



1 001-42016

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3 **RESOLUTION: Adopt Rules of the Winnebago County Board of Supervisors**

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6 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

7 **BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby adopts the 2014-2016  
8 Rules of the Winnebago County Board of Supervisors as are contained in the Winnebago County 2015-2016 Official  
9 Directory, for the 2016-2018 session of the Winnebago County Board of Supervisors, subject to the following  
10 amendments:

11 1. That Section 2.1 of the Rules shall be amended to read as follows:  
12 The Orientation Meeting shall be held within the Organization Meeting (see Section 3.0, below). "Orientation  
13 Meeting Information ~~shall be presented given to all members~~ every two years ~~after~~ **following the** election  
14 **of a new county board**. The Chair shall present an orientation ~~program meeting~~ with ~~all an~~ explanation of  
15 the work of the Board and the manner in which it functions, the appointment of committee membership, the  
16 projects of various departments, long-range planning, and the status of various projects of the Board.  
17 He/she may ask for the help of the committee chairs or department heads in making such explanation

18 **2. Section 2.6: Other Rules is hereby deleted.**

19 3. That Section 4.0 of the Rules shall be amended to read as follows:

20 **BUDGET SESSION/ANNUAL MEETING**

21 4. That Section 7.7 of the Rules shall be created to read as follows:  
22 ***Any resolution that is presented for the purpose of expressing support or opposition regarding any***  
23 ***pending or proposed State or Federal legislation shall require a Two-Thirds vote of the membership***  
24 ***of the Board for passage.***

25 5. That Section 17.1 of the Rules shall be amended to read as follows:

26 ***All Budget Sessions shall begin at 6:00 p.m. on those dates indicated in the County Board calendar***  
27 ***and shall end no later than 11:59 p.m. All budget amendments shall be made available to members***  
28 ***of the public attending the budget session and shall be allowed an opportunity to speak by the chair***  
29 ***as to that amendment before the Board votes upon that amendment.***

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31 Respectfully submitted by:

32 **JUDICIARY AND PUBLIC SAFETY COMMITTEE**

33 Committee Vote: **4-0**

34 Vote Required for Passage: **Majority of Those Present**

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36 Approved by the Winnebago County Executive this \_\_\_\_ day of \_\_\_\_\_, 2016.

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\_\_\_\_\_  
Mark L Harris  
Winnebago County Executive

# CONTACT INFORMATION & RELEASE FORM

Name: \_\_\_\_\_

E-mail: \_\_\_\_\_

Phone Nos.: \_\_\_\_\_

## INFORMATION RELEASE FORM

I, \_\_\_\_\_, Winnebago County Board Supervisor, Dist. No. \_\_\_\_\_:

### **Please mark your preferences:**

\_\_\_\_\_ I authorize the release of this telephone number \_\_\_\_\_  
to those who request it. (XXX-XXX-XXXX)

\_\_\_\_\_ I authorize the release of this e-mail address \_\_\_\_\_  
to those who request it.

\_\_\_\_\_ I authorize the publishing of this telephone number \_\_\_\_\_  
in the official county directory (XXX-XXX-XXXX)

\_\_\_\_\_ I authorize the publishing of this e-mail address \_\_\_\_\_  
in the official county directory.

\_\_\_\_\_  
Supervisor's signature

**PLEASE NOTE:** If you have a cell phone number or business number where we can contact you, please provide that information below. **Those numbers will not be given to the public. They will only be used by county officials or county personnel.** Thank you.

Business Number: \_\_\_\_\_

Cell Number: \_\_\_\_\_

Please return this form to the County Clerk's Office.

DAVID W. ALBRECHT  
Chairman  
County Board



415 JACKSON STREET, P.O. BOX 2808  
OSHKOSH, WISCONSIN 54903-2808  
(920) 236-4766  
FAX (920) 303-3025

**Winnebago County**  
*The Wave of the Future*

TO: Winnebago County Board of Supervisors  
FROM: David Albrecht  
DATE: April 12, 2016

Congratulations on your election to the Winnebago County Board of Supervisors.

To assist the Committee on Committees in making committee appointments, would you please indicate, in order of preference, your choice for committee assignments. Please briefly indicate why you would like to be considered for that committee.

Bring this form to the County Board meeting on Tuesday, April 19, 2016.

**Supervisor's Name:** \_\_\_\_\_ **District No.** \_\_\_\_\_

<u>Committee Name</u>	<u>Reason for Choice</u>
_____	_____
_____	_____
_____	_____
_____	_____

Committees choices are:

- Aviation Committee
- Facilities & Property Management Committee
- Highway Committee
- Information Systems Committee
- Judiciary & Public Safety Committee/Emergency Management Committee
- Land Conservation Committee
- Park View Health Center Committee
- Parks & Recreation Committee
- Personnel & Finance Committee
- Planning & Zoning Committee
- UW Education Extension & Agriculture Committee

Section 24.0 of the "Rules of the Winnebago County Board of Supervisors" describes the general duties of these committees.

# 2014-2016 RULES OF THE WINNEBAGO COUNTY BOARD OF SUPERVISORS

## **1.0 TIME AND MEETING PLACE**

**1.1** The meetings of the County Board shall be held in the Board of Supervisors' Room at 6:00 p.m. on the third Tuesday of the month. When an election falls on the third Tuesday of the month, the County Board meeting shall be held on the fourth Tuesday of the month.

**1.2** The Board shall be in continuous session from day to day until adjournment to a day certain or sine die.

## **2.0 ORIENTATION MEETING**

**2.1** Orientation Meeting information given to all members every two years after election. The Chair shall present an orientation program with an explanation of the work of the Board and the manner in which it functions, the appointment of committee membership, the projects of various departments, long-range planning, and the status of various projects of the Board. He/she may ask for the help of the committee chairs or department heads in making such explanation.

**2.2** The County Clerk shall make an explanation of procedure and the manner in which votes are taken and in particular the method of use of the electronic voting machine.

**2.3** The Corporation Counsel shall also address the Board on the functions of his office, and shall present the ETHICS HANDBOOK.

**2.4** The Personnel Director will explain the personnel forms required by that office.

**2.5** The Chair of the Judiciary & Public Safety Committee will explain the County Board rules.

**2.6** All newly-elected supervisors who attend the Orientation Session prior to the Organizational Meeting shall be entitled to a half-day per diem at the existing rate.

## **3.0 ORGANIZATION MEETING**

**3.1** At the statutory Organization Meeting to be held in April of even-numbered years, it shall be the duty of the County Clerk to call the County Board to order. The Clerk shall call the roll and establish presence of a quorum and proceed with the preliminary ceremonies.

**3.2** No resolutions or ordinances shall be considered at the Organization Meeting, except those relating to rules.

**3.3** A quorum being present, the Board shall proceed to the election of the Chair and Vice Chair. Election of the Chair and Vice-Chair shall be by a majority vote of those members present. Should no supervisor gain a majority vote of those members present for either position, the lowest vote-getter shall be deleted from each subsequent ballot until only two candidates for the position remain on the ballot.

**3.4** The Chair shall appoint a Committee on Committees to advise the Chair in selection of committee members. The Committee on Committees shall consist of five (5) Board members. The Committee on Committees shall, when making recommendations for committee assignments, make every effort to distribute committee assignments between supervisors, keeping in mind varying levels of responsibility and time commitments related to various committee assignments.

**3.5** The proposed rules of the new Board shall be made available to the Board membership prior to the Organization Meeting.

**3.6** There shall be an explanation of the present and proposed rules of the County Board.

**3.7** The proposed rules of the Board shall be presented and rules adopted at the Organization Meeting of even-numbered years by a majority vote.

**3.8** The Rules of the Board shall be amended during the two-year period only by a two-thirds vote of those present at a meeting, except at the Annual Organization Meeting, at which time a majority of those present shall rule.

**3.9** After the adoption of the Rules of the Board and other activities as noted in 3.0 through 3.8, the County Board Chairman may make interim appointments to County Board Committees, pending the recessed Organization Meeting, if the business of government so requires. The Board shall recess that Organization Meeting to the following Tuesday.

