued, to acquire and hold, lease or rent real and personal estate for public uses or purposes, including lands acquired under ch. 75, to sell, lease and convey the same, including the authority to enter into leases or contracts with the state for a period of years for the uses and purposes specified in s. 23.09 (2) (d), to make such contracts and to do such other acts as are necessary and proper to the exercise of the powers and privileges granted and the performance of the legal duties charged upon it.

§ 59.02, Wis. Stats.

Powers, how exercised; quorum.

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

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

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

Resolution -vs- Ordinance

Resolution: a formal determination or expression of a deliberative body’s policy position.

Ordinance: rule or law of a deliberative body, generally used for regulating or prohibiting certain types of conduct or action.

DOOR COUNTY

ROLL CALL Board Members	Aye	Nay	Exc.
ANDERSON			X
AUSTAD	X		
BRANN	X		
DeBAKER	X		
DeWITT	X		
FISHER	X		
FONTAINE	X		
GUNNLAUGSSON	X		
HAINES	X		
LIEBE	X		
LIENAU	X		
MEYER	X		
MOELLER	X		
MULLIKEN	X		
NEINAS	X		
OLSON	X		
RUNQUIST	X		
SCHULTZ	X		
VIRLEE	X		
WIEGAND	X		
ZIPPERER	X		
	20	0	1

BOARD ACTION

Vote Required: Majority Roll Call Vote of a Quorum

Motion to Approve — Adopted [X]

1st Fisher — Defeated [ ]

2nd Haines

Yes: 20 No: 0 Exc: 1

Reviewed by: Corp. Counsel

Reviewed by: Administrator

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of an ordinance that was enacted on the 20th day of April, 2010 by the Door County Board of Supervisors.

Jill M. Lau
County Clerk, Door County

COUNTERSIGNED

Leo W. Zipperer, Chairman
Door County Board of Supervisors

Effective Date April 20, 2010

ORDINANCE NO. 2010-04

REPEAL OF CHAPTER 34 "CODE OF ETHICS" DOOR COUNTY CODE

The Door County Board of Supervisors does hereby ordain as follows:

The primary authority to enact, amend and repeal ordinances is vested in the Door County Board of Supervisors.

Chapter 34 "Code of Ethics" Door County Code was enacted November 3, 1997 pursuant to Section 19.59 (1M) Wisconsin Statutes.

The Door County Board of Supervisors will:

Incorporate the "*Ethical Principles*" [attached], as part of the *Rules of Order*

Provide for a standing "Committee on Ethics". The prescribed duties of this Committee will include:

- To be alert to ethics problems;
- Responsible for reviewing alleged violations of the ethical principals
- To report its findings and make recommendations (e.g. censure or reprimand) to the County Board for action.
- Refer the matter, if deemed appropriate, to the District Attorney or Attorney General to act pursuant to Section 19.59 Wisconsin Statutes.

Rely on the Applicable Public Integrity Statutes [e.g., Sections 19.59 – and- 946.10, .12, .13, & .18 Wisconsin Statutes] to regulate the conduct of public officials and employees.

In view of the foregoing, Chapter 34 - Code of Ethics Door County Code is of no practical significance.

That Chapter 34 Code of Ethics Door County Code is hereby repealed.

That this ordinance shall take effect and be in force from and after April 20, 2010

SUBMITTED BY:
Administrative Committee

Leo W. Zipperer, Chairman

John Neinas

Daniel Austad

Merrell Runquist

Kenneth Fisher

ETHICAL PRINCIPLES

These ethical principles apply to any county (appointed or elected) public official, candidate for county public office and county employee.

The ethical county official, employee and candidate should:

- Properly administer the affairs of the county.
- Promote decisions which only benefit the public interest.
- Actively promote public confidence in county government.
- Keep safe all funds and other properties of the county.
- Conduct and perform the duties of the office diligently and promptly dispose of the business of the county.
- Maintain a positive image to pass constant public scrutiny.
- Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
- Inject the prestige of the office into everyday dealings with the public employees and associates.
- Maintain a respectful attitude toward employees, other public officials, colleagues and associates.
- Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the county.
- Faithfully comply with all laws and regulations applicable to the county and impartially apply them to everyone.

The ethical county official, employee and candidate should not:

- Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
- Improperly influence or attempt to influence other officials to act in his or her own benefit.
- Accept anything of value from any source which is offered to influence his or her action as a public official.

The ethical county official, employee and candidate accepts the responsibility that his or her mission is that of servant and steward to the public.

A county official, employee and candidate may be subject to censure or reprimand by the County Board or its designee, for violation of these ethical principles.

Local Government CENTER

FACT SHEET NO. 1

Open Government

Wisconsin Open Meetings Law

Revised by Philip J. Freeburg, J.D., Local Government Educator,
University of Wisconsin-Extension Local Government Center
April 2020

Policy (Wis. Stat. § 19.81)

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

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

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

The policy provisions of the Open Meetings Law are not idle rhetoric. Almost all court decisions enforcing the law begin by invoking the explicit policies stated in Wis. Stat. § 19.81.[3] To implement these policies, the law requires advance notice of meetings and that those meetings be open and accessible to the public. Closed sessions are limited to exceptions specifically provided by statute.[4]

Coverage

"Governmental bodies" subject to the Open Meetings Law

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

A committee, including one set up by administrative staff, could be a governmental body under the Open Meetings Law even if it is not a typical sub-unit of the city council, town or county board. If the committee takes the form of a body with defined membership, is created by "rule," and has the power to take collective action, then it is considered a governmental body under the Open Meetings Law.[8] The key element is whether it is created by "rule." A rule can be a statute, ordinance, resolution, or policy, including handbooks or by-laws, that creates or authorizes the committee. The Wisconsin Counties Association and the League of Wisconsin Municipalities recommend reviewing ordinances, by-laws, policies, and handbooks that are approved by the county or village board or city council to determine which committees are created by rule.[9]

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

If a citizen body creates itself by its own authority (independent of any governmental unit or statute, ordinance, rule or order) and sets its own charter, bylaws, membership requirements, or rules, most likely it is not a quasi-governmental corporation. To constitute a governmental corporation or quasi-governmental corporation, the organization must in fact be incorporated, and not another type of entity such as a nonprofit association.[18]

The Open Meetings Law still provides that a local governmental body conducting collective bargaining is not subject to the law. However, this in not as significant a provision of the law as it was before the Act 10 public union reforms. Nonetheless, notice of reopening a collective bargaining agreement must be given under the Open Meetings Law and final ratification of the agreement must be done in open session under such law.[19]

"Meetings" under the Open Meetings Law

A meeting is defined as a gathering of members of a governmental body for the purpose of exercising responsibilities and authority vested in the body.[20] The courts apply a *purpose test* and a *numbers test* to determine if a meeting occurred. The law applies to a meeting when both the numbers and purpose tests are met.[211]

Purpose and Numbers Tests

The purpose test is met when there is information gathering, discussion, or decision-making on matters over which the governmental body has authority. Social or chance gatherings where there is no discussion on the topics over which the body has jurisdiction are excluded. The numbers test asks if there are enough members to determine the outcome of an action. The statute presumes that a gathering of one-half of the membership is a meeting, because one-half could determine the outcome of a vote by preventing a majority in favor of a proposal. Thus less than a majority could determine the outcome of an issue. This is called a "negative quorum," and can meet the numbers test. Use caution when gathering with other members, because less than half can also be a negative quorum. There could be less than half a city council, or county board gathered together, but a quorum or a negative quorum of a committee may exist. Votes requiring a two-thirds majority, like a budget amendment, can meet the numbers test if one-third plus one of the members are together discussing the amendment.[22]

There are other special cases where a meeting exists for the purposes of the law. A series of conversations, phone calls, or emails to "line up votes" or conduct other business is known as a "walking quorum," and violates the law.[23] Such conduct addresses the business of the governmental body without public notice, information, or participation. Telephone conference calls among members are also considered a meeting when the two tests are met and therefore, must be conducted in such a manner as to be accessible to the public.[24]

Emails, instant messages, blogs, social media sites, and other electronic message forms could also create a meeting. While no court decision has clarified the Open Meetings Law on this issue, the state attorney general's office advises that if the communications are like an in-person discussion with a prompt exchange of viewpoints by members, then it raises the possibility of an Open Meetings Law violation. If the communication is more like written a communication on paper, which is not an Open Meetings Law violation, then the communication is less likely a violation. To avoid the risk of excluding the public and violating the law, the attorney general's office discourages the use of electronic messages between members to discuss issues within the authority of the body. Certainly, avoid the "reply" or "reply all" email functions.[25]

If enough members of one government body to satisfy the numbers test and attend the meeting of another government body in an effort to gather information on a subject over which the body has authority, a meeting under the law may occur. Unless the gathering is by chance, it should be treated as a meeting of both bodies and notice must be given.[26] The attorney general's office recommends giving notice of when a body is attending the meeting of another body and to be as specific in the notice as possible. It is further recommended to avoid stock or boilerplate language such as that "a possible quorum may attend." Instead, be specific as to which bodies will attend the other's meeting and include when it is scheduled to occur.[27]

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

The place of meeting must be reasonably accessible to the public, including persons with disabilities.[28] Accordingly, the facility chosen for a meeting must be sufficient for the number of people reasonably expected to attend.[29]

Public Notice Requirements

If the public did not know the subjects of a governmental meeting or were not made aware of its location, date, and the time of the meeting, a meeting open to the public would be almost meaningless. Thus, public notice is required before every governmental meeting.[30] Further, separate notices must be given for each meeting.[31]

Effective March 2020, the Legislature changed the Open Meetings Law to require that Open Meetings Law notice to the public shall use one of three specific methods.

1. Posting a notice in at least 3 public places,
2. Posting in a least one public place and placing a notice electronically on the governmental body's Internet site, or
3. By paid publication in a news medium.[32]

It is further required that each posting place or publication be "likely to give notice to person's affected."[33] The Open Meetings Law provides that paid published news medium notice is one method notice methods, but other statutes may require a published notice. If a paid newspaper publication is used to give notice, confirmation that it was in fact published in a timely fashion should be secured before the meeting convenes.[34]

The Open Meetings Law also requires providing notice to the news media.[35] Notice may be in writing, by telephone, voice mail, fax or email. Written methods are best for accuracy and because doing so creates a record of the notice that can later be used as proof of compliance with the notice to news media requirement. Notice must be given to any news media that has made a written request, as well as to the official newspaper for the governmental unit. If there is no official newspaper, then notice must be sent to the news medium that is likely to give notice in the area. The newspaper does not have to print the notice and you do not have to pay to publish the notice, but you must send the notice to the newspaper whether they publish it or not.[36]

The notice must state the time, date, and place of the meeting. If a closed session is anticipated, the notice must include the item to be considered and a citation to the particular statute justifying the closed session (see "Permitted Exemptions for Holding Closed Sessions," below).[37]

The notice must also state the subject matter of the meeting. Discussion on any action or matter is limited to the topics specified in the notice (there is a limited exception for a public comment period, which is discussed below). The content of the notice must be "reasonably likely to apprise the public" of what will be addressed at the meeting.[38] In other words, the subject matter must be specific enough to let people interested in a subject matter know that it will be addressed at the meeting.

Courts reviewing and enforcing compliance with the Open Meetings Law will determine if the notice is specific enough on a case-by-case basis. That means what may be adequate subject matter notice in one instance may not be adequate in a different instance. For example, a notice stating, "employee contracts" could be adequate, but if it includes the contract of a controversial employee, then "employee contracts" would not be specific enough to satisfy the Open Meetings Law.[39]

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

1. The burden of providing more detailed notice. This factor balances specificity with the efficient conduct of public business.
2. Whether the subject matter is of particular interest to the public. This factor considers the number of people interested and the intensity of interest.
3. Whether the subject involves a non-routine action that the public would be unlikely to anticipate. This factor recognizes there may be less need for specificity with routine matters and more need for specificity where novel issues are involved.[40]

The attorney general's office advises that any generic notice that contains expected reports or comments by a member, official, or presiding officer should state the topics that will be addressed in the report. The attorney general's office further advises that generic subjects, such as "old business," "new business," "agenda revisions," or "such other matters as authorized by law," and fail to include further subject matter identification are inherently insufficient notice.[41]

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

The presiding officer of the governmental body is responsible to give notices under the Open Meetings Law, or someone he or she designates.[42] Because including the meeting agenda into the notice is the most common means of providing notice of the subject matter of the meeting, this

part of law can be misunderstood to state that the presiding officer "controls" the agenda. That is neither the language nor the intent of the statute. The statute only assigns responsibility and accountability for meeting notices to the presiding officer, but agenda setting process more properly the subject to the body's local procedural rules.

