

Key Elements to Be Aware of as a County Board Member

Barron County Board of Supervisors

October 18, 2022



Topics for Review



Roles and Responsibilities

Roles and Responsibilities

COUNTY STRUCTURE

County authority comes from Chapter 59

- Municipal authority comes from the Constitution

Counties are a body corporate that can sue and be sued

- Does that mean that counties resemble private corporations in business structure?

Powers are limited by state statute

- Administrative Home Rule

Counties are governed by a board of supervisors

- Board size ranges from 7 - 38

ADMINISTRATIVE HOME RULE

Sec. 59.03(1) - Every county may exercise any organizational or administrative power, subject only to the constitution and to any enactment of the legislature which is of statewide concern and which uniformly affects every county.

SELF-ORGANIZED COUNTIES

- Self organization provides more flexibility on the manner in which the board of supervisors may operate
 - Use of staggered terms
 - Compensation of supervisors
 - Filling county supervisor vacancies

Wis. Stat. 59.10 (1)

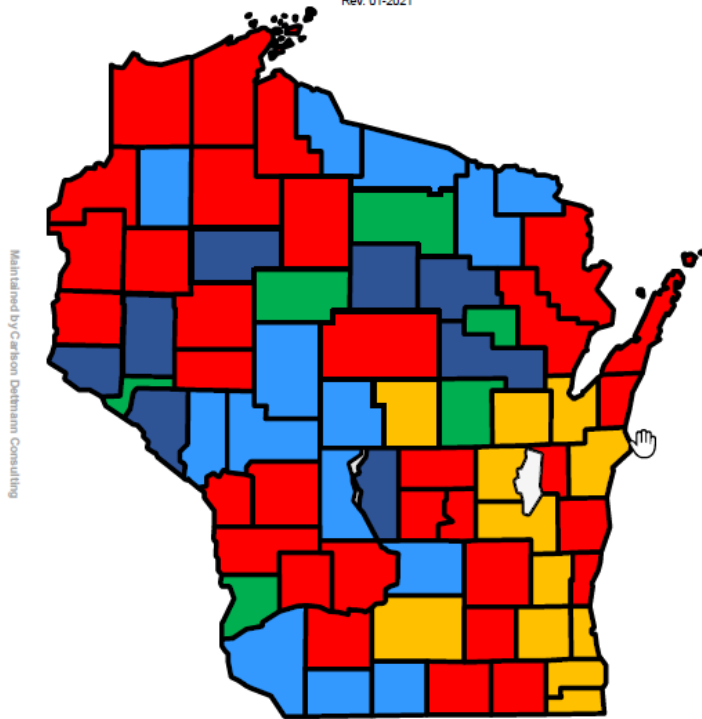
FORMS OF COUNTY GOVERNMENT

Three types

- ▶ County Executive
- ▶ County Administrator
- ▶ County Administrative Coordinator

County Form of Government

Rev. 01-2021



Maintained by Carlson Detstream Consulting

- County Administrator
- County Executive
- Administrative Coordinator (Sole Job)
- Administrative Coordinator (Dual Staff Role)
- Administrative Coordinator (Elected Official)

Full Time Dedicated Positions: 52 Counties
12 Elected County Executives (CE)
33 Appointed County Administrators (CA)
7 Appointed Administrative Coordinators (AC)

Dual Role Positions: 20 Counties
10 AC/County Clerks
4 AC/Board Chairs
3 AC/Human Resources
1 AC/Finance Director
1 AC/Human Services
1 AC/Highway Commissioner

COUNTY EXECUTIVE (S. 59.17)

- ▶ Appoints and supervises department heads subject to board confirmation
- ▶ Appoints members to Boards and Commissions
- ▶ Submits an annual budget to the county board
- ▶ Has veto authority
 - may veto ordinances and resolutions
 - has broader veto authority than Governor
 - county board can override veto with 2/3 vote

COUNTY ADMINISTRATOR (S. 59.18)

- Chief administrator of the county
- Responsible for coordinating all administrative and management functions not vested by law with other officers
- Appoints and supervises Department Heads (board confirmation)
- Appoints members to boards and commissions (board confirmation)
- Submits annual budget

COUNTY ADMINISTRATOR (WIS STAT 59.18)