**3.10** The Board, as the first order of business at the recessed meeting of the Organization Meeting shall officially approve all committee members by a majority vote of those present.

**3.11** At the first regular session following the Organization Meeting, all members of each committee shall then meet for one-half hour to select committee officers and then report the results of such elections to the Board as a whole.

**3.12** Any committee may, if the Committee membership so decides, postpone election of committee officers for not more than one month.

**3.13** Between Organization meetings, should a vacancy occur, or the need arises to adjust a standing committee, then the County Board Chair shall make appointments to fill the vacancy.

**3.14** Between the Organization Meeting and the first regular session, the Chair shall be authorized to conduct an emergency committee meeting with any of the former members of that committee.

## **4.0 BUDGET SESSION**

**4.1** The procedures to be followed during the budget session and calendar year (except as stated in 4.2, 4.3 and 4.4) shall be:

1. Open each meeting during the budget session with time allowed for a public hearing.

**4.2** The first public hearing, as required by law, on the proposed annual budget shall be held at 6:00 p.m. or as soon as possible thereafter on the date selected.

**4.3** The Finance Director shall report to the Board any errors in the budget. The corrections shall be made prior to the presentation of any amendments. The Board shall by a majority vote accept the report of the Finance Director to correct the errors in the Budget.

**4.4** Proposed changes in the Annual Budget shall be submitted in the form of amendments to the resolution.

**4.5** After all proposed amendments to the Budget Resolution have been considered by the Board, the Budget Resolution, as amended, shall be voted upon by the Board.

## **5.0 POWERS OF CHAIR AND VICE-CHAIR**

**5.1** The Chair of the County Board, or in his/her absence the Vice-Chair, shall take the Chair at the hour to which the Board may from time to time stand adjourned, or recessed, or continued, call the Board to order and direct the calling of the roll by the Clerk.

**5.2** In absence of both the Chair and Vice-Chair, the County Clerk shall preside until a Chair Pro-Tem is elected.

**5.3** The Chair shall be responsible for the preparation and order of the written agenda of the County Board as assisted by the County Clerk and Corporation Counsel.

**5.4** The Chair shall act as ex officio member of all committees of the County Board and, as ex officio committee member, shall have power to vote in such committee only in the absence of one or more committee members. The Chair may delegate this power to the Vice-Chair.

**5.5** The Chair shall receive \$5,000 per year, plus per diem. The Vice-Chair shall receive \$1,500 per year, plus per diem.

**5.6** The Chair shall receive all requests and communications not specifically addressed to any committee or official of the County and refer such matter to the appropriate committee or official.

**5.7** The Chair shall be entitled to vote on all questions before the Board.

**5.8** When the Chair wishes to participate in the debate on a matter before the Board, the Chair shall relinquish the Chair to the Vice Chair (if the Vice Chair has or wishes to participate in the debate, then any Supervisor not participating in the debate shall be selected, by the Chair, to act as Chair until the matter is resolved by the Board) prior to participating in the debate, except at the Organizational meeting.

**5.9** The County Board Chair shall advise, by mail, all members of the Board of the Chair's recommendations for Committee membership.

**5.10** The Chair's appointment to fill a County Board vacancy shall be listed in the written agenda.

**5.11** The Chair's appointment to fill a County Board vacancy shall be made not later than 60 days after the vacancy occurs.

## **6.0 ORDER OF BUSINESS**

**6.1** The Order of Business shall be as follows:

A. Call to Order

B. Roll Call

C. Pledge of Allegiance to the Flag

D. Prayer

E. Approval and correction of minutes of the previous meeting

F. Communications, Petitions, Memorials, Accounts, Etc.

G. Reports of Committee, Commissions and Boards

H. Adopt Written Agenda

I. Public Comments

J. Report of the County Executive (optional)

K. Confirmation of County Executive and County Board Chair appointments

L. County Board Chair's Report

M. Presentation of Resolutions and Ordinances previously tabled or laid over to a day certain, and disposition of same

N. Presentation of new Resolutions and Ordinances and disposition of same

O. Consideration of miscellaneous business

P. Adjournment

**6.2** The Roll Call shall be made by use of the voting machine, or in the event of malfunction, by roll call of the County Clerk.

**6.3** Monthly Reports of Committees, Commissions and Boards of the County Board may be made in writing, said reports to be included in the agenda packet mailed, or otherwise delivered, to each Board Member.

**6.4** Public comments will be heard by the Board at an appropriate time in the agenda. The Chair, within his or her discretion, may set a time limit on speakers when necessary.

**6.5** Public comments will be heard by the Board only on those Resolutions and Ordinances on the adopted agenda for that meeting.

**6.6** A supervisor who is permanently leaving a board meeting prior to adjournment shall inform the Chair or the County Clerk of that fact prior to leaving the meeting.

## **7.0 HANDLING OF RESOLUTIONS AND ORDINANCES**

**7.1** Every written resolution shall be prepared in block form and shall be as concise as possible and shall have attached to it the name of the Committee, Commission or Board and/or the names of the Supervisor(s) introducing it.

**7.2** All resolutions that come from Committees, Commissions or Boards shall show the vote of that Committee, Commission or Board.

**7.3** All items to be acted upon by the Board which are included on the adopted agenda may be referred to by the title and number and need not be read by the Clerk unless requested by a Supervisor.

**7.4** Every motion or amendment shall be reduced to writing if requested by a Supervisor.

**7.5** Every resolution having monetary implications shall have a fiscal note attached or included, and, if applicable, shall contain a cost/benefit analysis.

**7.6** Any Committee of Jurisdiction may submit to the County Board a request which has been rejected by Personnel and Finance Committee. However, this request resolution must have a two-thirds affirmative vote of the County Board membership for adoption except at the County Board Annual Budget Session.

## **8.0 WRITTEN AGENDA**

**8.1** Under the direction of the County Board Chair, the County Clerk, with the help of the Corporation Counsel, is hereby authorized and instructed to prepare a written Agenda for each meeting of the County Board.

**8.2** For an item to be printed on the agenda, it must be presented to the County Clerk's Office no later than Monday noon of the week prior to the Board meeting.

**8.3** This Agenda, along with appropriate attachments, shall be mailed or otherwise deposited for delivery at least seven days before the Board meeting.

**8.4** After the Agenda has been mailed, an item may be added and an Amended Agenda sent out only if there would be a negative monetary impact to the County if it waited until the next meeting of the County Board. If waiting until the next County Board meeting would not negatively impact the County, the item must wait until the next meeting.

**8.5** This Agenda and attachments shall be furnished to any person so requesting it from the County Clerk.

**8.6** A copy of the agenda shall also be mailed to all Town Clerks, Village Clerks and City Clerks.

**8.7** All items not appearing on the written Agenda or not delivered with the Agenda shall be out of order and shall not be considered by the Board at the particular meeting.

**8.8** Any item on the Agenda for consideration by the Board may be withdrawn at any time before action is taken on it, but only by its sponsor or if sponsored by a committee, the Committee Chair or a designated alternate in his/her absence.

**8.9** In the event of withdrawal of any item as per 8.8, the Chair will announce the withdrawal and the name of the sponsor or Committee Chair withdrawing it. Co-sponsored resolutions may only be withdrawn upon the concurrence of all sponsors or Committee Chair.

**8.10** Special orders of business may be scheduled by the County Board Chair for presentation to the County Board on the 1st Tuesday of the months of January, March, May, July and September. Announcement of these special meetings shall be made by the County Board Chair at the regularly scheduled County Board Meetings held the 3rd Tuesdays of the months of December, February, April, June and August.

**8.11** Any capital expenditure (improvement project) to be considered by the County Board at any session other than at the budget session, the estimated cost of which is in excess of \$50,000.00, shall require presentation by the committee or the supervisor(s) sponsoring the resolution on behalf of said expenditure at a prior meeting of the County Board before consideration of any appropriation resolution by the County Board.

## **9.0 DEFINITIONS**

**9.1** Agenda: The formal listing of Resolutions and Ordinances to be considered at a meeting of the County Board.

**9.2** Memorials: Something in a speech, ceremony or written document that commemorates recognition of a person, place or occurrence.

