

**Olson, Lolita**

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**From:** Agendas and Minutes <noreply@agendasandminutes.com>  
**Sent:** Wednesday, April 8, 2020 11:37 AM  
**Subject:** Agenda: COUNTY BOARD OF SUPERVISORS 2020-04-09 6:00 PM

## Agenda - Draft



Washburn County  
COUNTY BOARD OF SUPERVISORS  
P.O. Box 639  
Shell Lake WI 54871  
**Phone:** (715) 468-4600 **Fax:** (715) 468-4725

TO: Jerry Smith  
Linda Featherly  
Mark Radzak  
Sandy Johnson  
Cristina Masterjohn  
Bob Olsgard  
Tim Kessler  
Christopher Thompson  
Hank Graber  
David Wilson  
David Masterjohn  
Dennis Wood  
David Haessig  
Romaine Quinn  
James Dohm  
Jocelyn Ford  
Robert Reiter  
Vacant  
Stephen Smith  
Clint Stariha  
Agenda and Minutes  
News Media  
FROM: Thomas Mackie, County Board  
Chairman  
Lolita Olson, County Clerk

MEETING  
DATE: 04/09/2020  
TIME: 6:00 PM  
PLACE: County Board Room, Elliot Building, Shell Lake WI

IF YOU HAVE A FEVER OR COUGH OR HAVE BEEN TO AN AREA WITH COMMUNITY TRANSMISSION IN THE LAST 14 DAYS, PLEASE DO NOT ATTEND  
THIS MEETING WILL BE AVAILABLE VIA WEBEX

1. Call Meeting to Order – Chair Mackie
2. Moment of Silent Meditation and Pledge of Allegiance – Supv. D. Masterjohn
3. Notice of Meeting - County Clerk Olson
4. Roll Call – County Clerk Olson
5. Approval of March 17, 2020 County Board Proceedings
6. Resolution Adopting an Ordinance to be a Self-Organized County
7. Chair Comments
8. Audit Per Diems
9. Adjourn

-- Do not delete or change any of the following text. --

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[265207953@washburnco.webex.com](mailto:265207953@washburnco.webex.com) You can also dial 173.243.2.68 and enter your meeting number.

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Copy via Email: County Clerk; Department Heads; News Media. Individuals with qualifying disabilities under the Americans with Disabilities Act, in need of accommodations, should contact the County Clerk's Office at 468-4600 at least 24 hours prior to the meeting.

A majority of the members of the County Board of Supervisors or of any of its committees may be present at this meeting to listen, observe and participate. If a majority of any such body is present, their presence constitutes a "meeting" under the Open Meeting Law as interpreted in State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553 (1993), even though the visiting body will take no action at this meeting.

# WASHBURN COUNTY BOARD OF SUPERVISORS MINUTES – DRAFT

March 17, 2020

6:00 p.m.

County Board Room, Elliott Building, Shell Lake, Wisconsin

IF YOU HAVE A FEVER OR COUGH OR HAVE BEEN TO AN AREA WITH COMMUNITY TRANSMISSION IN THE LAST 14 DAYS, PLEASE DO NOT ATTEND