- An option for counties having a population of 750,000 or less
- Position created by resolution of the board or by petition and referendum
- Appointed by majority vote of the county board

COUNTY ADMINISTRATOR (WIS STAT 59.18)

- Serves as the chief administrative officer of the county
 - Shall take care that every county ordinance and state or federal law is observed, enforced and administered within the county

COUNTY ADMINISTRATOR (WIS STAT 59.18)

- Duties and powers:
 - Coordinates and directs all administrative and management functions of the county government not vested by law with other officers, boards or commissions
 - Appoints/removes and supervises department heads subject to board confirmation (unless waived)
 - Department head supervises the administration of the department
 - Board performs advisory or policy-making functions authorized by statute

COUNTY ADMINISTRATOR (WIS STAT 59.18)

- Duties and powers:
 - Appoints members to boards and commissions (board confirmation)
 - May appoint an administrative secretary and additional staff assistants, as necessary
 - Submits annual budget

COUNTY ADMINISTRATOR (WIS STAT 59.18)

- Qualifications for appointment:
 - Appointed solely on merit
 - Board shall give due regard to training, experience, administrative ability and general qualifications and fitness for performing the duties of the office
- No weight or consideration shall be given by the board to residence, to nationality, or to political or religious affiliations

COUNTY ADMINISTRATOR (WIS STAT 59.18)

- Removal
 - Board may remove at any time that the county administrator's conduct of the county administration becomes unsatisfactory (action of the board shall be final)
- Vacancy
 - Filled by appointment by majority vote of the board

ADMINISTRATIVE COORDINATOR (S. 59.19)

- “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.”
- Similar to county administrator but does not have appointment authority and coordinates rather than supervises
- Some counties meet the requirement by appointing an elected official

COUNTY BOARD SUPERVISORS

- Supervisors serve primarily a legislative function
- The legislative function is largely limited to policy making, law making, budgetary approval and cooperative decision making
- No operational control resides with individual supervisors

COUNTY BOARD SUPERVISORS

- Supervisors authority is collective versus individual
- When appointed to a committee chair position, a supervisor has the authority to set the agenda for committee meetings, preside at meetings and make reports and recommendations on the committee's behalf
- So do “supervisors” actually “supervise” anything?
- Thank you legislature for creating confusion with the name!

BOARD ROLES & RESPONSIBILITIES (DUAL)

County Board

- ▶ Adopts policy
- ▶ Holds staff accountable for implementing policy
 - ▶ Through county administration

Role is that of “visionary”

COUNTY BOARD FUNCTIONS

Involve	Involve, represent and be accountable to the public <ul style="list-style-type: none">•Attend meetings•Inform appropriate county staff if issues arise
Determine	Determine services to be provided
Adopt	Adopt budget – levy taxes
Regulate	Regulate within statutory authority
ENACT	Primary function is to ENACT POLICY

- The role of the County Board is to set the strategic mission and priorities for the County, establish the general policies by which the County is guided in its management of County affairs, consider and act upon resolutions and ordinances, provide financial oversight and build community relationships in support of the mission and priorities. The County Board appoints the County Administrator and monitors the County Administrator's management of the daily operations and implementation of policy.
 - County Board Rules, Chippewa County

COUNTY BOARD CHAIR

- ▶ Presides over meetings of the county board of supervisors
- ▶ Administers oaths
- ▶ Countersigns all ordinances
- ▶ Commonly acts as spokesperson for the county board
- ▶ Provides guidance and direction on moving issues through the board
- ▶ Typically appoints committee members subject to board confirmation (Wis. Stat. 59.13)
 - ▶ Wis. Stat. § 59.12

STANDING COMMITTEE FUNCTIONS

- ▶ Policy oversight for departments, offices and other entities
- ▶ Monitor performance
- ▶ Review and make budget recommendations
- ▶ Draft ordinances and resolutions
- ▶ In other words, assist in POLICY DEVELOPMENT

WHAT IS THE COMMITTEE INVOLVEMENT?