**9.3** Motion: The formal mode in which a member submits a proposed measure or resolution for the consideration and action of the committee, commission or board.

**9.4** Resolution: A written, proposed matter for the consideration and action of the County Board. Upon approval, a resolution is a decision made by the County Board for a definite purpose.

**9.5** Ordinance: A law set forth by a governmental authority, a municipal regulation.

**9.6** Petition: A formal written document embodying a request of action to be taken by the Winnebago County Board or one of its agencies or departments.

**9.7** Policy: As used in these Rules, a policy is a general principle established by the Winnebago County Board of Supervisors to guide the management of Winnebago County government.

**9.8** Meeting: A meeting is a single official gathering of the members of the Winnebago County Board of Supervisors to transact business for a length of time during which there is no cessation of proceedings and the members do not separate, unless for a recess, and may last from a few minutes to several hours.

**9.9** Session: A session of the Winnebago County Board of Supervisors is a meeting or series of connected meetings devoted to a single order of business, program, agenda or announced purpose, in which, when there is more than one meeting each succeeding meeting is scheduled with a view towards continuing business at the point where it was left off at the previous meeting.

**9.10** Special Orders of Business Meeting: A meeting other than the regular County Board monthly meeting, Organizational Meeting or Budget Meeting only to be called by Chair.

**9.11** Recess: A recess is a short intermission within a meeting which does not end the meeting or destroy its continuity as a single gathering of the Winnebago County Board of Supervisors and after which proceedings are immediately resumed at the point where they were interrupted.

**9.12** Veto: The refusal of assent by the County Executive to a resolution or ordinance passed by the County Board.

**9.13** Partial Veto: The refusal of assent by the County Executive to any portion of a resolution or ordinance passed by the County Board which contains an appropriation.

**9.14** Veto Over-Ride: A vote by two-thirds of the members elect (36) to pass a resolution or ordinance, or part thereof, which has been vetoed or partially vetoed by the County Executive and has been reconsidered by the County Board.

## **10.0 PRIVILEGE OF SPEAKING**

**10.1** Every member previous to speaking shall be recognized by the Chair. When two or more members desire to speak, the Chair shall designate the order of speaking.

**10.2** No member shall speak more than twice on the same question without leave of the Board, except to answer questions from the Chair or the Floor. The Chair must enforce this rule when a violation is called to the attention of the Chair.

## **11.0 VOTING AND ROLL CALL**

**11.1** A vote on every question shall be taken by ayes, nays, or abstentions, and shall be recorded in the records of the proceedings.

**11.2** A unanimous oral vote shall be considered and recorded as an affirmative unanimous roll call vote.

**11.3** A tie vote on any question shall indicate that question is lost.

**11.4** The Chair shall direct the County Clerk as to when a roll call vote is to be taken. After the Chair so directs the Clerk and the Clerk begins the roll call, no more debate shall be allowed on the question.

**11.5** A voting error shall be brought to the attention of the Chair before a vote is called on the next item before the Board or no corrective action will be taken.

**11.6** All votes cast shall be cast only if the Supervisor is present at his or her desk.

## **12.0 MOTIONS**

**12.1** When a motion is under consideration, no other motion shall be entertained except:

- A. To adjourn.
- B. To lie on the table.
- C. For the previous question.
- D. To postpone to a day certain.
- E. To commit to a committee.
- F. To amend or to substitute.
- G. To postpone indefinitely.

These motions shall take precedence in the order in which they stand in this section.

**12.2** A motion to adjourn, to lay on the table, and for the previous question shall be decided without debate.

**12.3** A motion to postpone indefinitely or to a day certain or commit shall not again be entertained on the same day or in the same stage of the proposition.

**12.4** A substitute shall be open to amendment the same as the original proposition.

**12.5** If an amendment or substitute is lost, another substantially the same shall not be entertained.

**12.6** The previous question (a motion to end debate) may be moved by any member and shall require two-thirds affirmative vote of the members present for passage.

**12.7** When a motion or question has once been determined, any member with the prevailing side if he or she was present and voted may move for reconsideration of the vote, but such motion shall be made and acted upon at the same or next succeeding adjourned (business) meeting and shall not thereafter be made except by unanimous vote.

**12.8** A motion to reconsider a resolution which has been partially vetoed by the County Executive will be in order at the same meeting during which the County Board acts on the County Executive's partial veto.

## **13.0 SUSPENSION OF RULES**

**13.1** Any of the Rules may be suspended by two-thirds vote of the members present, except Rules Number 3.8, 7.5, 11.0-11.5, 12.7, 13.1 which are not suspendable.

## **14.0 ROBERT'S RULES**

**14.1** The rules of parliamentary practice included in the latest edition of "Robert's Rules of Order" so far as they remain in common use and are practicable and applicable and consistent herewith, shall govern the Board.

## **15.0 PUBLICATION OF REPORTS**

**15.1** Reports presented to the Board shall be kept on file by the County Clerk for reference purposes but not published in their entirety in the official proceedings unless so ordered by the Board by a majority vote.



**16.0 QUORUM AND VOTE REQUIRED ON BUDGET TRANSFERS**

**16.1** Wisconsin Statutes, Sec. 59.02(3), gives the general rule requiring a majority of supervisors to be present in order to have a quorum for the transaction of business.

**16.2** Under Wisconsin Statutes, Sec. 59.02(3), all questions before the Board are determined by a majority of the supervisors present unless otherwise provided.

**16.3** Wisconsin Statutes, Sec. 65.90(5), has some additional requirements for changes in the budget after it has once been adopted. Changes in the amounts appropriated and changes in the purposes for which amounts are appropriated may not be made after adoption of the budget except by a two-thirds vote of the membership of the Board.

**16.4** There is an exception, however, within this Statute, to-wit: The County Board hereby authorizes its standing Personnel & Finance Committee to transfer funds between items within a department or office if these items are separately appropriated, and further authorizes the Personnel & Finance Committee to supplement appropriations for a particular office, department or activity by a transfer from the Contingency Fund. Additional funding for unbudgeted funding requests for emergency purposes only, shall be made from the General Fund undesignated fund balance or in the case of a self-supporting proprietary fund, the funds would come from their own fund balance.

**16.5** Personnel & Finance Committee transfers from the Contingency Fund shall not exceed the amount set up in the Contingency Fund as adopted in the annual budget, nor aggregate in the case of an individual office, department or activity in excess of 10 per cent of the funds originally provided for such office, department or activity in such annual budget. The publication provisions of Sec. 65.90 (5)(a) and (b), Wis. Stats., shall apply to all committee transfers from the Contingency Fund.

**17.0 TENTATIVE MEETING DATES**

**17.1** The tentative daily time schedule and calendar are as follows:

**2015**

January 6	Special Orders	6:00 P.M.
January 20	Business	6:00 P.M.
February 10	Business	6:00 P.M.
March 3	Special Orders	6:00 P.M.
March 17	Business	6:00 P.M.
April 21	Business	6:00 P.M.
May 5	Special Orders	6:00 P.M.
May 18	Tour	8:30 A.M.
May 19	Business	6:00 P.M.
June 16	Business	6:00 P.M.
July 21	Business	6:00 P.M.
August 18	Business	6:00 P.M.
September 1	Special Orders	6:00 P.M.
September 15	Business	6:00 P.M.
October 20	Budget Books Available	
October 20	Business	6:00 P.M.
October 26	Budget	6:00 P.M.
October 27	Budget	8:30 A.M.
October 28	Budget	8:30 A.M.
November 17	Business	6:00 P.M.
December 14	Christmas Party	6:00 P.M.
December 15	Business	6:00 P.M.