The Open Meetings Law does not require public participation in a meeting. A governmental body may, but is not obligated to, provide for a period of "public comment" during a meeting. During that period, the governmental body may receive information from members of the public, but only limited responses or discussion is permitted if comments are on a subject matter not included in the notice.[43]

Meetings must be open to all persons, except when closed for a specific permitted purpose *(see below)*. An open meeting means that it is reasonably accessible to members of the public.[44] Accessible also means "reasonable effort" to accommodate persons who want to record, video, or photograph the meeting, provided that those activities do not interfere with the meeting or rights of other participants.[45]

Permitted Exemptions For Holding Closed Sessions

Some subjects if discussed in an open meeting could actually be adverse to the public interest. Consider if the meeting subject is purchasing a parcel of real estate the municipality needs, and the board wants to consider acceptable terms to authorize for negotiation. Typically, an administrator or staff person is given an acceptable range of prices to use in negotiation, but if the possible terms and prices are discussed in open session, bargaining power will be compromised as the seller will know the highest price the municipality has authorized. To avoid possible harm to the public interest, the Open Meetings Law sets forth specific exceptions that permit conducting business on limited subject matter in a closed session.

Remember that the purpose of the Open Meetings Law is providing the public with "the fullest and most complete information regarding the affairs of government as is compatible with conduct of government business," and the Open Meetings Law is to be construed liberally in favor of achieving that purpose.[46] Another general requirement of the Open Meetings Law is that all governmental business shall be conducted in open session.[47] Considering these requirements of the statutes, the exemptions in Wis. Stat. § 19.85 must be construed strictly and narrowly.[48] If there is any doubt of whether a closed session exemption applies to the meeting subject matter in question, whether to close the meeting should be resolved in favor of openness.[49]

A closed session may be held for one or more of 11 specified exemptions in the statutes. The following exemptions are of interest to local government bodies.

- "Case" deliberations - Wis. Stat. § 19.85(1)(a). This narrow exemption considers a "case" to be the subject of a quasi-judicial hearing that has many aspects of a court case: adversaries, witnesses, direct, and cross examination of witnesses.[50]

- Employee discipline, licensing, tenure, and employee evaluation- Wis. Stat. § 19.85 (1)(b) & (c). Two open meeting exemptions involve one or more public employees. Closed

sessions are permitted under Wis. Stat. § 19.85 (1)(b), when the subject is the dismissal, demotion, licensing, tenure, or discipline of a public employee. Wis. Stat. § 19.85 (1)(c), permits closed session when considering employment, promotion, compensation, or performance evaluation. These two exemptions do not include all employee related subjects, but facts and information about a specific employee(s). It does not grant an exemption when discussing policies involving a department or all employees in general.[51] Neither can consideration of action to fill a vacancy on the governmental body or appointments to committees be in closed session.[52]

If a closed session is to consider employee dismissal, demotion, or discipline and there is an evidentiary hearing or final action is contemplated, then the employee may demand that the hearing or meeting be in open session. Employees must be given notice of such closed hearings or sessions, and be advised of their right to have it take place in open session. However, the employee does not have the right to demand the meeting be in closed session.[53]

- Criminal matters - Wis. Stat. §19.85(1)(d). This exemption allows closed sessions to consider strategies for crime prevention or detection. It also allows closed session to consider probation or parole, but this is not a local government function.

- Purchases and competitive bargaining - Wis. Stat. §19.85(1)(e). This is the exemption mentioned in the introduction to this segment of this chapter. Closed sessions are allowed when deliberating or negotiating the purchase of public property, investment of public funds, or other specified public business, when competitive or bargaining reasons require a closed session. The competitive or bargaining reasons must relate to reasons benefiting the governmental body, not a private party's desire for confidentiality.[54]

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

- Damaging personal information - Wis. Stat. § 19.85(1)(f). Closed session is permitted when considering financial, medical, social or personal histories, or disciplinary data of specific persons. It also includes preliminary consideration of specific personnel problems or investigation of charges against a specific person, except when that person's right to an open meeting applies (see "Employee discipline, licensing, tenure" above). This exception can only be used if discussion in an open meeting would have a substantial adverse effect on the reputation of the person involved. This exemption applies to "specific persons" as compared to a small classification of public employees (see "Employee discipline, licensing, tenure" above.)

- Legal consultation - Wis. Stat. § 19.85(g). Conferring with legal counsel who is giving written or oral advice about strategy to be adopted in litigation in which the governmental body is or is likely to be involved.

- Confidential ethics opinion - Wis. Stat. § 19.85(1)(h). Used to consider a request for confidential written advice from a local ethics board.

Conducting Permitted Closed Session

The Open Meetings Law spells out a specific process to meet in closed session. Notice must be given of a contemplated closed session. The notice must describe the subject matter and specify the specific statutory exemption(s) allowing the closed session.[55] The notice of the subject matter of a closed session must be specific enough to allow the members voting on a motion for closed session and the public to discern whether the subject is authorized for closed session under Wis. Stat. §19.85(1).

To go into a closed session, the meeting must begin in open session. The body's presiding officer must announce the authority and subject of the proposed closed session. The announcement must be included in the meeting minutes or record. A motion to go into closed session must be made and seconded, followed by a vote so that each member's vote can be determined. The motion, the second, and the vote must be part of the meeting record.[56] Once a body goes into closed session it cannot reconvene in open session for 12 hours, unless public notice was given in the original notice of its intent to return to open session.[57]

If the need arises, the body can go into closed session on an item specified in the public notice.[58] In such a case, the closed session item should be placed at the end of the agenda because the body cannot reconvene in open session when there was not a notice of the closed session. This is a very narrow provision, and whenever time allows, 24-hour notice must be given, or if there is good cause, at least two-hour notice could be used to give an amended notice that includes an indication that a closed session was not originally contemplated.

As with open sessions, motions and votes in closed session must be recorded. Whenever feasible, votes should be taken in open session, unless voting is an integral part of the closed session and the reason for going into closed session would be defeated or compromised by votes in open session.[59]

Only matters for which the session was closed may be considered in closed session.[60] All governmental body members may participate in closed session, including those that voted against closed session. This includes a committee meeting in closed session, even if members are not on that committee, unless the governing body has a formal rule or ordinance allowing for the exclusion of members who are not serving on the committee.[61] The body has discretion to admit anyone to a closed session that they deem necessary to conduct the business of the closed session.[62]

Voting & Records

Generally, motions, seconds, and any roll call votes must be recorded, preserved, and made available to the extent prescribed by the Public Records Law.[63] (See the "Wisconsin Public Records" chapter of this handbook.). Certain statutes require each member's vote to be recorded; for example, Wis. Stat. § 19.85, discussed above, requires each member's vote to be recorded to convene in closed session. Wis. Stat. § 59.23(2)(a), requires county clerks to keep a record of the board proceeding, including the vote of each supervisor. The Open Meetings Law provides that any member of a governmental body may require a roll call vote.[64]

Penalties & Enforcement (Wis. Stats. §§ 19.96 & 19.97)

Violations of the Open Meetings Law are punishable by a court imposing a civil forfeiture penalty or a fine of $25 to $300 against members who attended a meeting in violation of the law, or a presiding officer who violated the notice requirement. These amounts are the base penalty and, with mandatory court costs and assessments, a $300 forfeiture can reach over $500. Any forfeiture imposed must be paid by the members themselves and cannot be reimbursed by the governmental unit.[65] If the enforcement involves an improper closed session, members who voted against convening in closed session have a defense to the charge.[66]

In addition, a court enforcing the Open Meetings Law has the power to void any action taken at a meeting in violation of the Open Meetings Law. There may be other remedies, such as an injunction, that the court may order.[67] A court also can order that the reasonable costs of prosecuting the violation can be recovered.

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

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

Reference & Advice

Refer to Wis. Stat. §§ 19.81-19.98 for the specific wording of the law. The Wisconsin Department of Justice has created the Office of Open Government, which has a website where you will find Open Meetings Law statutes, *Wisconsin Open Meetings Law, A Compliance Guide (2018)*, and other resources: *https://www.doj.state.wi.us/office-open-government/office-open-government-resources.* Advice on the Open Meetings Law is available from the county corporation counsel, a municipal attorney, or the Wisconsin Department of Justice. The UW-Extension Local Government Center (LGC) has resources available including a video on the law which is available through the LGC's website, *http://lgc.uwex.edu*.

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[1] Wis. Stat. § 19.81 (3).
[2] *State ex rel. Newspapers, Inc. v. Showers*, 135 Wis.2d 77, 79 (1987); *State ex rel. Badke v. Village Board of the Village of Greendale*, 173 Wis.2d 553, 571 (1993).
[3] For example: *Badk*e, 173 Wis.2d 553 at 570 (1993); *Journal Times v. City of Racine Bd. of Police and Fire Comm'rs*, 2015 WI 56 ¶ 46.
[4] *Citizens for Responsible Development v. City of Milton*, 2007 WI App 114, ¶6.
[5] Wis. Stat. § 19.82(1).
[6] 78 Op. Att'y Gen. 67.
[7] *Open Meeting Law Compliance Guide,* p. 4 - 5 (2018).
[8] *Krueger v. Appleton Area Scholl District*, 2017 WI 70, ¶¶24-26.
[9] *Wisconsin Counties,* September 2017, p.12; *The Municipality,* October 2017, p.23 (Governing Bodies 398 & 399).
[10] Wis. Stat. §19.82(1).
[11] *State v. Beaver Dam Area Development Corp.,* 2008 WI 90, ¶44.
[12] *Beaver Dam, ¶45*
[13] *Beaver Dam, ¶72.*
[14] *Beaver Dam, ¶66.*
[15] *Beaver Dam, ¶78.*
[16] *Beaver Dam, ¶¶73,74.*
[17] *Beaver Dam, ¶75.*
[18] *Wis. Prof'l Police Ass'n, Inc. v. Wis. Counties Ass'n,* 2014 WI App 106.
[19] Wis. Stat. *§§*19.82(1) & 19.86.
[20] Wis. Stat. *§*19.82(2).
[21] *See note 2, above.*
[22] This was the situation in the *Showers* case, above.
[23] *Showers,* 135 Wis.2d at 92, 100 (quoting *State ex. rel. Lynch v. Conta*, 71 Wis.2d 662, 687 (1976)).
[24] *69 Op. Att'y Gen. 143 (1980).*
[25] *Open Meeting Law Compliance Guide, p. 11 (2018).*
[26] *Badke*, 173 Wis.2d 553, 571.
[27] July 26, 2016, correspondence from Assistant Attorney General Paul Ferguson to John Bodnar, Winnebago County Corporation Counsel, and Scott Ceman, Winnebago County District Attorney.
[28] Wis. Stat. § 19.82(3).
[29] *Badke*, 173 Wis.2d 553, 580-81.
[30] Wis. Stat. §§ 19.83 & 19.85.
[31] Wis. Stat. § 19.84(4).
[32] Wis. Stat. §19.84(1)(b)1,2 &3(2020)
[33] *Note: Wis. Stat. §19.84(1)(b)2), does not say that the Internet site notice has to be in a manner "likely to give notice to the public," but given policies of the Open Meetings Law, the notice should be placed in a manner to facilitate access by the public.*
[34] *Open Meeting Law Compliance Guide, p. 14 (2018).*
[35] Wis. Stat. § 19.84(1)(b).
[36] Wis. Stat. § 19.84(1)(b).
[37] Wis. Stat. § 19.85(2).
[38] Wis. Stat. §19.84(2).
[39] *State ex rel Buswell v. Tomah*, 2007 WI 71.
[40] *State ex rel Buswell v. Tomah*, 2007 WI 71, ¶¶29-31.
[41] *Compliance Guide,* p. 17 (2018); *AG-Thompson Informal Correspondence*, September 3, 2004.; *AG-Ericson Informal Correspondence*, April 22, 2009.
[42] Wis. Stat. §19.84(1)(b).
[43] Wis. Stat. § 19.84(2).
[44] Wis. Stat. § 19.82(3).
[45] Wis. Stat. § 19.90.

[46] Wis. Stat. § 19.81(1) & (4).
[47] Wis. Stat. §19.83(1).
[48] *State ex rel. Hodge v. Town of Turtle Lake*, 180 Wis.2d 62, 70 (1993).
[49] See 74 Op. Att'y Gen. 70, 73 (1985).
[50] *See Hodge, above.*
[51] *Oshkosh NW. Co. v. Oshkosh Library Bd.*, 125 Wis. 2d 480, 486 (Ct. App. 1985).
[52] 76 Op. Att'y Gen 276 (1987) an 74 Op. Att'y Gen 70, 72 (1985)
[53] *State ex rel. Schaeve v. Van Lare*, 125 Wis. 2d 40, Ct. App. 1985).
[54] *State ex rel. Citizens v. City of Milton*, 2007 WI App 114,¶.15-14 ¶
[55] Wis. Stat. §§ 19.84(2) & 19.85(1).
[56] Wis. Stat. § 19.85(1).
[57] Wis. Stat. § 19.85(2).
[58] 66 Op. Att'y Gen. 106 (1973).
[59] *Open Meeting Law Compliance Guide, p. 29-30 (2018).*
[60] Wis. Stat. § 19.85(1).
[61] Wis. Stat. § 19.89).
[62] *Informal correspondence to Shuh, December 15, 1988.*
[63] Wis. Stat. §§ 19.88 & 985.01(6).
[64] Wis. Stat. §19.88(2).
[65] 66 Op Att'y Gen. 226 (1977).
[66] Wis. Stat. § 19.96.
[67] Wis. Stat. § 19.97(3).