- ▶ Counties are structured so that the committees do much of the preliminary work, and then make recommendations to the full board
- ▶ Committees have the knowledge, expertise and a better perspective of what is needed, what is achievable, how much it would cost (or save) to implement the new strategies and goals
- ▶ Committees know who in the community their departments and programs serve

STAFF ROLES & RESPONSIBILITIES (DUAL)

- ▶ Have an obligation to carry out duties in a manner consistent with the policy direction of the board
- ▶ Make recommendations and give professional advice
- ▶ Do not make policy other than internal as authorized

ADMINISTRATION (DEPARTMENT HEADS & STAFF)

- Implementation of policies and strategies
- Shorter term
- Day to day operations
- Related to smaller functions
- Addresses department or individual issues
- Requires attention to detail
- Requires specialized training

REQUIRED QUALIFICATIONS OF COUNTY STAFF COMPARED TO COUNTY BOARD SUPERVISORS

Staff

Education

Experience

Background checked

Bonded

Professionally current

Professional associations

Board

Elected by people

Local connection

POLICY VS. ADMINISTRATION

▶ Policy (Board) = “What” and “Why”

▶ Administrative/Operations (Staff) = “Where,” “When” and “How”

POLICY VS. ADMIN/OPS

Policy

- “What” – Will the county establish a hiking trail system?
- “Why” – Will the system benefit the county?

Admin/Ops

- “How” – Who will build and maintain the system?
- “When” – What is the timeframe for implementation?
- “Where” - Where will the system need to be maintained?

LEADERSHIP ROLES

- ▶ Department heads (non-elected) have the leadership role in their departments within the guidelines of the policies and procedures set by the board of supervisors and clarified through directives from the executive or administrator

LEADERSHIP ROLES

- ▶ Individual county board supervisors have no management or leadership role outside of committees and commissions; their authority is collective as a member of the board.

HOW OUR COURTS VIEW THE DISTINCTION BETWEEN POLICY AND ADMINISTRATION

- ▶ The county boards function is primarily policy making and legislative, while the county executive functions as an administrator and manager. *See, e.g.*, 80 Op. Atty Gen. 49 (1991). Policy has been defined as “a high-level overall plan embracing the general goals and acceptable procedures esp. of a governmental body.” *Webster's New Collegiate Dictionary* 890 (1977). “Legislative power, as distinguished from executive power, is the authority to make laws, but not to enforce them, or appoint the agents charged with the duty of such enforcement.” *See* 2A MCQUILLIN, MUNICIPAL CORPORATIONS § 10.06 at 311 (3d ed. 1996). “The crucial test for determining what is legislative and what is administrative has been said to be whether the ordinance is one making a new law, or one executing a law already in existence.” *Id.*

Schuette v. Van De Hey, 205 Wis.2d 475 (Ct. App. 1996).

What Happens Without Distinction Between Policy and Administration?

- Time spent on the trivial
- Reading reams of documents
- Long-running meetings that accomplish little
- Committees that are window dressing for what staff want to do
- Meddling in administration
- Staff in control of board agendas
- **Reactivity vs. proactivity**
- Executive/Administrative Committee serving as the de facto Board
- Confusion about what is going on
- Rubber stamping or meddling
- No incisive way to evaluate the Executive/Administrator/Administrative Coordinator

A Special Case: The County Highway Commissioner

- Due to Wis. Stat. Ch. 83, the county highway commissioner is in a unique position by having greater administrative authority and greater policy-making authority than other department heads