**2016**

January 5	Special Orders	6:00 P.M.
January 19	Business	6:00 P.M.
February 9	Business	6:00 P.M.
March 1	Special Orders	6:00 P.M.
March 15	Business	6:00 P.M.
<b><u>April 19</u></b>	<b><u>Organizational Meeting</u></b>	<b><u>6:00 P.M.</u></b>
<b><u>April 26</u></b>	<b><u>Business</u></b>	<b><u>6:00 P.M.</u></b>
May 3	Special Orders	6:00 P.M.
May 16	Tour	8:30 A.M.
May 17	Business	6:00 P.M.
June 21	Business	6:00 P.M.
July 19	Business	6:00 P.M.
August 16	Business	6:00 P.M.
September 6	Special Orders	6:00 P.M.
September 20	Business	6:00 P.M.
October 18	Budget Books Available	

October 18	Business	6:00 P.M.
October 31	Budget	6:00 P.M.
November 1	Budget	8:30 A.M.
November 2	Budget	8:30 A.M.
November 15	Business	6:00 P.M.
December 19	Christmas Party	6:00 P.M.
December 20	Business	6:00 P.M.

**18.0 GENERAL DUTIES OF THE COUNTY BOARD**

**18.1 COMMITTEES, COMMISSIONS, BOARDS**

**18.2** The County Board shall be the Board of Jurisdiction for all County Board standing committees.

**18.3** Any decision of any Standing Committee may be appealed to the Board by any Supervisor at any regular or special Board meeting.

**18.4** Any County Board Member may attend, without voting privileges, any open or closed meeting of any County Board Committee, Commission or Board.

**18.5** The public may attend any open meetings of the County Board, and/or its Committees, Commissions, or Boards.

**18.6** No County Board member shall permanently chair more than one committee. This rule shall not apply to the chair of the Legislative Committee.

**19.0 ANNUAL TOUR**

**19.1** The County Board shall make an annual inspection of County owned properties and facilities during the month of May.

**19.2** The agenda for this tour shall be compiled by the County Board Chair.

**20.0 PER DIEM, MILEAGE, EXPENSES**

**20.1** Each Board Member shall be responsible for compiling their own expense sheet for payment by the County of per diem, mileage and other expenses.

**20.2** Such expense sheets must be submitted to the County Board Chair or County Clerk's Office no later than the First Monday of each month.

**20.3** Any and all expenses and other items listed on a Supervisor's expense sheet shall be paid by the County except those which are in excess of sums permitted by County Resolution or Ordinance, or State Statute, in which case the legal limit shall be paid upon approval by the County Board Chair.

**20.4** Pursuant to the County Ordinance, attendance at meetings, conferences or educational seminars that were not identified specifically at the time the budget was adopted must first be approved by the County Board Chair as a condition precedent to expense reimbursement.

**20.5** No Supervisor shall submit for payment any item of expense or per diem which said Supervisor has not actually made or earned.

**20.6** Reimbursement for general items of expense and attendance at meetings shall be governed by Section 1.12 and Section 3.05 of the Winnebago County Ordinance. (See attached Appendix A.)

**20.7** Board members attending seminars or conventions shall submit a written report as to the seminar or convention to the Board within 30 days following its conclusion.

**20.8** All Board members shall be paid by electronic funds transfer unless the Board member provides a signed affidavit to the County Clerk that he or she does not own or possess a bank account so as to allow such electronic payment.

**21.0 ACCESS**

**21.1** All County Board Members shall have reasonable access during normal business hours to departments or offices of Winnebago County not prohibited by State Statutes or Federal Regulations.

**22.0 COMMITTEE MEETINGS**

**22.1** All Committee, Board and Commission meetings shall be held in the County Courthouse or on public property if possible. Meetings held on private property must be accessible to the public.

**22.2** The County Clerk is to be notified of all meetings prior to the time of the meeting so that public notice can be given by the County Clerk.

**22.3** Public notice of all meetings shall be given as soon as the members of the Committee, Board or Commission are notified of such meeting and not less than 24 hours before the meeting except as hereinafter provided.

**22.4** In emergencies, when a meeting must be held with less than 24 hours notice, the County Clerk shall notify the press as soon as possible.

**22.5** Minutes of each meeting, as required by State Statutes, shall be filed with the County Clerk within ten days of the meeting except for closed meetings.

**22.6** Minutes of closed meetings shall be kept and shall be filed with the County Clerk when no reason exists for such minutes to be kept private.

**22.7** Minutes of each meeting shall be kept by the secretary of the committee, or other person so designated by the committee chair and such minutes shall include the time the meeting started, the time the meeting ended, and the time of permanent departure of any member of that body from the meeting.

**22.8** Meetings shall be held at the call of the Committee, Commission or Board Chair, or at the call of a majority of its members.

**22.9** Officers shall be elected during the Organization meeting and shall serve a term corresponding to the Supervisor's term except as otherwise provided in these rules.

**22.10** Any Committee, by majority vote, may elect new officers after one year or when a vacancy exists for any officer's position in that Committee.

**23.0 STANDING COMMITTEES**

**23.1** Standing Committees of the County Board and their membership shall be:

- A. UW Education, Extension & Agriculture Committee  
5 County Board Members
- B. Aviation Committee  
5 County Board Members
- C. Facilities and Property Management Committee  
5 County Board Members
- D. Planning & Zoning Committee  
5 County Board Members
- E. Judiciary and Public Safety Committee  
5 County Board Members
- F. Parks and Recreation Committee  
5 County Board Members
- G. Park View Health Center Committee  
5 County Board Members
- H. Personnel & Finance Committee  
5 County Board Members
- I. Highway Committee  
5 County Board Members
- J. Legislative Committee  
15 County Board Members (County Board Chair, Board, Commission, & Committee Chairs)
- K. Land Conservation Committee  
5 County Board Members and Two Citizens
- L. Information Systems Committee  
5 County Board Members and 1 Citizen Member
- M. Emergency Management Committee  
5 County Board Members

**24.0 GENERAL DUTIES OF STANDING COMMITTEES**

**24.1 UNIVERSITY OF WISCONSIN EDUCATION, EXTENSION & AGRICULTURE COMMITTEE**

This committee shall be composed of five County Board supervisors and shall act as the "Committee on Agriculture and Extension Education" as referred to in Section 59.56 (3), Wis. Statutes. The Committee shall review policy issues relating to the County University Extension Program, County Library Services, and the Winnebago County Fair and shall revise and recommend appropriate policy goals and legislative actions to be taken by the County Board.

At least two members of this Committee shall be members of the Land and Water Conservation Committee. Two members of this committee shall function as Winnebago County members of the Board of Trustees of the University of Wisconsin- Fox Valley Campus.

This Committee shall establish procedure and make recommendations to the County Board of Supervisors as to the award of college scholarships from the College Scholarship Fund to students who are residents of Winnebago County.

**24.2 AVIATION COMMITTEE**

This committee shall be composed of five County Board Supervisors. The committee shall review policy issues relating to Wittman Regional Airport and other aviation matters of concern to Winnebago County and advise and recommend appropriate policy goals and legislative action to be taken by the County Board.

**24.3 FACILITIES AND PROPERTY MANAGEMENT COMMITTEE**

This committee shall be composed of five County Board Supervisors. The committee shall review policy issues related to Winnebago County buildings, grounds, office equipment, furniture and fixtures in all county-owned or leased facilities; long-range development plans for buildings and office space; review policy goals relating to the Purchasing Department and Facilities and Property Management Department; and recommend appropriate goals and legislative action to be taken by the County Board.

**24.4 COUNTY PLANNING AND ZONING COMMITTEE**

This committee shall be composed of five County Board Supervisors and shall be the "county zoning agency" as referred to in Sec. 59.97 (2)(a)1, Wis. Stats. Committee members shall include at least one, but not more than two, County Board Supervisors from an incorporated area. All members shall be appointed by the County Board.

As provided in Sec. 59.95 (2)(bm), the county zoning agency shall be a policy-making body determining the broad outlines and principles governing the administrative powers and duties specified in Sec. 59.97, Wis. Stats. and shall be a quasi-judicial body with decision-making power including, but not limited to conditional use, planned unit development and rezoning.

In addition, the committee responsibilities shall be as follows:

1. Responsibility for all matters of procedure relating to the Winnebago County Zoning Ordinance (this would include basic zoning provisions, floodplain/shoreland provisions and airport zoning provisions), except those designated to Board of Adjustment's jurisdiction.
2. Creation and maintenance of the County development plan.
3. Committee of Jurisdiction for the County Planning Department.

The Committee shall review policy issues relating to the County Zoning Department and County Planning Department and advise and recommend appropriate policy goals and legislative action to be taken by the County Board.