1. Call Meeting to Order at 6:00 p.m. by Chair Mackie.
2. Moment of Silent Meditation and Pledge of Allegiance was led by Supv. D. Masterjohn.
3. Notice of Meeting was read by County Clerk Olson.
4. Roll Call was done by County Clerk Olson. Members present: (17), excused: (3) R. Quinn, J. Dohm, S. Smith; vacant: (1) District 19. Youth present: (2) A. Robotka, A. Sacco.
5. Approval of February 18, 2020 County Board Proceedings on motion by D. Wilson, 2<sup>nd</sup> by D. Masterjohn; MC.
6. Presentation of Certificates to Youth Representatives – Adam Robotka was thanked for his service to the board.
7. **Resolution 28-20, Emergency Declaration for COVID-19** was presented by Chair Mackie, 2<sup>nd</sup> by D. Haessig. The declaration provides flexibility to the county board chair and administrative coordinator to address the rapidly changing issues related to the pandemic. A mechanism to meet electronically is being implemented. Motion passes by voice vote.
8. Concerned Citizens – Andy Eiche gave thanks to all county board members in regard to the MLS grant the City of Shell Lake received. Shell Lake’s project for 3<sup>rd</sup> Avenue was one of the awardees. A special thank you for Tom Mackie and Lolita Olson for the letter of recommendation that was passed onto the state. A portion of the grant will go toward a 50% reduction of cost related to the concrete, which will benefit the tax payers as well as the county as an abutting property owner. Shannon Anderson, Clerk of Court, announced that the court will be limiting services to only essential hearings to avoid traffic on 2<sup>nd</sup> floor and will utilize video conferencing as applicable, as per Judge Winton’s order yesterday. No jury trials scheduled for March or April at this time.
9. **Consent Agenda** – Motion to approve by D. Wilson, 2<sup>nd</sup> by D. Masterjohn; MC on voice vote.
  - A. **Resolution 29-20 Updating the Citizen Participation Plan for Washburn County (re: CDBG application)**
  - B. **Resolution 30-20 To Adopt the Policy to Prohibit the Use of Excessive Force and the Barring of Entrances/Exits for Non-Violent Civil Rights Demonstrations (re: CDBG application)**
  - C. **Resolution 31-20 Adopting a Residential Anti-Displacement and Relocation Assistance Plan (re: CDBG application)**
  - D. **Resolution 32-20 Approving Update to County Board Rules Parts I**
  - E. **Resolution 33-20 Proclamation Proclaiming March 2020 as 18<sup>th</sup> Annual March for Meals Month**
10. **Other Resolutions and Ordinances**
  - A. **Resolution 34-20 Establishing Parameters for the Sale of Not to Exceed \$6,215,000 General Obligation County Building Bonds, Series 2020A** – Kristin Hanson appeared by phone. It was explained that we had planned on going out for bonding today, however, due to market volatility we will need a different approach. We are looking for the ability to go out and bond when necessary, giving the Administrative Coordinator and County Board Chair the ability to do so when the time is right upon Kristin’s cue. Motion by C. Thompson to take guidance from financial advisor to do so when the time is right, 2<sup>nd</sup> by D. Haessig. Local markets were included in this process and notified of the sale. Roll vote: Yes (17), No (0); Youth: Yes (2); MC.
  - B. **Resolution 35-20 Approving Salaries and Benefits for Elected Officials – County Clerk, Register of Deeds, Treasurer** – Motion to approve by D. Wilson, 2<sup>nd</sup> by H. Graber. Comparable data from across the state was reviewed; there is a proposed lift the first year and the rest are

sustaining years. Supv. C. Stariha requested to postpone this due to timing with COVID issues. It was explained that state statute requires the wage to be set for constitutional officials prior to the time papers are taken out (April 15<sup>th</sup> in this case) and if postponed, would not be able to be revisited until four years from now. The term for these officials begins January 2021. Supv. Featherly spoke in favor of the resolution in that we shouldn't penalize employees for a situation beyond their control. Timeline was discussed. Roll call: Yes (15), No (2) J. Smith, C. Stariha; Youth: Yes (2), MC.

- C. **Resolution 36-20 to Approve New Position of Deputy Director, Health & Human Services Department** – Motion to approve by D. Wilson, 2<sup>nd</sup> by S. Johnson. Roll vote: Yes (17), No (0); Youth: Yes (2); MC.
- D. **Resolution 37-20 to Accept Encrypted County Website Protocol Subgrant Funds of \$500** – Motion to approve by D. Haessig, 2<sup>nd</sup> by D. Masterjohn. Roll Vote: Yes (17), No (0); Youth: Yes (2); MC.
- E. **Resolution 38-20 to Increase the 2020 Emergency Government Dept Budget due to Grant Award for Fiscal 2020 (\$3000 - Cleveland)** – Motion to approve by D. Haessig, 2<sup>nd</sup> by D. Wood. Supv. D. Haessig personally thanked David and Carol Cleveland, Washburn county residents, who have been generous in their assistance to various other entities as well. Roll Vote: Yes (17), No (0); Youth: Yes (2); MC.

- 11. Committee Reports – no committee reports at this time. It was reported that Cristina Masterjohn has been notified that they are on state standby active duty.
- 12. Chair Appointments – to the Ad Hoc Committee, Tucker McCumber; motion to approve by D. Wilson, 2<sup>nd</sup> by D. Masterjohn; Brian Danielsen to LERP; motion to approve by D. Wilson, 2<sup>nd</sup> by B. Reiter; MC.
- 13. Citizen Comments – none at this time.
- 14. Chair Comments – Supv. D. Haessig is not seeking re-election and commented positively on his 10 years of service to Washburn County as District 14 Supervisor. Supv. C. Thompson, District 9 Supervisor, will also not be returning, as he has a young growing family but that he would enjoy coming back at some point. Chair Mackie commended and thanked both Supvs. Haessig and Thompson, as well as Supv. Dohm, who also will not be returning to another term.
- 15. Possible Future Agenda Items – next meeting is the daytime Reorganizational Meeting, April 21<sup>st</sup>, daytime meeting. As of this time elections are still on; things are changing daily.
- 16. Audit Per Diems – on motion by D. Wilson, 2<sup>nd</sup> by C. Masterjohn; MC.
- 17. Adjourn at 6:50 p.m. on motion by D. Wilson, 2<sup>nd</sup> by C. Masterjohn; MC.