A Special Case: The County Highway Commissioner

- Wis. Stat. 83.015(2) – powers and duties of county highway committee

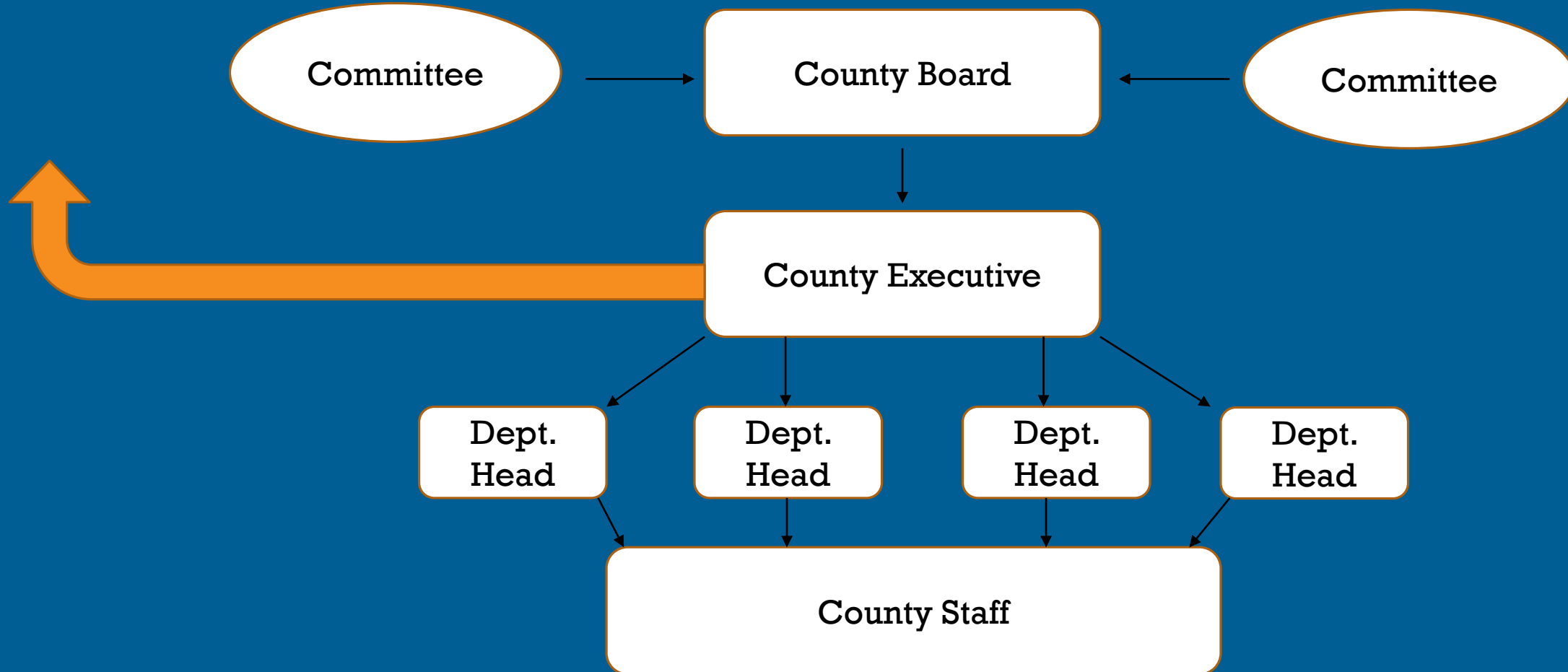
HOWEVER.....