#### **24.5 LEGISLATIVE COMMITTEE**

The Committee shall be composed of the chair of the following committees and boards as well as the County Board Chairman:

Those committees listed in Sections 24.1 through 24.4 and 24.6 through 24.12 of these Rules; the Human Services Board; the Health Board; the Industrial Development Board and the Solid Waste Management Board. The Legislative Committee shall review proposed federal and state legislation and administrative regulations impacting upon the County and shall provide and inform area legislators and Wisconsin Legislative Committees of the recommendations of the County Board. The Committee shall report its actions to the County Board as well as any pertinent information relating to legislation.

#### **24.6 JUDICIARY & PUBLIC SAFETY COMMITTEE**

This committee shall be composed of five County Board supervisors. The committee shall review policy issues and advise and recommend appropriate policy goals and legislative action to be taken by the County Board relating to the following departments or activities:

Clerk of Courts, Sheriff, District Attorney, Coroner, Corporation Counsel, Family Court Commissioner, Veterans Services, Register of Deeds, County Clerk, Court Commissioner, Law Library, Emergency Management and Child Support Agency.

In addition, the duties and responsibilities of this committee shall be:

1. Submit recommendations for County Board rules to be considered at the County Board organization meeting or at other County Board meetings.
2. Submit recommendations for apportionment of supervisory districts in Winnebago County.

This committee shall serve as the County Emergency Management Committee as referred to in Sec. 323.14(1)(a)(3), Wis. Stats.

#### **24.7 PARKS AND RECREATION COMMITTEE**

The Parks Committee shall consist of five members. The County Board, through its Committee on Committees in accordance with Rule 3.4, shall appoint the standing committee.

It shall be responsible for obtaining maintenance, operation and development of all Winnebago County parks and recreation areas, including boat landings, recreational travel areas, associated programs and wildlife preservation areas.

It shall recommend to the County Board from time to time for its action, the necessary rules and regulations for all Winnebago County owned recreational areas.

#### **24.8 PARK VIEW HEALTH CENTER COMMITTEE**

The Park View Health Center Committee shall be composed of five members of the Winnebago County Board appointed by the Chair of the County Board. This committee shall be a policy-making body determining the broad outlines and principles governing the administration of nursing home services provided at the Park View Health Center. This committee shall review policy issues relating to the Park View Health Center and advise and recommend appropriate policy goals and legislative action to be taken by the County Board.

#### **24.9 PERSONNEL & FINANCE COMMITTEE**

This committee shall be composed of five County Board supervisors. The committee shall review policy issues and advise and recommend appropriate policy goals and legislative action to be taken by the County Board relating to the following departments: County Treasurer, Finance Department, Personnel Department, General Services and Microfilm Department.

The duties and responsibilities of this committee shall be:

1. Receive all personnel requests from Committees and Boards of Jurisdiction for study and recommendation.
2. Review proposed personnel policies and amendments as submitted by the Personnel Director and County Executive and submit recommendations to the County Board for consideration and legislative action.
3. Review personnel actions in all county departments as reported by the Personnel Director.
4. Recommend to the County Board, prior to the earliest time for filing nomination papers, a salary schedule for elected officials, appointed officials and other employees of Winnebago County unless otherwise determined by agreement or law.

5. Authorize budgetary alterations as permitted in Sec. 65.90(5), Wis. Stats. in either of the following situations:
  - A. A transfer of funds between budgeted items of an individual County Department if such budgeted items have been separately appropriated, and
  - B. Supplementation of appropriations for a particular office or department by transfer from the Contingency Fund. The limitation on the dollar amount set aside in the budgetary alteration shall be the amount set aside in the Contingency Fund or the sum of \$15,000.00, whichever is the lesser sum, and
  - C. Notwithstanding subsection (b), above, to accept gifts from the Oshkosh Area Community Foundation's Park View Health Center Pass-Through Fund into the Contingency Fund and to appropriate monies received from said gifts to the new Park View Health Center construction project for additions, enhancements, landscaping or furnishings in relationship to said project, provided that the total amount of said appropriation does not exceed 10% of the total amount of funds budgeted for said project for that budgetary year.

This committee may refuse to authorize a budgetary alteration in whole or in part or may grant any such alteration conditionally as it deems appropriate.

6. Review all financial reports submitted to the County Board by the County Executive, by County officials and by auditors retained by the County. (The County Executive is charged with the responsibility to examine, settle and allow all general accounts against the County and to have issued County orders therefor.)
7. Advise the County Finance Director and County Executive in the matter of investment of county funds and report to the County Board from time to time regarding county finances.
8. Examine all claims filed against the County for illegal taxes of any kind and shall make a report and recommend to the County Board on all matters pertaining to illegal taxes.
9. Perform such responsibilities as are indicated in Sec. 3.03 of the General Code of County Ordinances concerning properties taken by the county on tax deeds.
10. Advise with the County Insurance Administrator and County Executive in the matter of establishing appropriate insurance coverages for Winnebago County.
11. Review all claims filed against Winnebago County pursuant to Secs. 59.76 and Sec. 893.80, Wis. Stats. and submit its recommendation to the County Board for consideration and legislative action. Submit an annual report on the disposition of all claims.
12. Review and adopt affirmative action plans submitted by the Affirmative Action Committee.
13. Study, recommend and forward all grant applications to County Board.

#### **24.10 HIGHWAY COMMITTEE**

This committee shall be composed of five County Board supervisors.

As provided in Sec. 83.015(2)(b), Wis. Stats., this committee shall be a policy-making body determining the broad outlines and principles governing administration of County Highway programs.

The committee shall review policy issues relating to the Winnebago County Highway Department and other highway matters of concern to Winnebago County and advise and recommend appropriate policy goals and legislative action to be taken by the County Board.

#### **24.11 LAND CONSERVATION COMMITTEE**

The committee shall be composed of seven (7) members appointed by the County Board pursuant to Sec. 92.06(1)(b), Wis. Stats., as follows:

Two persons shall be members of the University of Wisconsin Education, Extension & Agriculture Committee; one person who is chair of the Winnebago County USDA Agricultural Stabilization and Conservation Committee or such other committee member designated by said chair; and at least one citizen member. The terms of the members of this committee who are not members of the Winnebago County Board of Supervisors shall expire on June 30 of all even numbered years.

The primary duties and responsibilities of such committee shall be as follows:

1. It shall be the committee of jurisdiction for the Land and Water Conservation Department.
2. It shall develop and adopt standards and specifications for management practices to control erosion, sedimentation and nonpoint source water pollution throughout the county.
3. It shall 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.
4. It shall carry out prevention and control measures and works of improvement for flood prevention and for conservation, development, utilization and control of water within the county. These preventative and control measures and works of improvement may be carried out on lands owned or controlled by that 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.
5. It shall prepare long-range plans which include inventories of natural resources in the county, a description of present natural resource uses and a projection of future trends, an assessment of resource conservation problems in relation to use practices and actions necessary to correct those problems including specific goals and provisions for the development, management and conservation of soil, water and related natural resources.

This committee shall be a policy-making body determining the broad outlines and principles governing administration of Winnebago County soil and water conservation.

The committee shall review policy issues relating to the Winnebago County soil and water conservation programs and advise and recommend appropriate policy goals and legislative action to be taken by the County Board pursuant to Secs. 92.06 and 92.07, Wis. Stats.

#### **24.12 INFORMATION SYSTEMS COMMITTEE**

The Committee shall be composed of five (5) County Board members and one citizen member. The citizen member shall be appointed by the County Board Chairman subject to the approval of the County Board of Supervisors. The term of the citizen member shall expire on June 30 of all even numbered years. The primary duties of such Committee shall be to review all proposals and needs relating to Winnebago County's present and future information systems needs and technologies related thereto. This shall be the committee of jurisdiction for the Information Systems Department.