Local Government CENTER

FACT SHEET NO. 7

Open Government

Wisconsin Public Records Law

Revised by Philip J. Freeburg, J.D., Local Government Educator,
University of Wisconsin-Extension Local Government Center
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Policy of Access

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

What is a Public Record?

A public record is a "record" of an "authority."

Items covered

A "record" is defined as "any material on which written, drawn, printed, spoken, visual or electromagnetic or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created, or is being kept by, an "authority" (defined below). The term record includes, "but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical disks, and any other medium on which electronically stored data is recorded or preserved."[3] A website maintained by a public official about government business is also a public record, and access cannot be restricted.[4] Record also includes emails and other correspondence sent to an elective official.[5]

Items not covered

The term "record" "does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use, or prepared by the originator in the name of a person for whom the originator is working…" This exception is narrowly interpreted. If a draft or other

preliminary document is used as if it were a final document, it is not excluded from the definition of record.[6] Therefore, a so-called draft report used to determine policy, notes circulated outside the chain of the originator's supervision, as well as notes used to memorialize a governmental body's activity, or used to communicate information, are records under the law. Notes used solely to refresh the originator's memory, even if used at a later time, although arguably a document used in government, still are not records.[7]

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

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

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

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

Management & Destruction of Records; Requested Records

Every public officer is the legal custodian of the records of his or her office.[17] The statutes provide standards for retaining records and also provide procedures and timetables for transferring obsolete records to the Wisconsin Historical Society, or for 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).[18]

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).[19] The right to destroy a record is also not permitted if access to the record is being litigated. The records retention law, Wis. Stat. § 19.21, is not a part of the Public Records Law, and provides no remedy for a requester seeking destroyed records, such as deleted emails.[20] Also, it is not a prohibited destruction of a requested public record if only an identical copy is destroyed.[21]

What is a Local Public Office?

"Local Public Office" is a term used in Public Records Law provisions concerning an authority's posting requirement and a requester's right of access to job applications, and to other records with personally identifiable information. Local public office covers elected officers of local governmental units; a county administrator, administrative coordinator, or a city or village manager; appointed local officers and employees who serve for a specified term; and officers and employees appointed by the local governing body, executive, or administrative heads who serve at the pleasure of their appointing authority.[22] The term also includes appointed offices or positions in which an individual serves as head of a department, agency, or division of the local governmental unit.

Local public office does not include persons who perform only clerical or ministerial tasks (i.e. jobs with duties involving little or no discretion), such as non-supervisory clerical support positions or manual laborers. Independent contractors are also not considered a local public office.[23] Thus, contracted municipal assessors are not subject to the law.[24] 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.[25] Also, the term local public office does not include any "municipal employee" as defined under Wis. Stat. § 111.70(1)(i), the municipal employment relations law.

Public records provisions on posting and personally identifiable information also apply to a "state public official."[26]

Legal Custodians (Wis. Stat. § 19.33)

In general

The legal custodian maintains public records and has the duty to make decisions regarding access to the records.[27] Specific statutes outside of the Public Records Law may establish record-keeping duties. For example, local clerks are designated as records custodians.

Elective officials

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

Other custodians; designations

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

State and local authorities (other than elective officials and their committees and joint committees), under the Public Records Law, must designate custodians in writing, and provide their names and a description of their duties to all employees entrusted with records under the supervision of 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.

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, such as a county board supervisor.

Office Hours & Facilities; Computation of Time

Posted notice required - Wis. Stat. *§* 19.34(1)

Each authority must adopt and prominently display a notice describing its organization, the times and locations at which records may be inspected, the identity of the legal custodian, the methods to request access to or copies of records, and the costs for copies. If the authority does not have regular office hours at the location where records are kept, its notice must state what advance notice is required, if any, to inspect or copy a record.[28] The posted notice must also "identify each position of the authority that constitutes a local public office or a state public office" (see "What is a Local Public Office?" above).[29]

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

Hours - Wis. Stat. *§* 19.34(2)

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

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

Computation of time - Wis. Stat. § 19.345

Under the public records provisions in Wis. Stat. §§ 19.33-19.39, 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.[30] 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.[31]

Priority and Sufficiency of Request

Response to a public records request is a part of the regular work of the office. An authority must, "as soon as practicable and without delay," fill a public records request or notify the requester of the decision to deny the request, in whole or in part, and the reasons for that decision.[32] 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 about employees and individuals who hold public office (see "Personally Identifiable Information" below).

A request must reasonably describe the record or information requested.[33] 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 a court decision found without reasonable limitation that may be denied.[34] 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.[35]

Form of Request & Response; Separation of Information

A request may be either oral or written.[36] 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 "What Fees May Be Charged" and "Limitations on Access" below) has been made.[37] 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."[38]

A request that is granted seldom presents a problem. However, denials of requests must be made in accordance with legal requirements. An oral request may be denied orally, unless a demand for a written reply is made by the requester within five business days of the oral denial.[39]

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 that must state the reasons for the denial. The denial must also inform the requester that he or she may file a lawsuit called a "mandamus" action (or request the district attorney or attorney general to file such action) in the

local circuit court. Further, the denial must include that the court action will review the custodian's denial of access and a court order may be granted to release the record (see "Enforcement and Penalties" below).[40]

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.[41]

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").[42] 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.[43] If requested, the authority must provide a copy that is substantially as readable as the original.

Audio Recordings

For audio recordings, the authority may provide a copy of the recording, substantially as audible as the original, or a transcript.[44] When an audio recording or handwritten record would reveal a confidential informant's identity, the authority must provide a transcript, if the record is otherwise subject to inspection.[45] A requester has a right to a copy of a video recording that is as substantially as good as the original.[46]

Digital records

An authority must provide relevant data from digital records in "an appropriate format." It is not necessary for a requester to examine the exact information in an authority's electronic database. This is because the data may be at risk of damage or unwitting exposure of confidential information by complete access to the database. For example, providing property assessment information for all properties in the database as PDF documents satisfied a request for all property data from the digital record without allowing access to the entire electronic database.[47]

Putting records into comprehensible form

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

Published records; restrictions on access

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

Protecting records from damage

Reasonable restrictions may be placed on access to protect irreplaceable or easily damaged original records.[53]

What Fees May Be Charged?

Fees that do not exceed the "actual, necessary and direct" cost of reproduction 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.[54] The authority may reduce or waive fees if that is in the public interest. The Wisconsin 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 a higher cost can be justified.[55] 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).[56]

A copy fee may include a charge for the time it takes a clerical worker to copy the records on a copy machine, but remember it is recommended that the fee not exceed 25¢ per page.[57] Costs associated with locating a record may be passed on to the requester only if the location costs are $50 or more. Computer programming expense required to respond to a request also may be charged.[58]

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 charged 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.[59] The cost of separating confidential parts of a record from the parts to be released may not be charged.[60]

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) & 19.36(1), may be denied when:

- A state or federal law exempts the record from disclosure.
- The courts have established a limitation on access. This is known as a "common law exemption."
- The harm to the public interest from disclosure outweighs the public interest in inspection. This requires the custodian to perform the "balancing test" (see "Limitations on Access under the Common Law" 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.[61] For example, the common law provides an exception to public access to a district attorney's prosecution files.[62] Most importantly, the common law has created the concept of the balancing test to weigh the competing public interests in making the disclosure decision. In a 2008 case, the court ruled that the above common law exception for records in the custody of the district attorney's office does not allow another custodian, 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.[63]

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.[64] Essentially, any reasons for nondisclosure must be strong enough to outweigh the strong presumption of access.[65] The custodian must state specific policy reasons for denying access; a mere statement of a legal conclusion is inadequate.[66] In explaining the denial, it may be helpful to cite statutory provisions (such as the Open Meetings Law exemptions, if applicable) that indicate a public policy to deny access, even if these provisions may not specifically answer the access question.

Before refusing a request in an unclear situation, or granting a request that may invade a person's privacy or damage a person's reputation, the custodian should consult the county corporation counsel or municipal attorney. The attorney general's office may also be consulted (see "Resources," below). The statute on personally identifiable information clarifies many such matters (see "Personally Identifiable Information" below).

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.[67]

These 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 about 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 in a limitation on access. Requester does not include any person who is committed or incarcerated unless the person requests inspection or copies of a record that contain specific references to that person, or to 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 subject to the same rules regarding 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 federal aid, provides limitations.

Computer programs; trade secrets - Wis. Stat. *§§* 19.36(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 "Forms 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 an individual who is one of the five most qualified applicants, or a member of the final pool if that is larger than five. If there are fewer than five candidates, each one is a final candidate.

Identities of law enforcement informants - Wis. Stat. *§* 19.36(8)

Information that would identify a confidential informant must be deleted before a requester may have access to the record.

Employee personnel records & 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. *§* 146.50(12)

Records made by emergency medical technicians and ambulance service providers are confidential patient healthcare records, although certain information on the run is open to inspection.

Patient healthcare 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.

Certain assessment records

Personal property tax returns are confidential, except that they are available for use before the board of review.[68] Property tax income and expense information, used in property valuation under the income method, are confidential.[69] Real estate transfer returns are also confidential, with specified exceptions.[70]

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 the request is made. 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

In 1991, the legislature created provisions in the Public Records Law to help preserve the privacy of individuals. Generally, a person who is the subject of a record with personally identifiable information has greater access to that record than is otherwise available under the Public Records Law and may seek corrections to the information contained in the record. Legislation also created a subchapter on "personal information practices." This section covers the legislation that was designed to provide clarification on access to certain records containing personally identifiable information, primarily related to records of employees and local public officers.

Definitions - Wis. Stat. § 19.32

"Personally identifiable information" means "information that can be associated with a particular individual through one or more identifiers or other information or circumstances."[71] Refer to 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.[72]

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 their own personally identifiable information that is maintained by an authority. However, this right of access does *not* include the following records:

- Investigations, etc. Any record with information collected or maintained in connection with a complaint, investigation, or other circumstances that may lead to an enforcement action, administrative proceeding, arbitration proceeding or court proceeding, or any record collected or maintained in connection with any such action or proceeding.[73]

- Security issues. Any record with personally identifiable information that, if disclosed, would:

  - Endanger an individual's life or safety.
  - Identify a confidential informant.
  - Endanger the security of specified facilities and institutions, including correctional, mental health and other secured facilities, centers for the developmentally disabled and for the care of sexually violent persons.
  - Compromise the rehabilitation of a person incarcerated or detained in one of the facilities listed above.

- Record series. Any record that is part of a record series, as defined in Wis. Stat. *§* 19.62(7), that is not indexed or arranged so that the authority can retrieve it by use of an individual's name, address or other identifier.

Contractors' records - Wis. Stat. *§§* 19.36(3)

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.

Responding to requests - Wis. Stat. *§* 19.35(4)(c)

The authority must follow a specific procedure when it receives a request from an individual, or a person authorized by the individual, to inspect or copy a record with personally identifiable information pertaining to the individual. In these cases, the requester generally has a right to inspect and copy a record.[74] However, this right does not extend to some situations and records (see "Right to inspect; exceptions" and "Contractors' records," above).

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

If the requested record contains information pertaining to a record subject (i.e. a person who is the subject of personally identifiable information in public records) 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 with the disputed portion of the record, setting forth the challenge to the information. Only a state authority is required to give reasons for a denial of a challenge. The challenge provision does not apply to records transferred to an archival depository, or when a specific state or federal law governs challenges to the accuracy of the record.

Personal information practices - Wis. Stat. *§§* 19.62-19.80

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

Wis. Stat. *§§* 19.65-19.80 also have provisions concerning the accuracy of data collection and the sales of names or addresses. An authority that maintains personally identifiable information that may result in an adverse determination against an individual's rights, benefits, or privileges, must collect the information directly from the individual, or verify the information to the greatest extent possible, if obtained from another person. 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.[75]

Personally Identifiable Information on Employees, Local Public Officers & Other Record Subjects

The release of records affecting the privacy or reputational interests of public employees is covered in Wis. Stat. § 19.356. Under this statute the rights apply only to limited sets of records. The statute's procedure for notice and review now applies to four categories of records relating to employees, local public officers, and other record subjects:

- Records of "record subjects" (i.e. persons who are the subject of personally identifiable information in public records) that, as a general rule generally, 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 his or her 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. Additionally, the record subject is not entitled to judicial review prior to release of the record. Of course, a specific statute concerning access may apply, and the authority may need to conduct the balancing test. The statute goes on to provide when notice and an opportunity for judicial review are required prior to the release of records.

