

2

3 **ORDINANCE: Create Section 8.06 of the Winnebago County General Code: Winnebago**
4 **County Highway Commissioner**

5

6

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

8 **WHEREAS**, WIS STAT. § 83.01(2)(a) provides: "Unless the county board establishes a different term
9 of service by ordinance, the county highway commissioner shall serve for a term of 2 years except as
10 provided in par. (b); and

11 **WHEREAS**, WIS STAT. § 83.01(2)(b) provides: "Unless the county board establishes different term of
12 service under par. (a), upon his or her first election or appointment the county highway commissioner shall
13 serve until the first Monday in January of the 2nd year succeeding the year of election or appointment; and

14 **WHEREAS**, Highway Commissioner Robert Doemel's first term will expire the first Monday in
15 January 2023 as Winnebago County does not have an ordinance waiving WIS STAT. § 83.01(2); and

16 **WHEREAS**, Commissioner Doemel's two immediate predecessors served terms beyond the
17 statutory expiration date prescribed in WIS STAT. § 83.01. Highway Commissioner Winter's term would have
18 expired in January 2014 and Highway Commissioner Palonen's term would have expired in January 2019
19 but both commissioners served beyond the statutory expiration date at the pleasure of the County
20 Executive. Waiving the statutory requirement of WIS STAT. § 83.01(2)(b) will allow for consistency in
21 appointments and operations; and

22 **NOW, THEREFORE, BE IT RESOLVED BY THE WINNEBAGO COUNTY BOARD OF SUPERVISORS**
23 **THAT IT HEREBY ACKNOWLEDGES AND ACCEPTS** the provisions as outlined in WIS STAT. § 83.01.

24

25 **BE IT FURTHER RESOLVED BY THE WINNEBAGO COUNTY BOARD OF SUPERVISORS THAT IT**
26 **HEREBY ORDAINS** that Section 8.06, Winnebago County Highway Commissioner, is created and shall
27 read as follows:

28 **8.06 WINNEBAGO COUNTY HIGHWAY COMMISSIONER**

29 (1) Purpose: The purpose of this subchapter is to outline the procedures for appointment of the
30 Winnebago County Highway Commissioner.

31 (2) Authority: The authority for this subchapter is WIS STAT. Chapter 83.

32 (3) Appointment

33 (a) Pursuant to WIS STAT. 83.01(1)(c), in any county with a County Executive, the County
34 Executive shall appoint and supervise the County Highway Commissioner.

35 The appointment is subject to confirmation by the County Board unless the County Board,
36 by ordinance, elects to waive confirmation.

37 (b) Upon appointment by the Winnebago County Executive and confirmation by the Winnebago
38 County Board of Supervisors, the Winnebago County Highway Commissioner shall serve at
39 the pleasure of the Winnebago County Executive.

- 40 (4) Severability: Should any portion of this Ordinance be declared unconstitutional or invalid by a court
41 of competent jurisdiction, the remainder of this Ordinance shall not be effected.
42 (5) Effective date: This Ordinance shall become effective as of the date following the date of its
43 publication.

44
45 Respectfully submitted by:

46 **PERSONNEL AND FINANCE COMMITTEE**

47 Committee Vote: **4-0**

48
49 Vote Required for Passage: **Majority of Those Present**

50
51 Approved by the Winnebago County Executive this ____ day of _____, 2021.

52
53
54 _____
55 Jonathan D. Doemel
56 Winnebago County Executive
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92