#### **25.0 SPECIAL MEETING OF THE COUNTY BOARD**

Wisconsin Statute 59.11(2) states: A special meeting of the board shall be held:

- a) Upon a written request of a majority of the supervisors delivered to the clerk, specifying the time and place of meeting. The time shall be not less than 48 hours from the delivery of the request. Upon receiving the request the clerk shall immediately mail to each supervisor notice of the time and place of the meeting. Any special meeting may be adjourned by a vote of a majority of all the supervisors. The board by ordinance may establish a separate procedure for convening the board in a "declared emergency" as defined by county ordinance.
- b) For the purposes and in the manner prescribed in Sec. 31.06, with the right to adjourn the special meeting from time to time by a vote of a majority of all the supervisors entitled to a seat. The clerk shall mail written notice of the special meeting, specifying the time, place, and purpose of the meeting, to each supervisor not less than 2 weeks before the day set for the meeting.

**WINNEBAGO COUNTY  
BOARD OF SUPERVISORS**

**ETHICS  
HANDBOOK**

Reviewed by Corporation Counsel – April 2016

## **THE WINNEBAGO COUNTY BOARD OF SUPERVISORS ETHICS HANDBOOK**

### **Purpose**

The purpose of this Handbook is to provide members of the Winnebago County Board of Supervisors with an easy to read, simple Handbook which provides an explanation of State Ethics Laws and Winnebago County Ordinances and Policies which apply to members of the Winnebago County Board of Supervisors. Given the purpose of this Handbook, members of the Board of Supervisors are urged to consult with the Corporation Counsel, and if necessary to obtain a written opinion from that Office, with regard to any situations relating to the ethics of their conduct.

### **Why Are There Ethics Laws and Ordinances?**

There are three general reasons for the creation of ethics laws and ordinances. These are:

- a. To strengthen citizens' confidence in the integrity of governmental officials.
- b. To help preserve the integrity of the government-decision making process.
- c. A policy that officials should not profit from holding public office.

### **Pertinent Statutes, Ordinances and Policies**

#### **A. Criminal Statutes**

1. Section 946.10, Wisconsin Statutes (Bribery of Public Officials and Employees)
2. Section 946.11, Wisconsin Statutes (Special Privileges from Public Utilities)
3. Section 946.12, Wisconsin Statutes (Misconduct in Public Office)
4. Section 946.13, Wisconsin Statutes (Private Interest in Public Contract Prohibited)
5. Section 946.14, Wisconsin Statutes (Purchasing Claims of Less Than Full Value)

#### **B. Relevant Civil Statutes**

1. Section 19.59, Wisconsin Statutes (Codes of Ethics for Local Government Officials, Employees and Candidates)

#### **C. Ordinance Provisions**

1. Section 1.01, General Code of Winnebago County (Receipt of Gifts and Gratuities)

#### **D. Relevant Personnel Policy Provisions**

1. Section 4 – Conflict of Interest
2. Section 5 – Employment Discrimination and Sexual Harassment

### **Criminal Statutes**

Criminal statutes are statutes which make it a state crime to engage in certain conduct. Crimes that are felonies have the possible consequence of imprisonment for one year or more in a state penitentiary such as Waupun or Taycheedah. The conviction of a felony also results in the loss of certain rights, such as the right to vote, the right to run for or hold public office, and the right to own or possess a firearm.

The conviction of a misdemeanor has as a consequence of possible imprisonment for less than one year in the County Jail. A conviction on a misdemeanor charge, like conviction on a felony



charge, results in a person having a permanent criminal record. Misdemeanors, however, being less serious crimes, do not result in the person convicted losing the same personal rights that would be lost if the person had been convicted of a felony.

### **Crimes Relating to Public Officers**

#### 1. Bribery

Pursuant to Section 946.10, Wisconsin Statutes, accepting a bribe by a public officer or employee is a Class D Felony. That Statute states that “Any public officer or public employee who directly or indirectly accepts or offers to accept any property or any personal advantage, which the officer or employee is not authorized to receive, pursuant to an understanding that the officer or employee will act in a certain manner in relation to any matter which by law is pending or might come before the officer or employee in the officer’s or employee’s capacity as such officer or employee or that the officer or employee will do or omit to do any act in violation of the officer’s or employee’s lawful duty” is guilty of a Class D Felony.

Example: A County Board member who is on the Zoning Committee agrees on behalf of a developer, who is petitioning the Zoning Committee for approval of a zoning amendment, to vote in favor of the developer’s petition for amendment so as to allow the development of a residential subdivision. In return, the developer offers to provide the supervisor with a discounted price upon a choice lot within the subdivision. The County Board Supervisor, in accepting this offer, has accepted a bribe.

#### 2. Special Privileges From Public Utilities – Class E Felony

Under Section 946.11(b) and (d), Statutes, any public officer who asks for or accepts from any person or uses in any manner for any purpose any free pass or frank or any privilege withheld from any person for the traveling accommodation or transportation of any person or property or the transmission of any message or communication or who asks for and accepts or uses in any manner or any purpose any frank or privilege withheld from any person for any product or service produced, transmitted, delivered, furnished or rendered by any public utility is guilty of a Class E Felony.

Example: The County Board Chairman asks Ameritech to provide him with free telephone service to his home. Even though Ameritech refuses to provide free service to the County Board Chairman, the County Board Chairman, by asking for this privilege, is guilty of a Class E Felony.

#### 3. Misconduct In Public Office – Class E Felony

Section 946.12, Statutes states that any public officer or public employee that does any of the following is guilty of a Class E Felony:

- a. Intentionally fails or refuses to perform a known mandatory, nondiscretionary, ministerial duty of the officer’s or employee’s office or employment within the time or in the manner required by law;
- b. In the officer’s or employee’s capacity that such officer or employee does an act which the officer or employee knows is in excess of the officer’s or employee’s lawful authority or which the officer or employee knows the officer or employee is forbidden by law to do in the officer’s or employee’s official capacity;
- c. Whether by act of commission or omission in the officer’s or employee’s capacity as such officer or employee exercises a discretionary power in a manner inconsistent with the

- duties of the officer's or employee's office of employment or the rights of others and with an intent to obtain a dishonest advantage for the officer or employee or another;
- d. In the officer's or employee's capacity as such officer or employee makes an entry into an account or record book or return certificate, report or statement which in a material respect the officer or employee intentionally falsifies; or
  - e. Under color of the officer's or employee's office of employment, intentionally solicits or accepts for the performance of any service or duty anything of value which the officer or employee knows is greater or less than is fixed by law.

Example as to (a) above:

Section 59.11(3), Wisconsin Statutes, provides that, "All (board) meetings shall be held in the county at places that are designated by the board. The board shall give adequate public notice of the time, place and purpose of each meeting." Thirty members of the board travel together to a NACO Conference in Texas and decide to convene the meeting of the County Board of Supervisors without notice to the press or general public. All county board members participating in such a meeting would be guilty of a Class E Felony in that the statute mandates that all meetings of the board must be held within Winnebago County and that adequate notice of the time, place and purpose of each meeting must be provided by the board.

Example as to (b) above:

The County Board Chairman enters a car dealership and signs a contract for a new 4-wheel drive pick-up truck to be purchased on behalf of the Land and Water Conservation Department, despite the fact that the County Board Chairman has no authority to sign such a contract nor has money been appropriated for the purchase of such a vehicle. As a result, the County Board Chairman is guilty of a Class E Felony.

Example as to (c) above:

A county board member, who is also an attorney, represents a client who has a claim against the County. The county board member votes to grant his client's claim, knowing that he has an agreement with his client to receive as a fee of 25% of whatever his client recovers. The county board supervisor is guilty of a Class E Felony in this instance.

Example as to (d) above:

A county board supervisor travels to Madison for a county sponsored seminar. Despite the fact that mileage from the supervisor's home in Oshkosh to Madison is 170 miles round trip, the supervisor claims mileage of 240 miles. This is an intentional falsification of the county board supervisor's mileage and thus he is guilty of a Class E Felony.

Example as to (e) above:

The Chairman of the Zoning Committee informs a person petitioning for a zoning amendment that the person will have to pay a \$500 "late fee" to have the petition considered at the next Zoning Committee meeting, despite the fact that the county has no such fee requirement. Despite the fact that the petitioner's check is made out to the county, the committee chairman is guilty of a Class E Felony in that he has solicited a fee which is greater than is fixed by law for the performance of a duty.