When notice to employee/record subject is required; opportunity for judicial review - Wis. Stat. *§§* 19.356(2)-(8)

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

- Disciplinary matters. A record containing information relating to an employee that is created or kept by the authority, and is the result of an investigation into a disciplinary matter involving the employee, or the possible employment-related violation by the employee of a statute, ordinance, rule, regulation, or policy of the employee's employer. The attorney general's office interprets this provision to be limited to disciplinary matters or possible employment-related violations by an employee of the employer, in which the record was prepared by the employer, rather than by another entity.[76] In addition, if a private employer is involved, the attorney general's office reasons that the private employee may block access to the record, as noted below under "Records of other employers."

- Subpoenas; search warrants. A record obtained by the authority through a subpoena or search warrant. Note that this provision does not limit its applicability to employees; it applies in general to any record subject to whom the record pertains.[77]

- Records of other employers. A record prepared by an employer other than an authority, if the record contains information relating to an employee of that employer, "unless the employee authorizes the authority to provide access to that information." The attorney general interprets this provision to mean that an authority may not release personally identifiable information pertaining to the employee of a private employer unless the employee consents.[78]

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

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

When notice is required to persons holding local public office; opportunity for comments - Wis. Stat. § 19.356(9).

A different approach applies to the release of records with personally identifiable information pertaining to a person who holds a "local public office" (e.g. a governing body member, elected or appointed officer, or department head) or a "state public office" (e.g. a municipal judge). Under this procedure, the authority must inform the record subject within three days of the decision to release the records to the requester. This notice is served on the officer by certified mail or personal delivery, must describe the records intended for release, and the officer's right to augment the record. 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 five days of receipt of the notice.

Employee/officer records generally closed to public access.

- Employee records closed to public access - Wis. Stat. § 19.36(10). An authority is generally prohibited from releasing the records listed below. However, this general prohibition on release does not apply if another statute specifically authorizes or requires release. Further, the prohibition on release does not apply to an employee, 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 that are not generally open to public access are as follows:

    - *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.
    - *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.[79]
    - *Employment examinations.* Information pertaining to an employee's employment examination, except an examination score, if access to that score is not otherwise prohibited.

- *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. The prohibition on release also does not 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 that may not generally be open to public access are as follows:

  - *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.
  - *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 in fact live in the community or otherwise meet the applicable requirement.

Enforcement & Penalties

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

Court order to allow access

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

A requester who prevails, in whole or substantial part, 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) 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 record 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.[80]

Forfeiture. The district attorney or the attorney general may seek a forfeiture penalty against an authority or records 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 & Advice

Officials who have questions on the Public Records Law should contact their local government's attorney. Also, any person may contact the Wisconsin Attorney General (the Wisconsin Department of Justice) to request advice on the Public Records Law.[81]

Refer to Wis. Stat. §§ 19.31-19.39 for the specific wording of the law. The Wisconsin Department of Justice has an Office of Open Government, with a web page containing many resources on the Public Records Law, including the *Wisconsin Public Records Law, Compliance Outline (2018),* a link to the statute, and other materials. Find it at *https://www.doj.state.wi.us/office-open-government/office-open-government* or search *"Wisconsin Department of Justice Open Government."*

Also available on UW-Extension's Local Government Center (LGC) website (*http://lgc.uwex.edu*), is information on new developments in Public Records Law, upcoming programs, and other resources.

Information on public records management and destruction may be found on the websites of the Wisconsin Historical Society and the Public Records Board of the Wisconsin 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).

Acknowledgements

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Endnotes

[1] Wis. Stat. §19.31.

[2] *Ibid.*

[3] Wis. Stat.§ 19.32(2).

[4] See the *Compliance Guide,* p. 3, cited above under "Reference & Advice". Opinion of Att'y Gen. to Gail Peckler-Dziki, OAG 6-09 (December 22, 2009).

[5] *John K. MacIver Inst. for Pub. Policy, Inc. v. Erpenbach*, 2014 WI App 49.

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

[7] *Voice of Wis. Rapids, LLC v. Wis. Rapids Pub. Sch. Dist,* 2014 WI App 53.

[8] *Schill v Wis. Rapids Sch. Dist.,* 2010 WI 86. ¶137.

[9] Memorandum from J.B. Van Hollen, Attorney General, to Interested Parties (July 28, 2010), available online at *https://www.doj.state.wi.us/sites/default/files/dls/memo-ip-schill.pdf*

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

[11] Wis. Stat. § 19.32(2).

[12] Wis. Stat. § 19.32(1).

[13] Wis. Stat. § 19.32(1bd).

[14] *AG-Seiser and Bunge Informal Correspondence, October 4, 2010.*

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

[16] Wis. Stat. § 19.32(1).

[17] Wis. Stat. § 19.21.

[18] Wis. Stat. § 19.21(7).

[19] Wis. Stat. § 19.35(5).

[20] *Gehl v. Connors*, 2007 WI App 238, ¶¶ 12-15.

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

[22] Wis. Stat. § 19.32(1dm).

[23] Wis Stat. §§ 19.32(1dm) & 19.42(7w).

[24] *WIREdata, Inc. v. Village of Sussex*, 2008 WI 69, ¶78.

[25] *WIREdata, Inc. at* ¶89.

[26] Wis. Stat. § 19.32(4).

[27] Wis. Stat. §§ 19.21&19.

[28] Wis. Stat. § 19.34(2)(c).

[29] Wis. Stat. § 19.34(1).

[30] Wis. Stat. § 19.35(1)(b).

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

[32] Wis. Stat. § 19.35(4).

[33] Wis. Stat. § 19.35(1)(h).

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

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

[36] Wis. Stat. § 19.35(1)(h).

[37] Wis. Stat. § 19.35(1)(h).

[38] *WIREdata, Inc. v. Village of Sussex*, 2007 WI App 22 ¶57; *application distinguished by WIREdata, Inc. v. Village of Sussex*, 2008 WI 69 ¶55 (*WIREdata II*).

[39] Wis. Stat. §19.35(4)(b).

[40] *Ibid.*

[41] Wis. Stat. § 19.36(6).

[42] Wis. Stat. § 19.35(1)(b).

[43] Wis. Stat. § 19.35(1)(f).

[44] Wis. Stat. § 19.35(1)(c).

[45] Wis. Stat. § 19.35(1)(em).

[46] Wis. Stat. § 19.35(1)(d).

[47] *WIREdata, Inc. v. Village of Sussex*, 2008 WI 69, ¶¶ 97-98.

[48] Wis. Stat. § 19.35(1)(e).

[49] Wis Stats. §19.35(1)(L).

[50] Wis Stats. § 19.36(6).

[51] Wis. Stat. § 19.35(1)(g).

[52] Wis. Stat. § 19.32(2).

[53] Wis. Stat. § 19.35(1)(k).

[54] Wis. Stat. §19.35(3).

[55] See the *Compliance Outline*, p. 62, cited above under "Reference and Advice"

[56] *Opinion of Att'y Gen. to John Muench, Barron County Corp. Counsel,* 1-03 (October 2, 2003).

[57] 72 *Op. Att'y Gen.* 150 (1983).

[58] *WIREdata, Inc. v. Village of Sussex*, 2008 WI 69, ¶107.

[59] 72 *Op. Att'y Gen.* 68 (1983).

[60] *Milwaukee Journal v. City of Milwaukee, 2012 WI 65* ¶58.

[61] Wis. Stat. § 19.35(1)(a).

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

[63] *Portage Daily Register v. Columbia Co. Sheriff's Department*, 2008 WI App 30, ¶¶ 15-22.

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

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

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

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

[68] Wis. Stat. § 70.35(3).

[69] Wis. Stat. § 70.47(7)(af).

[70] Wis. Stat. § 77.265.

[71] Wis. Stat. §§ 19.32(1r) & 19.62(5).

[72] Wis. Stat. § 19.32(1m).

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

[74] Wis. Stat. § 19.35(1)(am).

[75] Wis. Stat. § 19.71.

[76] *Opinion of Att'y Gen. to James R. Warren,* OAG 1-06 (August 3, 2006).

[77] *Ibid.*

[78] *Ibid.*

[79] *Zellner v. Cedarburg School District*, at ¶ 32-39.

[80] *The Capital Times Co. v. Doyle*, 2011 WI App 137.

[81] Wis. Stat. § 19.39.

Parliamentary Procedure for Local Officials

Daniel M. Olson, Assistant Legal Counsel, League of Wisconsin Municipalities

It is a pretty good guess that most Wisconsin city councils, village boards, and their subunits utilize *Robert's Rules of Order* as the rules of procedure for their respective body even though no state law requires they be utilized and despite the fact that they can be cumbersome and unwieldy for small governmental bodies such as city councils and village boards.[1] Typically provided in a daunting, complex, 700-plus page book, *Robert's Rules* are also difficult to access and understand. So, local officials, especially those newly elected, might find more useful a short and concise summary of some basic parliamentary procedures they should know: how to make a motion, amend a motion, vote, and protect a member's rights to participate. This article is offered with that goal in mind.

Making a Motion

Motions are made in a basic two-step process. First, the person seeking to make the motion is recognized by the chair, unless the chair is making the motion, which the chair is allowed to do. Second, the member, or chair, makes a motion beginning with "I move . . ." and followed by the substance of the motion. For example, a member, or the chair, of the planning commission might state: "I move that we grant a conditional use permit for 123 Main Street to operate a day care facility for 30 children."

Once made, the motion may be seconded by another member of the body. After being seconded, the chair restates the motion and indicates that it is open for debate. (*"It is moved and seconded that _____. Is there any discussion?"*) Then, the motion is debated subject to any debate limits set by rule.

Amending a Motion

During debate, a member may wish to amend the original motion. This is permissible under *Robert's Rules of Order*.

If a member wishes to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to grant a conditional use permit for 123 Main Street to operate a day care facility for 30 children by striking out 30 and inserting 20." Thus, a motion to amend changes the motion before the body in some way by adding new words, deleting words, or substituting new words for some of the original words.

Voting

Once debate is complete, the chair calls for a vote. Usually, this is done by voice vote in small bodies. However, a counted or roll call vote can be ordered by the chair or by a majority of the members. In Wisconsin, a secret ballot vote is not permissible except to elect an officer of the body.

The type of vote may vary. Usually, a simple majority is sufficient. However, state law, local ordinance, or local rule may require a super-majority vote depending on the subject matter. For example, a budget amendment requires a vote of "two-thirds of the entire membership of the governing body of the municipality." Wis. Stat. sec. 65.90(5)(a).

Other Procedures

There is frequently a need to address a matter immediately to protect a member's rights to participate. Although *Robert's Rules* refers to them as "Incidental Motions" they are not ordinary motions: they do not require a second, they may interrupt other speakers, usually they must be addressed immediately. More importantly, they are very helpful in ensuring the rights of each member to participate fully in the business taking place and to make decisions.

Point of Order:

The most common of these is the point of order. If a member feels that the rules of the assembly are not being observed (e.g., a member is speaking about a matter unrelated to the motion before the body), the member may "Raise a Point of Order." This requires the chair to make a ruling as to whether the point is "well taken" or "not well taken."

► p.13

[1] There are less complex alternatives to *Robert's*. Municipal governing bodies may adopt simplified or modified versions of standard parliamentary works tailored to their own needs, traditions, and personalities. The League of Wisconsin Municipalities has also prepared some basic model rules for governing bodies that are contained in two manuals published by the League, *The Conduct of Common Council Meetings* and *The Conduct of Village Board Meetings*. These manuals are available for purchase from the League. In addition, municipal governing bodies might consider *The Standard Code of Parliamentary Procedure*, 5th Edition, as a parliamentary guide, which has been described as less technical and easier to use than Robert's. Another alternative is *Suggested Rules of Procedure for Small Local Government Boards*, 2d Edition, by A. Fleming Bell, II.

Appeal:

Then if the member disagrees with the decision of the chair, the member may appeal from the decision of the chair. If this is done, it will take a second to the appeal and a majority opposed to the decision of the chair to reverse it.

Point of Information:

If a member wants to get information (to ask a question), the member raises a point of information. The chair then directs the appropriate person to answer the question.

Parliamentary Inquiry:

If a member needs help with parliamentary procedure, the member raises a point of parliamentary inquiry. The chair attempts to assist the member to do what he/she wishes to do.

Question of Privilege:

If a member feels that the comfort of the assembly or anything else is interfering with the decision-making process, the member can raise a point of privilege and ask the chair to correct the situation (e.g., too hot, can't hear, belligerent member).

Conclusion

If local officials are able to make a motion, amend a motion, vote, and know the key procedures for protecting members' rights, they will be well on their way to understanding the basic process for conducting local government business. More importantly, the business may be handled in a manner that is orderly and efficient, respects minority interests, and enforces the will of the majority.