A Special Case: The County Highway Commissioner

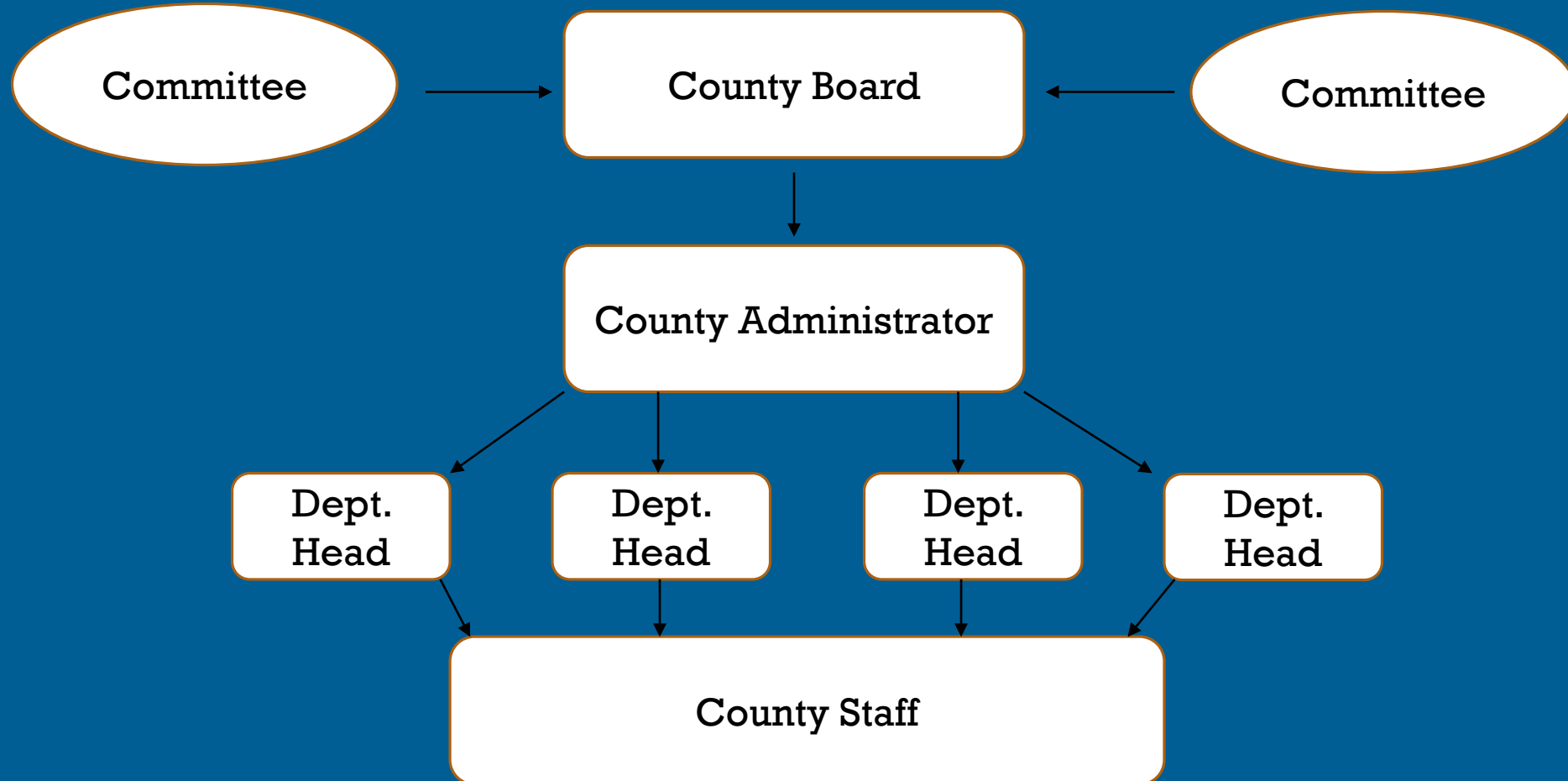
- In any county with a highway commissioner appointed by a county executive or a county administrator, the county highway committee is a policy-making body only, and determines the broad outlines and principles governing administration
 - The county highway commissioner has the administrative powers and duties prescribed for the county highway committee by statute