#### 4. 946.13 Private Interest In Public Contract Prohibited – Class E Felony

Section 946.13 provides that a public officer or public employee that does any of the following is guilty of a Class E Felony:

In their private capacity, negotiates or bids for or enters into a contract in which the officer or employee has a private pecuniary interest direct or indirect, if at the same time, the officer or employee is authorized or required by law to participate in their official capacity in the making of the contract or to perform in regard to this contract some official function requiring the exercise of discretion on the officer or employee's part or, in their capacity as an officer or employee participates in the making of a contract in which the officer or employee has a private pecuniary interest, direct or indirect or performs in regard to that contract some function requiring the exercise of discretion on the officer's or employee's part. This section of the statute does not apply to a contract in which any single public officer or employee is privately interested but do not involve receipts or disbursements aggregating more than \$15,000 in any year; contracts involving the deposit of public funds in public depositories; contracts involving loans made to the county; contracts for the publication of legal notices required to be published; contracts for the issuance to a public officer or employee of tax titles, certificates or instruments which are issued in lieu of payment of salary or other obligations due to such an employee; and contracts for the sale of bonds or securities issued by the county or contracts for the payment of wildlife damage, farmland preservation, water resources management or water pollution abatement. This section also does not apply to any officer or employee who receives \$10,000 or less per year in compensation by reason of that officer or employee being a director, officer, employee, agent or attorney for a state or national bank. In addition, there are various other exceptions to the law which may apply in a number of very limited, specified cases.

**Comment:** Of all the areas of the criminal law, this is the area that a county board supervisor may most easily violate, either inadvertently or as a result of the somewhat vague nature of the statute. A prosecutor does not have to prove intent to violate the statute to obtain a conviction. Moreover, compliance with this statute does not necessarily guarantee compliance with the State Ethics Law or the County's Ethics Ordinance. The following are a few simple examples with regard to the applicability of the law:

Example #1: A county board supervisor operates a business for the repair of copying machines and other similar office equipment. The Corporation Counsel's Office calls the business and asks the supervisor to make an emergency repair of his copying machine. The county board supervisor performs this service and sends a bill to the County for \$1500.00 for the repair. The county board supervisor is not guilty of a Class E Felony in this case in that the aggregate amount of the contract was less than \$15,000 per year.

Example #2: During the course of the year, the same county board supervisor as in Example #1, above, repairs copying machines in 20 different offices for the county. Moreover, the county board supervisor, as a member of the Personnel & Finance Committee, has voted in favor of separate appropriations of \$1,000 each for each department for copying machine repairs. The aggregate bill for these services is \$20,000. In this example, the county board supervisor is in violation of the statute and guilty of a Class C Felony in that he has participated in the making of the contract and appropriation of the money for the contract and performed services for the county in an aggregate amount greater than \$15,000 during that calendar year.

### 5. Section 946.14 – Purchasing Claims of Less Than Full Value

This statute prohibits an official from purchasing a claim against the County for less than full value.

Example: Tom’s wife was killed in an accident with a County Highway truck. Tom files a survivor’s claim against the County for \$1 million. A county board supervisor purchases Tom’s claim against the County from him for \$10,000, hoping to sue and recover a greater amount from the County. The supervisor’s actions constitute a Class E Felony.

### **Civil Laws**

-19.59 Codes of Ethics for Local Government Officials, Employees and Candidates.

Section 19.59(1)(a): No local public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family or for an organization with which the official is associated.

### **Who is a Public Official?**

Pursuant to Section 19.42(7w), Statutes, elected county officials, individuals appointed or contracted with to serve or be employed by the county for a specified term; and persons appointed to their positions (department heads) who serve at the pleasure of the County Board or County Executive are public officials.

### **What is “Anything of Substantial Value?”**

In a 1977 Opinion, the State Ethics Board, interpreting the Ethics Code applicable to state officials, considered the legality of a state official’s acceptance of a \$25 gift. In that Opinion, the State Ethics Board stated: “We did not mean to suggest it is improper for a state official to accept something that is a mere token of appreciation, but we wish to distinguish between mere tokens of appreciation and items of merchantable value. Applying this test, we believe that a gift having a value of \$25.00 or more is an item of value of which should rebound to the state if offered to a state official in appreciation of official fulfillment of tasks related to his or her public responsibilities. Pens and pins, on the other hand, may be mere tokens . . . .”

It is important to realize what the Ethics Board is saying in its opinion. Its ruling says: 1) Any gift over \$25 violates the law;. 2) A gift under \$25 could violate the law; and 3) Acceptance of promotional trinkets does not violate the law.

However, in another Ethics Opinion, the Ethics Board stated, “We think it is inappropriate for any state officer or employee to accept anything more than nominal value from any business desiring to enter into an agreement with the State of Wisconsin if the official or employee will exercise any influence with respect to the proposed agreement. Nevertheless, the Legislature has noted that standards for elected and for state public officials need to distinguish between those minor and inconsequential conflicts therein avoidable in a free society and those conflicts which are substantial and material. Under ordinary circumstances, therefore, we believe that an officer or an employee of the State of Wisconsin may partake of refreshments offered by a distributor of office equipment insofar as the value of the refreshments is clearly nominal and the circumstances are conducive to review and discussion of the equipment marketed.”

### **What is Private Benefit?**

Anything obtained through the use of an official's public position or office only violates the law if the item benefits the official or his or her immediate family on a private basis.

Example: The county board supervisor is also a town board supervisor. He uses his position as a county board supervisor to obtain a grant for the town in the amount of \$100,000. In that the county board supervisor's actions do not result in a private benefit to the county board supervisor or his or her immediate family, there is no violation of the law.

Example: A county board supervisors attends the Wisconsin Counties Association Convention. There is an exhibition hall at the convention where many private businesses have purchased booths as exhibitors. In order to gain admission to the exhibition hall, a person must be an exhibitor, an elected county official, a county employee, an employee of the Wisconsin Counties Association or must have some type of connection with county government. A general contractor has an exhibit booth in the hall. The contractor has posted a sign indicating that two Packer tickets will be awarded to the winner of a drawing. Persons visiting the exhibit can enter the drawing by putting their name in a fish bowl at the contractor's booth. A county board supervisor places his name in the fish bowl and subsequently wins the two Packer tickets. In the opinion of the State Ethics Board, it would be a violation of the law for the county board supervisor to accept the tickets for himself. This is because he is using his official public position for the benefit of himself or his immediate family on a private basis. This is because the supervisor would not have been eligible to enter the exhibit hall and enter the drawing but for his public position as a supervisor. The supervisor may only accept the tickets if the tickets are given to the county government. Absent any county policy to the contrary, the tickets would be required to be turned over to the office of County Executive, who, as Chief Administrative Officer for the County, would determine the means of their disposition.

Example: A county board supervisor attends the Wisconsin Counties Association convention. The county board supervisor, while at the convention, goes out to dinner at a local restaurant. In the lobby of the restaurant, the restaurant owner has placed a box with entry forms to enter a contest to win two free Packer tickets. The county board supervisor enters the drawing and subsequently wins the two free Packer tickets. In this instance, it would not be illegal for the county board supervisor to accept the tickets. This is because anybody entering the restaurant, regardless of their status, could enter the drawing. It was not necessary to be a county board supervisor or connected with county government to enter the restaurant or to enter the contest. Thus, the county board supervisor has not used his public position to benefit himself or his immediate family on a private basis.

### **What is "Immediate Family?"**

Pursuant to Section 19.42(7), Statutes, the immediate family of a public official includes that individual's spouse, and any individual who is related by marriage, lineal descent or adoption who receives directly or indirectly more than ½ of his or her support from the public official or from whom the public official receives directly or indirectly more than ½ of his or her support. Consequently, spouses and minor children of public officials fall within the definition of immediate family. An adult son, daughter, niece, nephew, parent or grandparent who is supported and who receives more than 50% support from the public official is also "immediate family". Conversely, if the public official receives more than 50% of his support from his parents, children, grandparents, or uncle or an aunt, those relatives from whom the public officials receives such support fall within the definition of "immediate family".