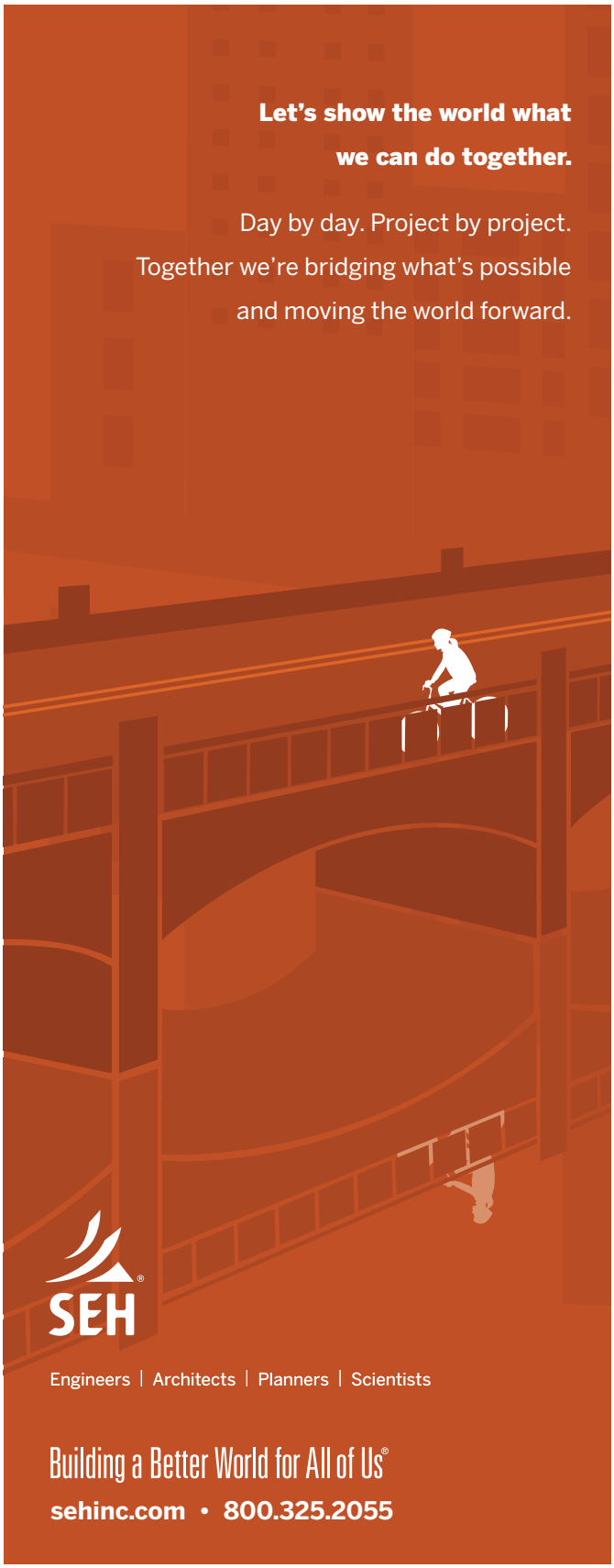
Make a copy or cut out and reference the "20 Basic Parliamentary Motions" chart on page 15.

Governing Bodies: Parliamentary Procedure 395R1

About the author:

Daniel Olson is the League's Assistant Legal Counsel. He provides legal assistance to municipal attorneys and officials through telephone inquiries, written opinions and briefs, workshop presentations, and published articles. He also assists in writing League handbooks and planning the Municipal Attorney's Institute. Daniel joined the League staff in February 2001. Contact Daniel at: danolson@lwm-info.org

► p.15



20 Basic Parliamentary Motions*

Governing Bodies: Parliamentary Procedure 395R1

	To do this	Say this	Does this Motion interrupt?	Do you need a second?	Is it debatable?	Can it be amended?	What vote is needed?
1	Open discussion	I move that ...	No	Yes	Yes	Yes	Majority
2	Change a motion	I move to amend by ...	No	Yes	Yes	Yes	Majority
3	Change debate rules	I move to limit/extend debate as follows ...	No	Yes	No	Yes	2/3
4	Lay on the table	I move to table	No	Yes	No	No	Majority
5	Reconsider a previous action	I move to reconsider the vote on ... *Must be made within time limits*	Yes	Yes	Yes	No	Majority
6	Take up a matter previously tabled	I move to take from the table ...	No	Yes	No	No	Majority
7	Repeal previously adopted motion	I move to rescind ...	No	Yes	Yes	Yes	Majority w/notice
8	Postpone indefinitely	I move to table the motion.	No	Yes	Yes	No	Majority
9	Postpone to time certain	I move to postpone (table)... until...	No	Yes	Yes	Yes	Majority
10	Defer action/commit	I move to refer the matter to committee.	No	Yes	Yes	Yes	Majority
11	Suspend rules	I move to suspend the rules to ...	No	Yes	No	No	2/3
12	End debate	I move the previous question.	No	Yes	No	No	2/3
13	Roll call vote	I call for a division.	Yes	No	No	No	No vote
14	End meeting	I move to adjourn.	No	Yes	No	No	Majority
15	Enforce rules	I rise to a point of order ..	Yes	No	No	No	Chair**
16	Challenge a ruling of the chair	I appeal the chair's decision.	Yes	Yes	Yes	No	Majority
17	Take a break	I move to recess for/until	No	Yes	No	No	Majority
18	Request information	Point of information ...	Yes	No	No	No	Chair**
19	Request rules help	Parliamentary inquiry ...	Yes	No	No	No	Chair**
20	Complain about heat, noise...	I rise to a question of privilege ...	Yes	No	No	No	Chair**

*Based on Robert's Rules of Order 11th Edition

**The chair does not vote but responds to the inquiry or requests assistance for a response.

65.10 City officers to pay receipts monthly. Each city officer shall keep an itemized and accurate account of all moneys received by the officer in the officer's official capacity for fees, commissions and otherwise, and shall at the end of each month, during that officer's term of office, pay into the city treasury all such money in that officer's hands and file a duly verified copy of that officer's account with the city comptroller, together with a receipt of the city treasurer showing that such money has been paid into the city treasury. Until such account and receipt are so filed, it shall not be lawful for the common council or city officer, to order, draw, countersign or deliver any warrant for the payment of the salary or allowance of any such delinquent officer.

History: 1991 a. 316.

65.20 Executive budget procedures in cities of the 1st class. (1) ALTERNATIVE. As an alternative to any other budget procedure under this chapter, the common council of any city of the 1st class may, by adoption of a charter ordinance, permanently transfer the duties and responsibilities of the board of estimates relating to the preparation of the proposed budget under ss. 65.02 to 65.06 to the mayor of such city. Any charter ordinance adopted under this section shall provide that:

(a) The functions of the board of estimates relating to the preparation of the city budget are permanently transferred to the mayor who shall prepare the proposed budget and present it to the common council. The budget presented by the mayor shall be called the "executive budget" and its contents shall comply with the requirements of ss. 65.02 to 65.04 in all respects, consistent with any variation that is necessary due to the common council having adopted a biennial budget procedure under s. 65.025.

(am) Any budget department existing on October 25, 1977 shall be transferred to the office of the mayor. The director and employees of the department shall retain their civil service status.

(b) Each department shall submit to the mayor not later than the 2nd Tuesday in May of each budget period on forms approved by the budget director an estimate in detail of the department's needs for the ensuing budget period, including a statement of any permanent improvements to be made and an estimate of expenditures therefor, and including such information supplied in such form as the mayor requests.

(c) Any department whose funds are not subject to the control of the common council may include in its estimate such sum as it deems reasonably necessary for a contingent fund for emergency purposes or other purposes which may arise during the budget period requiring the expenditure of money in addition to the sums provided for the several purposes or for purposes for which no express provision is made in the budget.

(d) The mayor shall hold hearings with respect to departmental requests at the times and places the mayor or the common council, by ordinance, directs. All hearings shall be open to the public. The mayor shall conduct the hearings in the manner in which the mayor determines best suited to fulfilling the purpose of the hearings. For each budget period, the mayor shall prepare a requested budget summary which shall be published at least once prior to the commencement of the hearings in the newspaper having the largest circulation in the city. A complete copy of the entire requested budget shall be made available for public inspection in the office of the city clerk.

(e) From the estimates before him or her, the mayor shall make and submit to the common council, on or before September 28 each budget period, a proposed budget setting forth in detail the amounts proposed to be spent by each department and the various purposes therefor and the amounts of money for each purpose it is proposed shall be appropriated by the council. The proposed budget shall comply with s. 65.02 (5) to (11). The proposed budget summary shall be published forthwith in at least one and not more than 2 daily newspapers having the largest circulation in the city as a class 1 notice, under ch. 985, and the proposed budget summary shall be printed forthwith in the proceedings of the common council. A complete copy of the entire proposed budget shall be made available for inspection in the office of the city clerk. If any department fails to file its estimates as provided in this section, the mayor shall make a proposed budget for the department specifying the purposes for which and the amount of funds the department may expend.

(f) The mayor may not change any sum or purpose of any department which by law is authorized to determine the purposes of its expenditures and the tax to be levied therefor, unless the department by formal resolution shall so determine by an affirmative vote of a majority of its members. The mayor shall then make the change and include a certified copy of the resolution with its estimates to be filed with the common council.

(g) In addition to the purposes required to be set forth in detail, the mayor may provide a contingent fund for such sum as the mayor deems reasonably necessary for emergency and other purposes that may arise during the budget period requiring the expenditure of money in addition to the sums provided for the several purposes, and for purposes for which no express provision is made in the budget.

(h) The mayor shall also include in the proposed budget the amount of bonds and the purposes for them, to be issued during the budget period, except such bonds as are authorized to be omitted by express provision of law. Bonds authorized to be omitted include bonds issued for the purpose of refunding prior indebtedness of the city.

(i) At the meeting of the common council at which the proposed budget is submitted by the mayor, the common council shall determine the place and time of a public hearing on the budget which shall be held jointly by the common council and by the mayor not less than 10 days after the publication under par. (e), nor later than October 20. The common council shall cause a notice of the place and time of the hearing to be published as a class 1 notice, under ch. 985, which hearing may not be less than 7 days after the date of the last publication of the notice in at least one and not more than 2 daily newspapers having the largest circulation in the city.

(j) All functions of the board of estimates and the budget examining committee not related to the preparation of the proposed budget are transferred to the finance committee of the common council, except that any administrative matter shall be delegated to a budget department existing under par. (am) or by a budget department created under sub. (2).

(k) The operating and corporation budget shall be prepared on a program basis, a performance basis or similar basis. The budget shall be in the technical form prescribed by a budget department existing under par. (am) or by a budget department created under sub. (2).

(2) CREATION OF BUDGET DEPARTMENT BY CHARTER ORDINANCE. If the city council adopts a charter ordinance under sub. (1), the city council may also adopt a charter ordinance which establishes a budget department in the office of the mayor and which defines the department's authority and operational procedures. A charter ordinance adopted under this subsection shall provide that:

(a) The budget director and employees of the budget department shall be selected under civil service rules and procedures. The budget department shall assist in preparing and analyzing the budget and shall be responsible to the mayor.

(b) The budget department shall make special studies, provide budget and management analysis and information and perform any other duties related to the department's functions, as the council determines are necessary.

History: 1977 c. 109; 1983 a. 207, 234, 538; 1987 a. 289; 1989 a. 266; 2019 a. 42.

65.90 Municipal budgets. (1) Unless otherwise provided, in this section, "municipality" means each county other than counties having a population of 750,000 or more, each city, excepting cities of the 1st class, village, town, school district, technical college district and all other public bodies that have the

power to levy or certify a general property tax or budget. Except as provided in sub. (1m), every municipality shall annually, prior to the determination of the sum to be financed in whole or in part by a general property tax, funds on hand or estimated revenues from any source, formulate a budget and hold public hearings thereon.

(1m) (am) For purposes of adopting and implementing a biennial budget as described in this subsection, "municipality" means a county other than a county having a population of 750,000 or more; a city other than a city of the 1st class; a village; or a town.

NOTE: Par. (am) was created as par. (a) 1. by 2019 Wis. Act 42 and renumbered to par. (am) by the legislative reference bureau under s. 13.92 (1) (bm) 2.

(b) A municipality may adopt a biennial budget by implementing the procedures under this subsection and using the procedures under this section. If a municipality chooses to adopt a biennial budget, it shall adopt such a budget in an odd–numbered year for the next 2 fiscal years that follow immediately the year in which the budget is adopted.

NOTE: Par. (b) was created as par. (a) 2. by 2019 Wis. Act 42 and renumbered to par. (b) by the legislative reference bureau under s. 13.92 (1) (bm) 2.

(c) For any municipality to proceed under this subsection, the governing body of the municipality shall adopt a resolution or enact an ordinance stating its intent to adopt a biennial budget. Once a resolution is adopted or an ordinance is enacted, such an action takes effect and may not be reconsidered or repealed, except as provided in par. (d).

NOTE: Par. (c) was created as par. (a) 3. by 2019 Wis. Act 42 and renumbered to par. (c) by the legislative reference bureau under s. 13.92 (1) (bm) 2. The cross–reference to par. (d) was changed from subd. 4. by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the renumbering of subd. 4., as created by 2019 Wis. Act 42, by the legislative reference bureau under s. 13.92 (1) (bm) 2.