RESOLUTION # \_\_\_\_\_

**RESOLUTION TO CREATE ORDINANCE RELATING TO SELF-ORGANIZATION OF THE WASHBURN COUNTY BOARD OF SUPERVISORS**

**WHEREAS**, Washburn County desires to achieve the maximum amount of flexibility relating to its local administrative affairs and governance by becoming a self-organized county pursuant to Wis. Stat. § 59.10; and

**WHEREAS**, Wis. Stat. § 59.10 provides that Washburn County may become self-organized by adopting an ordinance electing to be self-organized and filing a certified copy of the ordinance with the Secretary of State.

**NOW THEREFORE BE IT RESOLVED** that pursuant to Wis. Stat. § 59.10, the Board hereby elected that Washburn County be a self-organized county with authority to act under, among other statutes, Wis. Stat. § 59.10(1); and

**BE IT FURTHER RESOLVED** that the County Clerk is hereby directed to file a certified copy of this Ordinance with the Secretary of State at P.O. Box 7848, Madison, WI 53707-7848.

**FISCAL IMPACT:** None

Recommended for adoption by the Washburn County Executive Committee this 1<sup>st</sup> day of April, 2020 and approved by the Washburn County Board of Supervisors on the \_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Thomas Mackie, Chairman

\_\_\_\_\_  
Dave Wilson, 1st Vice Chair

\_\_\_\_\_  
Romaine Quinn, Member

\_\_\_\_\_  
David Masterjohn, 2<sup>nd</sup> Vice Chair

\_\_\_\_\_  
David Haessig, Member

## EXECUTIVE COMMITTEE NOTES: RE: SELF ORGANIZATION

Drafted by: Mary Ann Swan, Corporation Counsel, March 31, 2020

Source: WIS Stats. and Research Paper #8, Local Government Center Phone (608) 262-9961  
University of Wisconsin-Extension

Self-organization is a process used by county boards to provides the board with alternatives to some of the specific procedures 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. §59.10(1) WIS STATS

The option 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; 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

**What it does for a county:** 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 of the third Tuesday in April of that year (except in 1996, when the desire for an early presidential preference primary led the legislature to move the spring general election to mid-March). Self-organization allows the use of staggered terms. [§59.10(3)(d)]
- *Compensation of supervisors for attendance at board meetings and paying mileage.* [§59.10(1)(c)] Non-self-organized boards already have several 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 adopt its own procedures. Without self-organization, vacancies are filled by the board chairperson for the unexpired term, with the approval of the board. [§59.10(3)(e)]

### How self-organization is accomplished:

- A majority of the *whole* board adopts an ordinance invoking the authority of the authorizing statute, §59.10(1). A certified copy of the adopted ordinance is filed by the county clerk with the Wisconsin Secretary of State.
- The county board adopts the policies it desires regarding possible staggered terms, compensation for board members, and the method for filling vacancies on the county board.

### Downsides:

If a County uses its self-organization to implement unprecedented and contrary procedures there is not the protection of the statute to support these decisions, rather than if the County was not self-organized it would have to follow the strict Chapter 59 guidelines and therefore would be protected by the guidelines. With flexibility also comes possible changes as the Board changes each term.

PER WCA: (2018)

### SELF-ORGANIZED COUNTY OPTIONS

Often it is said that a county board has little control over its own affairs, policies, and procedures, especially when compared to villages and cities, which operate under constitutional home rule powers. While this may be true in many cases, provisions in the state statutes do permit the county board some flexibility in setting member compensation, board terms, and filling board vacancies.