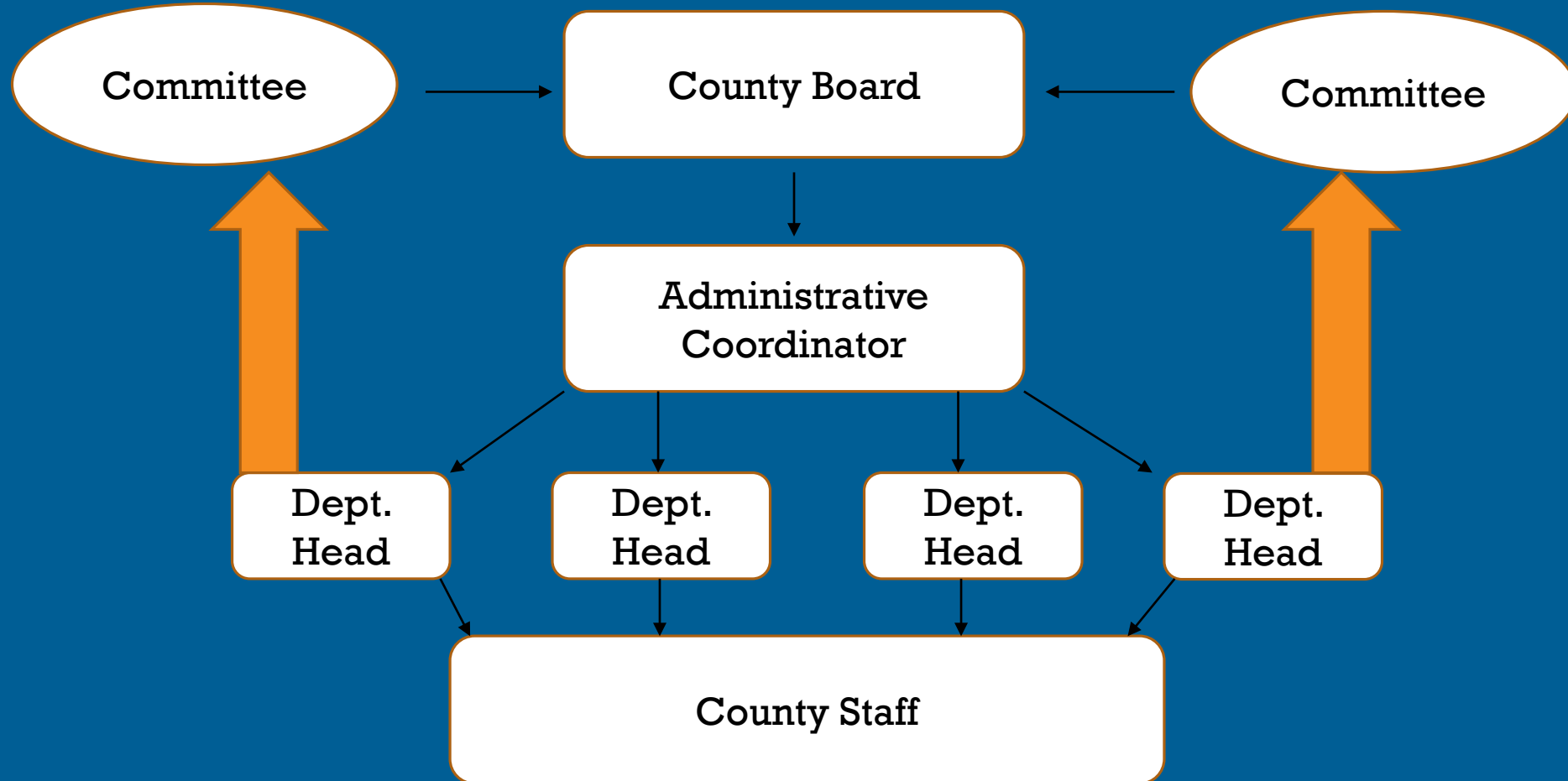
Wisconsin County Organizational Chart (Executive)



Wisconsin County Organizational Chart (Administrator)



Wisconsin County Organizational Chart (Administrative Coordinator)



Where Do Constitutional Officers Fall on the Org Chart?