On the other hand, an adult son or daughter of a public official does not fall within the definition of “immediate family” nor does any other adult relative of the official provided that the son, daughter or other relative who receives less than 50% of their support from the public official or, conversely, if the public official receives less than 50% of his support from the son, daughter or other relative.

Example: A county board supervisor votes to approve a collective bargaining agreement with staff at the county-owned nursing home. The county board supervisor’s daughter works as a nurse’s aide at the nursing home and is covered under the collective bargaining agreement. The county board supervisor does not financially support his daughter nor does the daughter financially support the county board supervisor. The county board supervisor, by voting in favor of the collective bargaining agreement, does not violate state statute.

Example: The wife of a county board supervisor works as a nurse for the County Health Department. The annual budget resolution comes before the County Board for a vote. The county board supervisor may vote upon the budget resolution, in that the resolution does not specifically focus on the County Health Department and the County Health Department’s appropriation is but a small part of the budget. However, the county board supervisor would be prohibited from voting upon an amendment to the budget which might affect the salary, benefits or the employment position of his wife, in that it may be presumed that the supervisor was utilizing his position to benefit his immediate family on a private basis.

### **What Is “Organization With Which the Official is Associated”?**

An organization, as defined in Section 19.42(11), Statutes, means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic. “Associated”, as defined by Section 19.42, Statutes, when used with reference to an organization, includes any organization in which an individual or member of his or her immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate at least 10% of the outstanding equity or of which an individual or a member of his or her immediately family is an authorized representative or agent.

Example: A county board supervisor is a member of the zoning committee. A petition for zoning amendment comes before the zoning committee from the Kimberly Clark Corporation. Five years previously, the county board supervisor inherited 1,000 shares of Kimberly Clark common stock. (For purposes of this example, approximately 30 million shares of Kimberly Clark common stock are outstanding). The county board supervisor is not a director, officer or trustee of Kimberly Clark Corporation. It is not a violation of Section 19.59(1)(a), Statutes, for the county board supervisor to participate and vote upon the petition for zoning amendment.

Example: The same situation as the previous example, except in this case, the county board supervisor owns 100 shares of Kimberly Clark stock, but serves as a trustee for a private foundation, which controls 15% of the common stock of Kimberly Clark Corporation. In this example, the county board supervisor would be prohibited from voting upon the petition for zoning amendment.

Example: Friends of a county board supervisor form a small computer business. They have incorporated the computer business and issued 100 shares of stock. They have placed the county board supervisor on the board of directors and given him one share of stock of the corporation. A resolution comes before the county board to approve a three year contract for computer

services with that corporation. The county board supervisor, as a director of the corporation, is prohibited from participating in or voting upon the resolution, despite the fact that he owns only one share of stock in the corporation, in that he is a director of the corporation.

### **Conflicting Interests - 19.59(1)(c)**

No local public official may take any official actions substantially affecting a matter in which the official, a member of his or her immediate family or an organization with which the official is associated has a substantial financial interest.

The statute does not apply to any action taken by a county board supervisor with regard to a resolution to modify or amend a county ordinance.

Example: A resolution comes before the county board whereby the Nature Conservancy will purchase property from Winnebago County. The county board supervisor is a member of the Nature Conservancy, (a national charitable wildlife preservation organization). It would not be illegal for the county board member to vote upon the resolution in that he is not “associated” with the Nature Conservancy pursuant to Section 19.42(2), Statutes, as long as he is not a director, officer or trustee of that organization nor as long as neither he nor any of his immediate family owns an equity of 10% in that organization nor is a representative of the organization.

### **Penalties**

The penalty for violation of Section 19.59(1), Statutes, is a forfeiture of not more than \$1,000.

### **County Ethics Ordinance**

Section 1.01 of the General Code of Winnebago County provides: “No County employee or official shall receive or offer to receive, either directly or indirectly, any gift, gratuity or other thing of value which he is not authorized to receive from any person who “(a) has or is seeking to obtain contractual or other business or financial relationships with the county or county board; or (b) conducts operations or activities which are regulated by the county or county board”. A fine for the first offense of not less than \$5.00 but not more than \$500.00 may be imposed with regard to violation of the ordinance. The ordinance is restricted to the receipt of gifts, gratuities or other things of value from persons or firms contracting with the county, seeking to obtain contracts or other business or financial relationships with the county or conducting operations or activities which are regulated by the county or county board. Like the state statute, no de minimus value is placed upon the gift, gratuity or other thing of value. It is unlikely that a court would interpret this ordinance to include the receipt of refreshments or promotional trinkets (pens, pencils, keychains, etc.).

### **County Personnel Policy**

County Personnel Policy applies generally to employees of Winnebago County, as opposed to elected officials. However, it should be noted that the Conflict of Interest section of the Personnel Policy Manual (Article 4) prohibits county employees from using their office or position for personal financial gain or the financial gain of their family. In addition, it precludes county employees from engaging in political activity during normal work hours or the use of county equipment, property or office space for that purpose. It also prohibits employees from directly or indirectly coercing any person to contribute monetary or other types of assistance for any political candidate, party or purpose. In addition, the policy prohibits any person in a supervisory position, whether an employee or public official, from using that supervisory position to appoint to any position, funded by his budget or operating under his direct or indirect supervision, a relative or any person considered to be a significant other. Definition of “relative”

includes the spouse, parent, child, uncle, aunt, brother, sister, niece, nephew or any of the same relatives of that person's spouse. A "significant other" includes a person within whom the supervisor cohabitates and with whom he maintains an intimate relationship.

### **Discrimination and Harassment Prohibitions**

County Board Supervisors, like County employees, are prohibited by state and federal law from discriminating against persons on the basis of their race, religion, sex, sexual orientation, marital status or disability. County Board Supervisors in participating in employment selection processes, selection of contractors, and their interaction with employees of the county, as well as their interaction with employees of firms doing business with the county and those receiving services or having business with the county, need to be alert to the fact that discrimination or harassment on such a basis may not only open the county to liability but may open themselves to personal liability, especially if such discrimination or harassment, on the supervisor's part, is intentional in nature.

### **Legal Assistance**

Section 19.59(5)(b), Wisconsin Statutes, provides legal protection for county officials with regard to ethics questions. Pursuant to that section, if an advisory request is made of the County Corporation Counsel and an advisory opinion issued in writing by the Corporation Counsel with regard to an ethics question, such a request, and opinion serve as prima facie evidence of intent on the part of the county board supervisor to comply with the ethics code.

It should be noted that such a request can be made in confidence. The Corporation Counsel may release his opinion to the general public, provided that sufficient alterations are made to the opinion to disclose the identities of the individuals involved in the opinion.

If the county board supervisor believes that he or she has an ethical dilemma, it is recommended that they make a written request for a written opinion from the Corporation Counsel prior to taking any action or inaction with regard to a situation. Such a request provides legal protection to the supervisor should controversy arise with regard to the supervisor's actions in the future.

### **"Smell Test"**

As you can see by many of the examples provided in this Handbook, many of the situations that a county board supervisor may run into with regard to the ethics laws do not have clear cut answers. In deciding whether to take a specific action or to accept a gift of any value, it is recommended that a county board supervisor first administer a "smell test" to the situation. The "smell test" is, "Would any reasonable person believe that there was anything suspect or "fishy" with regard to the actions which I am contemplating taking?" If the answer to the question is "yes", then your best course of action as a county board supervisor is either to seek a legal opinion from the Corporation Counsel or refrain from taking the action or participating in making a decision with regard to the subject matter which is before you. In the long run, the acceptance of a gift of little value is not worth the potential headache which may result to you and your family should the press or a political enemy choose to publicize the situation.

### **State Ethics Board Web Site**

The State Ethics Board maintains a web site, which includes opinions issued by it dating back to 1992. Its address is: <http://ethics.state.wi.us/>



**State Statute Website**

The internet website for the Wisconsin State Statutes has the following address:

Website: [www.legis.state.wi.us/rsb/stats.html](http://www.legis.state.wi.us/rsb/stats.html)

**Appendix**

Attached to this Handbook is an Appendix containing relevant State Statutes, County Code Provisions and portions of the Personnel Policy Manual.