These provisions, known collectively as "self-organized counties" legislation [Wis. Stat. § 59.10(1)], were passed in the mid-1970s in an attempt to provide more flexibility regarding limited and specific county board matters.<sup>3</sup> The major options available to county boards after approving this status are:

- The ability to set staggered terms for supervisors – electing half of them each year, rather than electing them all each even-numbered year.
- The flexibility in setting board member compensation, including the ability to pay fixed salaries and to pay for additional board or committee meetings in excess of current statutory limits based on population.
- The right to fill board vacancies by other means, such as by nomination from the board floor and/or the ability to schedule special elections before vacated terms expire.

Two counties already have specific provisions for self-organization under state statutes without adopting self-organized status and thus have felt no need to enact further self-organizing ordinances. The Milwaukee County Board of Supervisors, by virtue of being the only county in the state with a population in excess of 500,000, formerly had the right to create four-year terms for the its supervisors and to set its own supervisors' salaries, subject to advance approval before the new supervisors take office. Since 2016 and subsequent elections, Milwaukee supervisors' terms are 2 years. Milwaukee County supervisors are also precluded from accepting additional compensation over their annual salaries "for serving as a member of any committee, board or commission appointed by the county board or by the county executive," however, the board may provide for some limited exceptions.<sup>4</sup>

Menominee County is also specifically exempted from state laws regarding terms of office and appointments to vacancies by virtue of being the only county with one town within the county limits. Its town board members and one supervisor representing the only incorporated village in the county also serve as the county board of supervisors and therefore, different provisions apply permitting staggered terms that coincide with town and village elections. However, the board members in Menominee County are still governed by the standard per diem compensation limits mentioned later in this chapter for non-self-organized counties.

### HOW IS SELF-ORGANIZATION ACCOMPLISHED?

The county board may choose at any time to become a "self-organized county." This is done by passing an ordinance stating its desire to self-organize and citing its authority to do so under Wis. Stat. § 59.10(1). If the board enacts such an ordinance, the county clerk must file a certified copy with the Wisconsin Secretary of State. Following this filing, the county board may adopt policies it desires regarding staggered terms, compensation for board members, and the method for filling county board vacancies. This is usually accomplished through the board's adoption of a series of individual ordinances;



## ■ ORGANIZATION

### County Government Structure

**TABLE 1: SELF-ORGANIZED COUNTIES\***

Adams	1991	La Crosse	1997	Richland	1991
Calumet	1990	Lafayette	2001	Rock	1985
Chippewa	2002	Langlade	2015	Rusk	1993
Crawford	2005	Lincoln	2004	St. Croix	2004
Dane	1984, 1974	Manitowoc	1987	Shawano	1997
Dodge	1991	Marathon	1975	Sheboygan	1985
Douglas	1999	Marinette	1990	Taylor	1978
Dunn	1997	Marquette	1991	Vilas	2004
Grant	2009	Monroe	2000	Walworth	2009
Green	1990	Oneida	1991	Washington	2004
Green Lake	1990	Pierce	2004	Waukesha	2009
Iowa	1995	Polk	2014	Waupaca	1999
Iron	2004	Portage	1995	Wood	1997
Jefferson	2003	Price	2010		
Juneau	2003	Racine	2001		

\* As of February 2018; Source: Wisconsin Secretary of State.

each ordinance requires approval by a majority of the entire board membership. While the secretary of state's office maintains a file of all ordinances passed by counties enacting their self-organized status, the office does not verify the facts behind such documents, nor does it ever withhold approval of any county's claim of such status after the appropriate filing is made. It also does not exercise any ongoing oversight of counties' use of such powers.

It should be noted that while county boards must request authority to utilize all three sets of special powers when filing for "self-organized county" status, once the status is obtained, the board is not required to enact ordinances enabling any or all of these provisions under any particular time schedule.

County boards have had the option to self-organize for over 30 years; 43 of 70 eligible counties have passed a local ordinance and are officially listed with the secretary of state's office as "self-organized" (see Table 1 above). The earliest county to take advantage of this provision was Dane County in 1974. It was followed in 1978 by Taylor County. The most recent counties to enact such an ordinance were Vernon and Pepin Counties, which joined the list in 2016. The 45 self-organized counties are fairly evenly distributed, both geographically and in population.

### TERMS OF OFFICE FOR BOARD MEMBERS

Non-self-organized counties must hold an election of the entire county board every two years on the first Tuesday in April in even-numbered years. All terms run simultaneously. In the 2016 election, the Wisconsin Counties Association reported that 19% of supervisory seats across the state changed hands. Self-organized counties are permitted to hold elections in one half of their supervisory districts in April of even-numbered years, and in the other half in April of the odd-numbered years.