(d) The governing body of a municipality that has adopted a biennial budget procedure as provided in this subsection may return to the use of an annual budget procedure if the governing body, by a two–thirds majority vote, adopts a resolution or enacts an ordinance stating its intent to adopt an annual budget.

NOTE: Par. (d) was created as par. (a) 4. by 2019 Wis. Act 42 and renumbered to par. (d) by the legislative reference bureau under s. 13.92 (1) (bm) 2.

(2) (a) An annual budget shall list all existing indebtedness and all anticipated revenue from all sources during the ensuing year and shall likewise list all proposed appropriations for each department, activity and reserve account during the said ensuing year. Such budget shall also show actual revenues and expenditures for the preceding year, actual revenues and expenditures for not less than the first 6 months of the current year and estimated revenues and expenditures for the balance of the current year. Such budget shall also show for informational purposes by fund all anticipated unexpended or unappropriated balances, and surpluses.

(b) A biennial budget shall list all existing indebtedness and all anticipated revenue from all sources during the ensuing budget period and shall likewise list all proposed appropriations for each department, activity and reserve account during that period. A biennial budget shall also show actual revenues and expenditures for the preceding budget period, actual revenues and expenditures for not less than the first 18 months of the current budget period and estimated revenues and expenditures for the balance of the period to which the budget applies. Such budget shall also show for informational purposes by fund all anticipated unexpended or unappropriated balances, and surpluses.

(3) (a) A summary of the budget required under sub. (1) or authorized under sub. (1m) and notice of the place where the budget in detail is available for public inspection and notice of the time and place for holding the public hearing thereon shall be published as a class 1 notice, under ch. 985, in the municipality at least 15 days prior to the time of the public hearing except that:

1. In towns a summary of the budget required under sub. (1) or authorized under sub. (1m) and notice of the time and place of the public hearing thereon shall be posted in 3 public places at least 15 days prior to the time of the public hearing.

2. Any school district reproducing and providing general distribution within the district of an annual report incorporating a budget summary at least 15 days prior to the annual meeting is exempt from the notice requirements of this paragraph.

3. A common school district, as defined under s. 115.01 (3), shall publish a class 1 notice, under ch. 985, as required under this paragraph, at least 10 days prior to the time of the public hearing thereon.

(b) Any budget summary required under par. (a) shall include all of the following for each fiscal year of the proposed budget and the budget in effect, and shall also include the percentage change between the budget of the current year and each fiscal year of the proposed budget:

1. For the general fund, all expenditures in the following categories:

a. General government.

b. Public safety.

c. Public works.

d. Health and human services.

e. Culture, recreation and education.

f. Conservation and development.

g. Capital outlay.

h. Debt service.

i. Other financing uses.

2. For the general fund, all revenues from the following sources:

a. Taxes.

b. Special assessments.

c. Intergovernmental revenues.

d. Licenses and permits.

e. Fines, forfeitures and penalties.

f. Public charges for services.

g. Intergovernmental charges.

h. Miscellaneous revenue.

i. Other financing sources.

3. Revenue and expenditure totals for each impact fee that is imposed by a municipality.

4. All beginning and year–end governmental and proprietary fund balances.

5. The contribution of the property tax to each governmental fund and to each proprietary fund that receives property tax revenue and the totals for all funds.

6. Revenue and expenditure totals, by fund, for each governmental fund, and for each proprietary fund and the revenue and expenditure totals for all funds combined.

(bm) Any budget summary created under par. (a) shall include an itemization of proposed increases and decreases to the current year budget, and an itemization of proposed increases and decreases between the first and second year of a biennial budget, due to new or discontinued activities and functions.

(c) The department of public instruction under s. 115.28, the department of revenue under s. 73.10 and the technical college system board under s. 38.04 shall encourage and consult with interested public and private organizations regarding the budget summary information required under pars. (a) and (b). The department of public instruction and the technical college system board shall specify the revenue and expenditure detail that is required under par. (b) 1. and 2. for school districts and for technical college districts.

(d) A municipality may publish any additional budget summary information that its governing body considers necessary, but the additional information shall be reported separately from the information required under pars. (a), (b) and (bm).

(4) Not fewer than 15 days or, in the case of common school districts, as defined under s. 115.01 (3), not fewer than 10 days, after the publication of the proposed budget and the notice of hear-

ing thereon a public hearing shall be held at the time and place stipulated at which any resident or taxpayer of the governmental unit shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time. In school districts holding an annual meeting the time and place of the budget hearing shall be the time and place of the annual meeting.

(5) (a) Except as provided in pars. (b) and (c) and except for alterations made pursuant to a hearing under sub. (4), the amount of tax to be levied or certified, the amounts of the various appropriations and the purposes for such appropriations stated in a budget required under sub. (1) or authorized under sub. (1m) may not be changed unless authorized by a vote of two–thirds of the members–elect of the governing body of the municipality. Any municipality, except a town, which makes changes under this paragraph shall publish either a class 1 notice of the changes, under ch. 985, within 15 days after any change is made or post a notice of the changes on the municipality's website within 15 days after any change is made. Failure to give notice shall preclude any changes in the proposed budget and alterations thereto made under sub. (4). In this subsection, "members–elect" has the meaning given in s. 66.10015 (1) (bs).

(b) A county board may authorize its standing committees to transfer funds between budgeted items of an individual county office or department, if such budgeted items have been separately appropriated, and to supplement the appropriations for a particular office, department, or activity by transfers from the contingent fund. Such committee transfers shall not exceed the amount set up in the contingent fund as adopted in the annual budget, nor aggregate in the case of an individual office, department, or activity in excess of 10 percent of the funds originally provided for such office, department, or activity in such annual budget. The publication provisions of par. (a) shall apply to all committee transfers from the contingent fund.

(c) 1. A governing body or a committee authorized by the governing body may, at any time, decrease appropriation amounts in a biennial budget.

2. In October or November of an even–numbered year, the governing body of a municipality may change any appropriation or revenue amount in relation to the 2nd year of the biennial budget by a simple majority vote of the members–elect of the governing body.

(6) As part of the annual budget required under sub. (1) or the biennial budget authorized under sub. (1m), the governing body of any municipality and of any county having a population of 750,000 or more may establish and maintain, and levy a tax for, a liability reserve fund for the purpose of paying liability claims against the municipality or premiums on insurance to pay such claims. The governing body may allow amounts appropriated to the fund to accumulate from year to year. The annual taxes levied for this purpose may not exceed the level necessary to collect the amount recommended by an actuary, in accordance with generally accepted actuarial principles, that will be sufficient to pay any insurance premiums and the uninsured portion of claims that are anticipated to be made based on occurrences during the year in which the tax is collected. Payment of claims and premiums may either be made directly from the reserve account or appropriations may be made from the reserve account to an operating account for such payments. No other transfers may be made from the fund except in accordance with the procedure specified in sub. (5) (a) and unless:

(a) If the fund is to be dissolved, an actuary has determined that all claims that are to be paid from the fund have been paid or a sufficient reserve has been created from the fund to pay such claims; or

(b) If the fund is to be continued and the types of claims or the amount of coverage of claims by the fund is to be reduced, an actuary has determined, under generally accepted actuarial principles, that the balance in the fund exceeds the amount necessary to pay claims and premiums and the amount transferred is not more than the excess amount.

History: 1971 c. 40, 154; 1971 c. 211 ss. 77, 124; 1973 c. 224; 1975 c. 224; 1977 c. 418; 1981 c. 203; 1985 a. 225; 1987 a. 314, 377; 1989 a. 31; 1991 a. 39, 189; 1993 a. 399; 1995 a. 27, s. 9145 (1); 1997 a. 27; 2005 a. 477; 2009 a. 177; 2015 a. 138; 2017 a. 207 s. 5; 2019 a. 42; s. 13.92 (1) (bm) 2.; s. 35.17 correction in (1m) (c).

Under sub. (5), the vote of two–thirds of a board's entire membership is needed to transfer funds from a contingency fund to use for a purpose not anticipated in the budget. 76 Atty. Gen. 145.

Door County 2020 Adopted Budget with Comparison Years

Department	2018 Adopted Revenues	2018 Adopted Expenditure	2018 Adopted Tax Levy	Per Cent Change Tax Levy 2017/2018	2019 Adopted Revenues	2019 Adopted Expenditure	2019 Adopted Tax Levy	Per Cent Change Tax Levy 2018/2019	2020 Adopted Revenues	2020 Adopted Expenditure	2020 Adopted Tax Levy	Per Cent Change Tax Levy 2019/2020
General Fund												
General Administration	4,413,348	2,786,650	(1,626,698)	15.99%	4,970,703	4,216,305	(754,398)	53.62%	5,010,589	3,821,428	(1,189,161)	-57.63%
Additional Positions											-	N/A
-- Sales Tax Reserve Applied	544,090	-	(544,090)	-30.14%	512,457	-	(512,457)	5.81%	365,299		(365,299)	28.72%
-- Other Reserves Applied	-	-	-	N/A	1,075,000	-	(1,075,000)	N/A	688,854		(688,854)	N/A
-- Workers Comp. Applied	100,000	-	(100,000)	N/A	200,000	-	(200,000)	N/A	470,000		(470,000)	-135.00%
-- Fund Balance Applied	1,000,000	-	(1,000,000)	N/A	300,000	-	(300,000)	N/A	922,538		(922,538)	-207.51%
Administrator	-	262,572	262,572	9.74%	-	271,044	271,044	3.23%	-	273,728	273,728	0.99%
Airport	-	-	-	N/A	348,551	543,140	194,589	N/A	202,506	370,956	168,450	-13.43%
Airport & Parks	383,303	1,165,571	782,268	36.47%	-	-	-	N/A	-	-	-	N/A
Child Support	501,680	577,228	75,548	51.13%	480,051	559,991	79,940	5.81%	537,910	580,172	42,262	-47.13%
Clerk of Court/Circuit Court	461,608	890,389	428,781	0.65%	451,300	903,456	452,156	5.45%	460,257	982,119	521,862	15.42%
Corporation Counsel	7,500	383,257	375,757	0.77%	7,500	394,886	387,386	3.09%	7,500	411,204	403,704	4.21%
County Board	-	118,177	118,177	-43.55%	-	136,194	136,194	15.25%	-	134,351	134,351	-1.35%
County Clerk	48,525	233,980	185,455	10.12%	40,725	219,552	178,827	-3.57%	40,025	257,897	217,872	21.83%
County Treasurer	592,250	183,859	(408,391)	11.89%	519,200	188,323	(330,877)	18.98%	541,700	210,172	(331,528)	-0.20%
District Attorney	69,250	347,650	278,400	-7.84%	55,550	356,947	301,397	8.26%	57,100	401,902	344,802	14.40%
Emergency Management & Communications	-	-	-	N/A	199,398	962,549	763,151	N/A	206,308	1,154,007	947,699	24.18%
Facilities & Parks	95,800	1,895,591	1,799,791	-6.61%	218,711	2,745,150	2,526,439	40.37%	397,276	3,129,116	2,731,840	8.13%
Finance	-	542,973	542,973	2.77%	-	594,821	594,821	9.55%	-	595,648	595,648	0.14%
Human Resources	2,000	343,489	341,489	2.60%	2,000	348,010	346,010	1.32%	-	380,353	380,353	9.93%
Land Use Services	422,353	1,410,768	988,415	N/A	401,736	1,362,340	960,604	N/A	439,057	1,445,441	1,006,384	4.77%
Library	115,911	1,630,626	1,514,715	0.33%	136,811	1,641,576	1,504,765	-0.66%	127,543	1,708,688	1,581,145	5.08%
Medical Examiner	-	119,191	119,191	11.51%	-	106,827	106,827	-10.37%	-	106,827	106,827	0.00%
Museum	-	98,989	98,989	106.51%	-	100,189	100,189	1.21%	-	203,798	203,798	103.41%
Public Health	281,792	954,493	672,701	3.07%	271,954	845,974	574,020	-14.67%	-	-	-	N/A
Real Property Listing	-	-	-	-100.00%	-	-	-	N/A	-	-	-	N/A
Register of Deeds	380,000	274,626	(105,374)	-14.13%	397,588	278,258	(119,330)	-13.24%	391,100	270,566	(120,534)	-1.01%
Sanitarian	-	-	-	-100.00%	-	-	-	N/A	-	-	-	N/A
Sheriff	964,952	8,445,548	7,480,596	1.10%	953,549	7,753,799	6,800,250	-9.09%	1,181,489	8,145,182	6,963,693	2.40%
Soil/Water Conservation	704,659	1,158,831	454,172	8.81%	822,790	1,277,110	454,320	0.03%	948,384	1,422,225	473,841	4.30%
Technology Services	101,870	1,467,803	1,365,933	-5.77%	105,868	1,690,977	1,585,109	16.05%	105,766	1,631,670	1,525,904	-3.74%
Transportation									616,072	809,012	192,940	N/A
UW Extension	-	262,718	262,718	3.09%	-	238,923	238,923	-9.06%	-	244,077	244,077	2.16%
Veterans' Services	11,000	174,552	163,552	7.49%	11,000	177,688	166,688	1.92%	11,000	179,913	168,913	1.33%
Total General Fund	11,201,891	25,729,531	14,527,640	2.56%	12,482,442	27,914,029	15,431,587	6.22%	13,728,273	28,870,452	15,142,179	-1.88%