Clerk of
Courts

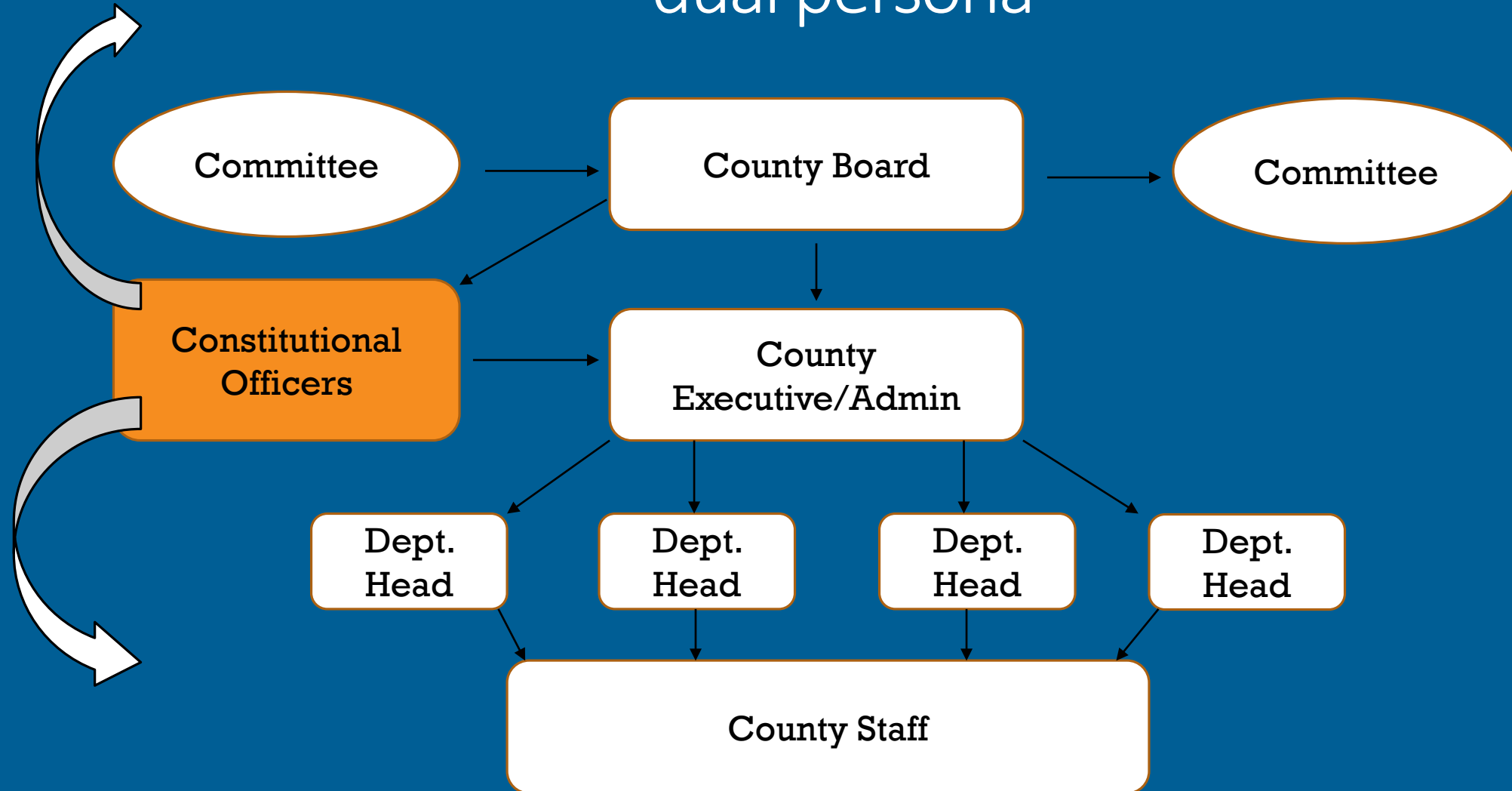
Sheriff

Treasurer

Register of
Deeds

Clerk

The Constitutional officer “dual persona”



Working together as a goal

Between Board Members and the Administrative Team

- Know your job and try not to interfere with that of the administration.
- Devote the time needed to do a good job. Read the background materials the administration prepares.
- Admit what you don't know.
- Do not jump to conclusions; instead, hear and weigh all the facts.

Working together as a goal

Between Board Members and the Administrative Team (cont.)

- Don't make promises outside board meetings, not only for legal reasons, but also out of respect for the ethics of the situation and regard for the other board members, the administration and employees.
- Listen to what your constitutional officers and employees have to offer and let them know you are listening.

Working together as a goal

Between Board Members and the Administrative Team (cont.)

- If someone complains to you about a member of the administration, listen but do not agree. Being supportive of the administration shows that you have confidence in yourself and in the county management team. If the complaint is serious, ask the person to put it in writing and ask the board as a whole to analyze it in light of the appropriate committee structure.

Working together as a goal

- Staff has an obligation to remain “politically neutral” – they should never take a position based on politics
- Supervisors should not assume staff are “taking a side” if the answer they receive on a professional question is not what they hoped for

Key Points To Remember

- Counties are a creature of the State. Counties can only do what the Statutes and Constitution allow
- County Boards are to serve as a legislative body which sets policy, approves annual budgets and makes cooperative decisions.
- County Boards work most effectively when utilizing a strong committee system.
- County committees do much of the preliminary work prior to making recommendations to the full board. They monitor performance, review and develop budget recommendations, and draft ordinances and resolutions.

Key Points To Remember

- Individual county supervisors have no management or leadership role outside of county committees or commissions.
- County administration and department heads are to implement the policies and procedures of the Board.
- Micromanaging stifles productivity of county operations.
- The board & administrative team working cohesively & cooperatively provides the best chance of success in meeting the needs of county residents.

Resources

- ▶ UW-Extension Local Government Education

- ▶ 608-262-9961

- ▶ Attolles Law

- ▶ 414-644-0391

- ▶ Wisconsin Counties Association

- ▶ 866-404-2700

Questions?

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