

**Washburn County Board of Supervisors Resolution No. \_\_\_\_\_**

**RULES OF PROCEDURE, PART II**

**The Washburn County Board of Supervisors ordains the adoption of the County Board Rules of Procedure, Part II, as follows:**

Fiscal Impact: None

Recommended for adoption by the Executive Committee this \_\_\_\_\_ day of November, 2009.

\_\_\_\_\_  
Micheal R Bobin, Chair

\_\_\_\_\_  
Ed Olund, First Vice Chair

\_\_\_\_\_  
Don Quinton, Second Vice Chair

\_\_\_\_\_  
Thomas J. Mackie, Member

\_\_\_\_\_  
William Campbell, Member

**Part 2 of the County Board Rules of Order**

**COMMITTEES OR ORGANIZATIONS OVER WHICH THE BOARD OF SUPERVISORS OR ITS CHAIR HAS AUTHORITY**

**Preface**

Appointments are made in accordance with County Board Rules of Order Part I, paragraph 4.3 or specific statutes. Rule 13 governs committee procedure.

[Rule 4.3 Appointments, states the County Board Chair appoints members to committees authorized by the Board. Officers of such committees are selected by committee members. (See Rule 13.1) The Chair makes other appointments as authorized by statute.

Addition to Rule 13: The Board grant of authority to committees shall be liberally interpreted. The Chair, and first and second Vice-Chairs of the Washburn County Board may substitute for any county committee member as a voting member on those occasions when a committee member will be absent causing a lack of a quorum, at the request of the Committee Chair or Acting Chair.

The Chair of the County Board shall serve as an ex-officio member of all county committees. The Chair will vote only in case of a tie.]

## **I. COUNTY BOARD COMMITTEES (including the Health and Human Services Board)**

### **1 AGRICULTURAL AND LAND CONSERVATION COMMITTEE**

The powers and duties of the Agricultural and Land Conservation Committee shall be as provided in Chapter 92 of the Wisconsin Statutes, and in addition, said committee shall be charged with the coordination of natural resource management and environmental protection activities in the county relating to agriculture, soil and water conservation, nonpoint source water pollution control, farmland preservation, erosion control, groundwater protection, and wildlife damage. Said committee shall report annually to the County Board and shall make special reports from time to time as the necessity may arise.

#### **Membership**

This Committee is comprised of (5) County Board Supervisors plus one member from the USDA Farm Service Agency Committee.

#### **Duties and Responsibilities**

- A) Work with Wisconsin Department of Agriculture, Trade and Consumer Protection and the Wisconsin Department of Natural Resources to implement locally led and state funded conservation programs.
- B) Review Department annual budget and refer to the Finance Committee for further action and review financial reports.
- C) Shall have the powers and duties pursuant to Wisconsin Statutes 92.07 through 92.18.
- D) Develop and adopt standards and specifications for management practices to control erosion, sedimentation and non-point source water pollution.
- E) Distribute funds, encourage information and education programs, carry out preventative and control measures for soil erosion, enter into agreements, make agricultural and tree planting equipment available, administer projects or programs, make and execute contracts, require monetary or service contributions, enter upon lands for planning or surveying purposes without being **liable for trespass**, and administer and enforce county ordinances.
- F) Submit findings and comments on notices of non-compliance for Farmland Preservation Certificates to the Zoning Committee.
- G) The committee shall confer with and have policy making responsibilities for the Department.

## **2 EXECUTIVE COMMITTEE**

The Executive Committee strives to support the County mission statement:

### **Mission**

Washburn County government exists to serve and protect present and future citizens, the environment and quality of life in a fiscally responsible way.

### **Membership**

The committee is comprised of five (5) County Board Supervisors. Membership is comprised of the Chairman of the Board of Supervisors, Vice Chair, Second Vice Chair and two (2) additional members appointed by the County Board Chair. The County Board Chair chairs this committee.