Door County 2020 Adopted Budget with Comparison Years

Department	2018 Adopted Revenues	2018 Adopted Expenditure	2018 Adopted Tax Levy	Per Cent Change Tax Levy 2017/2018	2019 Adopted Revenues	2019 Adopted Expenditure	2019 Adopted Tax Levy	Per Cent Change Tax Levy 2018/2019	2020 Adopted Revenues	2020 Adopted Expenditure	2020 Adopted Tax Levy	Per Cent Change Tax Levy 2019/2020
Special Revenue Fund												
Human Services	6,019,114	9,110,635	3,091,521	4.26%	6,057,044	9,110,599	3,053,555	-1.23%			-	N/A
Health & Human Services									7,733,249	11,459,757	3,726,508	N/A
County Roads & Bridges	6,712,526	7,257,726	545,200	2.67%	4,713,971	5,171,635	457,664	-16.06%	5,067,272	5,521,513	454,241	-0.75%
Jail Assessment	21,950	21,950	-	0.00%	21,000	21,000	-	0.00%	21,000	21,000	-	0.00%
Library State Program	3,030	3,030	-	0.00%	3,030	3,030	-	0.00%	3,030	3,030	-	0.00%
Recycling/Landfill	194,000	276,430	82,430	0.00%	158,584	241,014	82,430	0.00%	118,390	200,820	82,430	0.00%
Revolving Loan	118,009	118,009	-	0.00%	156,510	156,510	-	0.00%	10,500	10,500	-	0.00%
Sr. Resource Center/ADRC	1,517,763	2,044,727	526,964	-13.30%	1,554,288	2,178,806	624,518	18.51%	938,620	1,451,561	512,941	-17.87%
Total Spec. Revenue Fund	14,586,392	18,832,507	4,246,115	1.42%	12,664,427	16,882,594	4,218,167	-0.66%	13,892,061	18,668,181	4,776,120	13.23%
Debt Service												
Debt Service '05 Refunding	-	-	-	N/A	-	-	-	N/A	-	-	-	N/A
Debt Service '15 Refunding	-	2,009,350	2,009,350	99.81%	-	2,027,300	2,027,300	0.89%	-	2,029,100	2,029,100	0.09%
Debt Service '17 New Debt	-	356,195	356,195	N/A	-	354,245	354,245	-0.55%	-	352,245	352,245	-0.56%
Total Debt Service	-	2,365,545	2,365,545	12.13%	-	2,381,545	2,381,545	0.68%	-	2,381,345	2,381,345	-0.01%
Internal Service Fund												
Highway Department	12,637,814	12,637,814	-	0.00%	10,539,696	10,539,696	-	0.00%	11,465,228	11,465,228	-	0.00%
Medical/Dental Insurance	6,666,848	6,666,848	-	0.00%	6,723,195	6,723,195	-	0.00%	7,519,207	7,519,207	-	0.00%
Workers Compensation	746,880	746,880	-	0.00%	829,619	829,619	-	0.00%	1,074,354	1,074,354	-	0.00%
Total Internal Service Fund	20,051,542	20,051,542	-	0.00%	18,092,510	18,092,510	-	0.00%	20,058,789	20,058,789	-	0.00%
Agency Fund												
Dog Licenses	6,425	6,425	-	0.00%	6,200	6,200	-	0.00%	6,400	6,400	-	0.00%
Inmate Trust Account	118,800	118,800	-	0.00%	137,800	137,800	-	0.00%	147,050	147,050	-	0.00%
Total Agency Fund	125,225	125,225	-	0.00%	144,000	144,000	-	0.00%	153,450	153,450	-	0.00%
Capital Projects Fund												
Capital Projects	707,442	5,166,342	4,458,900	5.95%	2,183,700	6,810,480	4,626,780	3.77%	1,412,479	6,159,155	4,746,676	2.59%
Cap. Projects-2017 Borrowing	-	-	-	N/A	-	-	-	N/A			-	N/A
Total Capital Projects Fund	707,442	5,166,342	4,458,900	6.41%	2,183,700	6,810,480	4,626,780	3.77%	1,412,479	6,159,155	4,746,676	2.59%
Total w/o Ambulance/Brdg. Aid	46,672,492	72,270,692	25,598,200	3.84%	45,567,079	72,225,158	26,658,079	4.14%	49,245,052	76,291,372	27,046,320	1.46%
Outside Cap												
Ambulance	1,504,300	4,835,929	3,331,629	7.68%	1,506,755	4,594,460	3,087,705	-7.32%	1,562,600	4,817,700	3,255,100	5.42%
Bridge Aid	-	25,000	25,000	0.00%	-	25,000	25,000	0.00%	-	25,000	25,000	0.00%
Total Outside Cap	1,504,300	4,860,929	3,356,629	7.62%	1,506,755	4,619,460	3,112,705	-7.27%	1,562,600	4,842,700	3,280,100	5.38%
TOTAL	48,176,792	77,131,621	28,954,829	4.26%	47,073,834	76,844,618	29,770,784	2.82%	50,807,652	81,134,072	30,326,420	1.87%
		Total	Rate/$1,000	Incr Eq Val		Total	Rate/$1,000	Incr Eq Val		Total	Rate/$1,000	Incr Eq Val
	E.V.(TIDOUT)	7,018,124,500	$ 4.125721765	0.73%	E.V.(TIDOUT)	7,116,186,700	$ 4.183530486	1.40%	E.V.(TIDOUT)	7,415,836,800	$ 4.089413079	4.21%
	Increase in Tax Rate from 2017		3.51%		Increase in Tax Rate from 2018		1.40%		Increase in Tax Rate from 2019		-2.25%	

DOOR COUNTY
UNASSIGNED FUND BALANCE (located within the General Fund)
As of March 31, 2020

The following information on the General Fund is being provided to the Door County Board of Supervisors pursuant to Rule 19:

	Unaudited	
Unassigned Fund Balance--General Fund as of 12/31/2019	**$ 15,634,828.24**	
2020 Approved Changes to Unassigned Fund Balance:		
Transfer from Unassigned Fund Balance included in 2020 Budget - for Jail Door CIP Project	(130,000.00)	
Transfer from Unassigned Fund Balance included in 2020 Budget - for Human Services Reserve	(792,538.00)	
Transfer of Non-Budgeted Funds - 56 N 4th Ave Building 2019 Property Tax Bill - Resolution 2020-___	*(18,004.00)*	
Transfer of Non-Budgeted Funds - Email Archival Solution - Resolution 2020-33	(23,416.67)	
	(963,958.67)	
Available Unassigned Fund Balance 3/31/2020	**$ 14,670,869.57**	***Unaudited***

Steve Wipperfurth, Finance Director

	As of 12/31/2017	As of 12/31/2018	As of 12/31/2019	As of 3/31/2020
Unassigned Fund Balance	$ 14,841,408.21	$ 16,996,928.24	$ 15,634,828.24	$ 14,670,869.57

Unassigned Fund Balance is designed to serve as a measure of the fund's financial resources available for appropriation and has a direct impact on bond ratings and borrowing power of the county.

Current Unassigned Fund Balance	$ 14,670,869.57
General Fund Budgeted Expenditures - 2020	$ 33,688,152.00
All Other Budgeted Funds Requiring Tax Levy - 2020	$ 27,199,151.00

The County's current unassigned fund balance of $ 14,670,869.57 represents approximately **24.09512%** of its governmental funds budgeted expenditures. This level of funding is above the the 12%-15% reserve funding levels set forth in Resolution 72-03 adopted August 26, 2003.

From the policy: 12% is the base per County Board Policy at which point the County would never want to let the unassigned fund balance reserved for working capital go below.

Note:

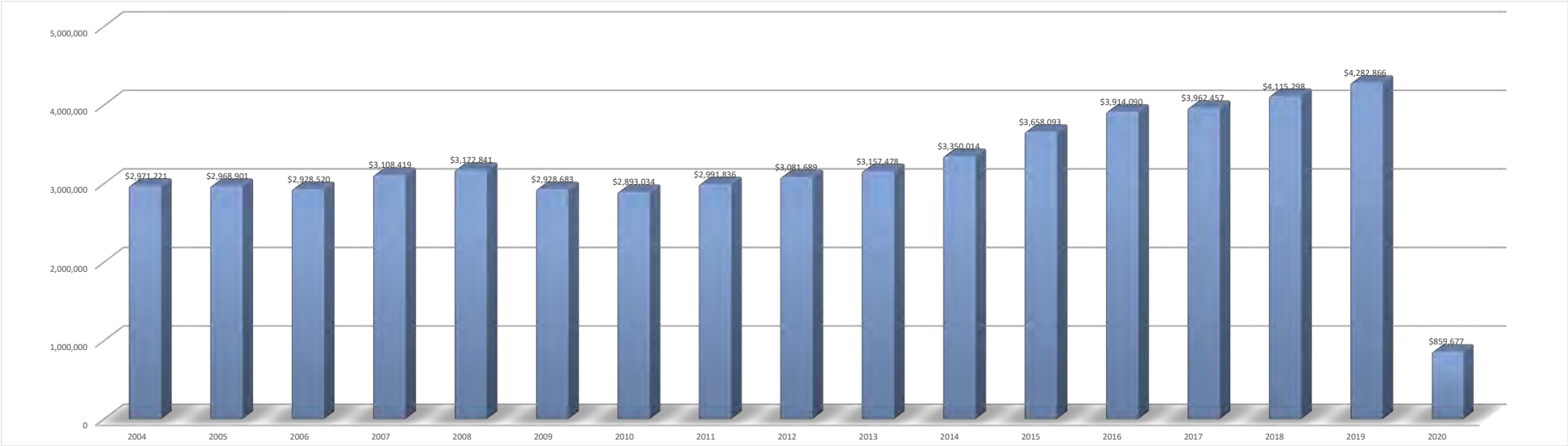
The amount above (below) the upper limit of 15% which, if above, could be a consideration for unforeseen expenditures	**$ 5,537,774.12**
15% Upper Limit would equate to an unassigned fund balance of	**$ 9,133,095.45**
12% Lower Limit would equate to an unassigned fund balance of	**$ 7,306,476.36**

