

Agenda Item Report



Winnebago County
The Wave of the Future

DATE: May 8, 2023

FROM: Ad-Hoc Task Force on Per Diems

RE: Invoking the Authority of Wis. Stat. 59.10(1) for Winnebago County to Become a Self-Organized County

General Description:

Self-organization is a process used by county boards that provides the board with alternatives to some of the specific procedures otherwise prohibited in Wis. Stat. Chapter 59. A county which has undergone self-organization may adopt its own policies regarding:

- Use of staggered terms for the supervisors, electing half of them each year rather than electing them all each even-numbered year. §59.10(1)(b). Without self-organization, all supervisors are to be elected on the first Tuesday in April in even-numbered years and take office on the third Tuesday in April of that year. §59.10(3)(d).
- Compensation of supervisors for attendance at board meetings and paying mileage. §59.10(1)(c). While non-self-organized boards already have a number of options*, self-organization would allow the board to be as creative as it wished, except that compensation would have to be set by the statutorily required date and the board could not give a mid-term compensation increase for itself.
- Filling vacancies in the office of county supervisor. §59.10(1)(d). A county may determine the procedures for filling a vacancy. Without self-organization, vacancies are filled by the board chairperson for the unexpired term, with the approval of the board. §59.10(3)(e).

Action Requested:

Invoke the Authority of Wis. Stat. 59.10(1) for Winnebago County to Become a Self-Organized County.

Procedural Steps:

Committee of Jurisdiction: **AD HOC ON PER DIEM TASK FORCE** Meeting date: 04-24-2023
Action taken: APPROVED Vote: 7-0

Committee of Jurisdiction: **JUDICIARY AND PUBLIC SAFETY** Meeting date: 05-01-2023
Action taken: APPROVED Vote: 4-1

County Board Meeting date: 05-16-2023

Background:

Self-organization is a process used by county boards that provides the board with alternatives to some of the specific procedures otherwise mandated in Chapter 59, Wisconsin Statutes. A county that has undertaken self-organization has given itself somewhat more flexibility in the manner in which its board of supervisors may operate. This narrow power to control several elements of county board functioning is established in §59.10(1). It was given to counties during the 1970s, when the legislature decided that counties needed some flexibility in these matters.

Counties are completely subject to state law; they have no constitutional home rule authority as do cities and villages. The statutes have historically dictated almost all elements of substance, policy, and procedure for counties. Chapter 59, the basic law under which counties operate, contains more than 150 optional powers which counties may invoke by action of the county board.

Policy Discussion:

County boards are granted clear authority to change the way they do business in very specific areas of board functioning if they undertake self-organization. In the absence of self-organization, county boards are given broadly stated, but vague, authority in administrative and organizational matters as set forth in Wis. Stat. §59.03 and §59.04.

Attachments:

Self-Organized Counties

* Note: In the absence of self-organization, the controlling statutes regarding compensation of county board members are as follows:

Wis. Stat. §59.10(3)(f) Compensation. Each supervisor shall be paid a per diem by the county for each day he or she attends a meeting of the board. Any board may, at its annual meeting, by a two-thirds vote of all the members, fix the compensation of the board members to be next elected. Any board may also provide additional compensation for the chairperson.

Wis. Stat. §59.10(3)(g) Mileage. Each supervisor shall, for each day that he or she attends a meeting of the board, receive mileage for each mile traveled in going to and returning from the meetings by the most usual traveled route at the rate established by the board pursuant to §59.22 as the standard mileage allowance for all county employees and officers.

Wis. Stat. §59.10(3)(h) Limitation on compensation. Except for services as a member of a committee as provided in §59.13, no supervisor shall be paid for more days' attendance on the board in any year than is set out in this schedule: In counties having a population of less than 25,000, 20 days; at least 25,000 but less than 100,000, 25 days; at least 100,000 but less than 500,000, 30 days.

Wis. Stat. §59.10(3)(i) Alternative compensation. As an alternative method of compensation, in counties having a population of less than 750,000, including counties containing only one town, the board may at its annual meeting, by a two-thirds vote of the members entitled to a seat, fix the compensation of the supervisors to be next elected at an annual salary for all services for the county including all committee services, except the per diem allowance for services in acquiring highway rights of way set forth in §84.09(4). The board may, in like manner, allow additional salary for the members of the highway committee and for the chairperson of the board. In addition to the salary, the supervisors

shall receive mileage as provided in par.(g) for each day's attendance at board meetings or for attendance at not to exceed 2 committee meetings in any one day.

Wis. Stat. §59.10(3)(j) Supplementary compensation. The board, in establishing an annual salary, may enact an ordinance for a per diem for all committee meetings attended in excess of 40 committee and board meetings.