DOOR COUNTY WISCONSIN

0.5% Sales Tax Rebate Collection History, January, 2004 thru March, 2020

Month Received	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	*(Sales for Month of)*
Jan	$ 202,568	$ 184,436	$ 192,699	$ 164,664	$ 166,954	$ 194,133	$ 197,464	$ 172,867	$ 150,070	$ 190,692	$ 222,760	$ 234,126	$ 262,179	$ 211,998	$ 197,823	$ 273,070	**$ 298,987**	*(Nov)*
Feb	$ 198,820	$ 221,403	$ 210,999	$ 242,547	$ 227,617	$ 175,000	$ 144,826	$ 212,513	$ 234,896	$ 192,825	$ 200,069	$ 182,565	$ 204,410	$ 266,561	$ 294,339	$ 290,852	**$ 330,913**	*(Dec)*
March	$ 165,110	$ 139,717	$ 175,440	$ 169,046	$ 213,385	$ 172,535	$ 161,230	$ 161,906	$ 155,129	$ 162,310	$ 182,416	$ 171,130	$ 195,203	$ 211,766	$ 198,944	$ 211,337	**$ 229,777**	*(Jan)*
April	$ 147,138	$ 158,899	$ 149,963	$ 160,198	$ 149,969	$ 141,624	$ 164,071	$ 155,243	$ 124,272	$ 154,690	$ 169,317	$ 218,027	**$ 287,266**	$ 185,464	$ 178,122	$ 193,950		*(Feb)*
May	$ 150,766	$ 155,857	$ 174,779	$ 175,761	$ 186,724	$ 174,329	$ 138,257	$ 140,806	$ 209,173	$ 203,393	$ 205,490	$ 217,611	$ 185,645	$ 231,900	**$ 254,044**	$ 253,811		*(March)*
June	$ 205,199	$ 223,661	$ 221,297	$ 235,315	$ 199,943	$ 195,264	$ 215,690	$ 213,900	$ 216,350	$ 180,364	$ 187,608	$ 236,927	**$ 304,099**	$ 281,925	$ 284,725	$ 266,349		*(April)*
July	$ 257,375	$ 248,624	$ 253,161	$ 279,391	$ 270,198	$ 292,858	$ 278,796	$ 304,873	$ 253,695	$ 317,710	$ 338,410	$ 370,861	$ 358,121	$ 354,873	$ 392,287	**$ 444,423**		*(May)*
Aug	$ 314,694	$ 347,523	$ 353,162	$ 366,325	$ 416,177	$ 278,877	$ 281,811	$ 343,137	$ 422,498	$ 426,927	$ 457,286	$ 412,462	$ 438,177	$ 506,672	**$ 612,799**	$ 570,278		*(June)*
Sept	$ 382,785	$ 370,347	$ 362,264	$ 374,740	$ 362,360	$ 392,082	$ 438,668	$ 400,437	$ 392,873	$ 369,808	$ 352,942	$ 467,420	**$ 492,873**	$ 489,378	$ 437,497	$ 438,280		*(July)*
Oct	$ 383,438	$ 333,084	$ 312,668	$ 334,617	$ 391,602	$ 369,776	$ 353,927	$ 310,984	$ 364,323	$ 389,095	$ 444,035	$ 457,574	$ 449,303	$ 433,956	$ 489,571	**$ 561,281**		*(Aug)*
Nov	$ 296,224	$ 316,127	$ 363,243	$ 369,611	$ 334,516	$ 276,142	$ 247,201	$ 329,297	$ 350,025	$ 350,974	$ 323,406	$ 345,890	$ 418,609	**$ 490,129**	$ 484,654	$ 477,028		*(Sept)*
Dec	$ 267,104	$ 269,223	$ 234,724	$ 236,204	$ 228,102	$ 240,769	$ 245,800	$ 245,873	$ 208,385	$ 218,690	$ 266,275	**$ 343,500**	$ 318,205	$ 297,835	$ 290,493	$ 302,207		*(Oct)*
Annual	$ -	$ -	$ (75,879)	$ -	$ 25,294	$ 25,294	$ 25,293	$ -	$ -	$ -	$ -	$ -	$ -	$ -				
Total	**$ 2,971,221**	**$ 2,968,901**	**$ 2,928,520**	**$ 3,108,419**	**$ 3,172,841**	**$ 2,928,683**	**$ 2,893,034**	**$ 2,991,836**	**$ 3,081,689**	**$ 3,157,478**	**$ 3,350,014**	**$ 3,658,093**	**$ 3,914,090**	**$ 3,962,457**	**$ 4,115,298**	**$ 4,282,866**	**$ 859,677**	***$ 84,418***
% to Budget	**114.28%**	**114.19%**	**108.46%**	**107.19%**	**105.76%**	**97.62%**	**96.43%**	**103.88%**	**104.46%**	**102.46%**	**106.50%**	**112.90%**	**116.15%**	**114.85%**	**109.74%**	**114.21%**	**22.92%**	**Year-to-Date**
Budgeted	**$ 2,600,000**	**$ 2,600,000**	**$ 2,700,000**	**$ 2,900,000**	**$ 3,000,000**	**$ 3,000,000**	**$ 3,000,000**	**$ 2,880,000**	**$ 2,950,000**	**$ 3,081,590**	**$ 3,145,590**	**$ 3,240,000**	**$ 3,370,000**	**$ 3,450,000**	**$ 3,750,000**	**$ 3,750,000**	**$ 3,750,000**	**2020 vs 2019**
Subsequent Levy Offset	$ 371,221	$ 368,901	$ 228,520	$ 208,419	$ 172,841	$ -	$ -	$ 111,836	$ 131,689	$ 75,888	$ 204,424	$ 418,093	$ 544,090	$ 512,457	$ 365,298	$ 532,866		

Ahead (behind) same month in prior year	**$ 18,440**
Average % to Date for this time period should be	**25.00%**



Door County Medical Benefits Fund
For Period thru March 31, 2020

2019 Ending Balance		**Unaudited**	**$ 5,813,341.62**
2020 Revenues:			
Retired Employees Medical	$ 32,066.61		
County Share Medical	$ 1,299,139.25		
Employee Share Medical	$ 138,219.81		
County Share Dental	$ 67,373.97		
Pro-rated Employee Dental (part-time)	$ 766.65		
Miscellaneous	$ 32.62		
Sub-Total All Contributions		$ 1,537,598.91	
Insurance Reimbursements			
Total Revenues to Date			$ 1,537,598.91
2020 Expenditures:			
Claims Paid Medical	$ 949,745.95		
Claims Paid Dental	$ 154,870.05		
Prescription/Drug Claims	$ 235,990.58		
Total Claims		$ 1,340,606.58	
Specific Premium (Stop Loss Insurance)		$ 312,738.98	
Administrative and Miscellaneous Fees		$ 32,272.50	
Transfers to Other Funds		$ -	
Total Expenditures to Date			$ 1,685,618.06
2020 Net Gain/(Loss) to Date			**$ (148,019.15)**
Current Fund Balance to Date		**Unaudited**	**$ 5,665,322.47**

Notes:

2019 -- Same Time Period Net Gain or (Loss)	**$ 64,931.12**
Difference between same time period--current year verses prior year	**$ (212,950.27)**
Target Reserve to be maintained--based on consultant's recommendations 8/7/2018	**$ 5,200,000.00**

Door County Workers' Compensation Fund
For Period thru March 31, 2020

2019 Ending Fund Balance		**Unaudited**	**$ 1,642,121.84**
Revenues	$ 120,185.31		
Insurance Reimbursements/Dividends			
Total 2019 Revenues to Date		$ 120,185.31	
Expenditures	$ (333,514.00)		
Transfers Out	$ (470,000.00)		
Total 2019 Expenditures and Transfers Out to Date		$ (803,514.00)	
2020 Net Gain/(Loss) to Date			$ (683,328.69)
Current Fund Balance, to Date		**Unaudited**	**$ 958,793.15**

Notes: The Workers' Compensation Modification Rate decreased from 0.93 in 2014 to 0.79 for 2015; it decreased again for 2016, to 0.76; it increased slightly to 0.78 for 2017; and it decreased slightly again to 0.77 for 2018; it increased to 0.80 for 2019; and it decreased to 0.68 for 2020.

Door County Schedule for 2021 Budget

Date	Responsibility	Action
General Process		**General Process**
March 20th	Department Heads	Annual Report Due to County Administrator
May 18th	Administraton & Finance	Review budget process with Finance Committee
June 19th	Finance	Distributes Payroll Budget Worksheets to Departments
July 6th	Department Heads	Submit Payroll Budget Worksheets to Finance
July 13th	Finance	Opens On-line Budget Data Entry to Departments
August 3rd	Department Heads	Submit compiled budget requests to Finance
August 10th-21st	Department Heads	Dept. meetings w/ Administrator/Finance for review of compiled budgets (Meeting schedules to be set)
September 1st	**Finance Committee**	Budget presented to Finance Committee
		Finance sends on to Oversight Committees
	Note: Need to schedule oversight meetings between September 4th and September 20th.	
October 19th	**Finance Committee**	Final Review of Budget -- Recommend to County Board
October 21st	Finance	Publishing of Budget Hearings (Required - check publishing deadline)
November 10th (& 11th)	**COUNTY BOARD**	BUDGET HEARINGS/Approval of Door County Budget
November 30th	Finance	Copy of Adopted Budget published to the website.
Outlay Process		**Outlay Process**
April 3rd	Finance	Distribute Instructions & Worksheets for CIP
May 1st	Finance	Distribute Instructions & Worksheets for Vehicle Replacement and non-CIP outlay
May 1st	Finance / TS	Distribute Instructions & Worksheets for Computer/Software/Communication Outlay
May 15th	Department Heads	Submit CIP to Finance
May 29th	Department Heads	Submit Vehicle outlay to Finance and non-CIP outlay
May 29th	Department Heads	Submit Computer/Software/Communication Outlay to TS
June 1-12th	TS	Review Computer/Software/Communication Outlay requests with Departments
June 26th	TS	Review Computer/Software/Communication Outlay requests w/ Administrator and Finance Director
June 15th	**Finance Committee**	First Review of CIP
July 20th	**Finance Committee**	Approve, recommend and forward CIP to County Board
July 28th	**COUNTY BOARD**	Review and adopt CIP for inclusion in budget process
Personnel Related		**Personnel Related Requests - Oversight committee recommendation required**
July 6th	Department Heads	Submit requests for new personnel to Administrator & HR Director w/fiscal impact fr. Finance.
		NOTE: New personnel must have approval from the oversight committee prior to submittal
July 17th	Human Resource Director	Review & recommends Part-time Pay / New pay increases to Administrative Committee w/Administrator
August 18th	**Joint Finance/Administrative**	Review/recommend to County Board all requests for additional personnel & pay rates
September 15th	**Administrative Committee**	Review requests for part-time & LTE rates/**final action.**
September 22nd	**COUNTY BOARD**	Approve/deny requests for additional personnel, part-time & LTE pay rates.

DOOR COUNTY

Door County Clerk

JILL M. LAU

GOVERNMENT CENTER
421 NEBRASKA STREET
STURGEON BAY WI 54235-2225
EMAIL: jlau@co.door.wi.us
PHONE: (920) 746-2200
FAX: (920) 746-2330

Memo

To: County Board Supervisors

From: Jill M. Lau
County Clerk

RE: Conflict of Interest Statement

Date: April, 2020

Our Auditors have requested that each of you complete and return the attached "Conflict of Interest Statement" for each new term of office.

Please fill out your form and either return it to me at the April 21, 2020 County Board Meeting or mail or return to my office, 421 Nebraska Street, as soon as possible following the meeting.

Thank you.

CONFLICT OF INTEREST STATEMENT
DOOR COUNTY, WISCONSIN

A. I have not directly or indirectly accepted nor offered to accept anything of value or any personal advantage which I am not authorized to receive pursuant to an understanding:

   1. That I will act in a certain manner or fail to act in relation to any matter which is pending or might come before me in my capacity as a public officer or public employee; or

   2. That I will do or omit to do any act in violation of my lawful duty or authority.

B. I have not in my capacity as a public officer or public employee participated in the making of a contract or performed in regard to a contract some function requiring the exercise of discretion in which I had a direct or indirect pecuniary interest except as permitted by Section 946.13(2), (5), (7), (8), (9), (10), and (11) Wisconsin Statutes.

C. I have not taken any action in my capacity as a public officer or public employee substantially affecting a matter in which I or a member of my immediate family or an organization with which I am associated has a substantial financial interest.

D. I have not used my office or position in a way that produced or assisted in the production of a direct or indirect substantial benefit for myself or a member of my immediate family or an organization with which I am associated.

E. I am aware of and have complied with the provisions of Sections 946.10 to 946.17, 19.41 - 19.80 Wisconsin Statutes, and Chapter 34 of the Door County Code.

F. Any exception to the above representations are set forth below:

_____

_____

Dated this _____ day of _____, 2020

_____
Name
County Board Supervisor District _____

(Please return this form to the County Clerk on April 21, 2020 or as soon as possible)

COUNTY BOARD SUPERVISOR INFORMATION SHEET
FOR PUBLICATION IN THE OFFICIAL DIRECTORY

Supervisory District_____

Supervisor Name_____
(As you want listed in the County Directory)

Street/Mailing Address_____

City_____ State__WI__ Zip_____

Phone: (home)_____ (work)_____
(cell) _____

(Phone number – used for constituent and/or county contact – please note best contact number)

Mileage from home/work to Government Center _____
Mileage from home/work to Justice Center _____

You will be emailed a notice (on your county email) regarding the County Board Packet and Committee Meeting Packets each month. (*County Board Packets are usually ready for download the Thursday afternoon before County Board). (Committee packets are ready for download at least 48 hours prior to the committee meeting).*

Please return this form to the County Clerk either following today's meeting April 21, 2020 or by mail, 421 Nebraska Street, or in-person as soon as possible following the meeting.

County of Door
COUNTY CLERK'S OFFICE
County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Jill M. Lau
County Clerk
(920) 746-2200
jlau@co.door.wi.us

2020 County Board Meeting Schedule

The Door County Board meets in the County Board Meeting Room at the Government Center, 421 Nebraska Street, Sturgeon Bay, WI. The Board meets in regular session on the fourth Tuesday of every month starting at 9:00 a.m., December, January, February, and March the regular session starts at 10:00 am. The month of April is the Reorganizational Meeting on the third Tuesday starting at 9:00 a.m. The month of September the regular session is rescheduled to the fourth Thursday (to allow for attendance at the Wisconsin Counties Association Annual Conference) starting at 9:00 a.m. and the month of November is the Budget/Annual Meeting held on Tuesday (and possibly Wednesday) following the second Monday of the month (unless that Tuesday falls on November 11th) starting at 9:00 a.m. The meeting date for the month of December is scheduled in November.

The dates are as follows:

January 28, 2020	
February 25, 2020	
March 31, 2020	
April 21, 2020	Board Re-Organizational Meeting, New County Board Member Orientation
May 26, 2020	County Board Individual and Group Photos
June 23, 2020	
July 28, 2020	
August 25, 2020	
September 24, 2020	WCA Annual Conference
October 27, 2020	
November 10, 2020	Annual Meeting and Public Hearing on Budget
December, 2020	TBD