### **Duties and Responsibilities**

- A) Advise the Chair as to the County Board agenda.
- B) The Committee shall review county board rules of order and recommend changes, additions and deletions to the full County Board for their consideration.
- C) The Committee shall meet monthly or as needed, at the discretion of the County Board Chair.
- D) The Committee shall facilitate disputes between committee's and be the final authority on those disputes.
- E) Provides input to the County Board Chair for committee assignments.
- F) Committee of jurisdiction for the Administrative Coordinator and Corporation Counsel.
- G) The Committee reviews all legal claims filed against the County.

## **3 EXTENSION EDUCATION COMMITTEE**

The powers and duties of the Extension Education Committee shall be as provided in Chapter 92 of the Wisconsin Statutes and in addition, said committee shall be charged with directing county-based university extension education programs in the areas of: community, natural resources and economic development; youth development, family living, agriculture and horticulture; and any other extension work that is authorized by local, state or federal legislation.

### **Statement of Purpose**

Cooperative Extension helps the people of Wisconsin apply university research, knowledge and resources to meet their educational needs wherever they live and work.

### **Membership**

The committee is comprised of five (5) County Board Supervisors.

### **Duties and Responsibilities**

- A) In cooperation with the university extension of the University of Wisconsin, the committee shall have the responsibility to formulate and execute the university extension program.
- B) Appoint professionally qualified persons to the university extension program staff, in cooperation with the university extension service.
- C) Make available the necessary facilities to conduct local extension programs.
- D) Oversee programs, including but not limited to the training of group leaders and directing of group activities; individual or group instruction or consultation; demonstration projects, exhibits or other instructional means; group workshops, institutes, and conferences; creation of citizen advisory committees; dissemination of information by any appropriate means including press, radio and television; the imposition of fees for certain desired educational services when sufficient public funds are not available to cover costs; and cooperation with other local, state, and federal agencies.
- E) The committee shall confer with and have policy making responsibilities for the department and budgetary oversight.
- F) The committee shall meet at such intervals as are considered necessary to properly carry-out its functions and responsibilities.

## **4 FINANCE COMMITTEE**

The Finance Committee strives to support the County mission statement:

### **Mission**

Washburn County government exists to serve and protect present and future citizens, the environment and quality of life in a fiscally responsible way.

### **Membership**

The committee is comprised of five (5) County Board Supervisors. The County Clerk and County Treasurer shall act as ex-officio members.

### **Duties and Responsibilities**

- A) Prepare the annual budget and tax levy for County Board approval.
- B) Review and establish financial and investment policies.
- C) Monitor the operating and capital budgets and approve and recommend adjustments.
- D) Recommend resolutions for appropriations to the County Board.
- E) Have supervision of all general fiscal policies.
- F) Review and approve property and general liability insurance policies and review claims filed against the County, with the assistance of the Corporation Counsel.
- G) Review department's annual budgets and financial reports. Refer to the Finance Director or County Administrative Coordinator for further action if needed.
- H) Audit all current claims and accounts against the County.
- I) Approve bonds for county officers.

## **Departments of Jurisdiction**

Finance	Clerk of Court
County Clerk	District Attorney
Register of Deeds	Judge, et al
Treasurer	Coroner
Land Records	

## **5 FORESTRY AND PARKS COMMITTEE**

The primary powers, duties, procedures and functions of this committee are provided in Section 28.11 of the Wis. Stat., (County Forest Law), and in the 10-year County Forest Comprehensive Plan. In addition thereto, said committee shall be responsible for and have jurisdiction of all recreation activities on County Forest and other Forestry related county-owned lands.

- A) Said committee shall report annually to the County Board, and shall prepare budget and fee schedules for these facilities, reporting same to the Board for their approval.

### **Membership**

This committee is comprised of five (5) County Board Supervisors.

### **Duties and Responsibilities**

- A) Supervise the operation of the County Forest.
- B) Have general policy making responsibility for parks and recreation property operated, maintained and developed by the County.
- C) Set policies and recommend funding levels for establishing and implementing Park programs and activities in the Parks and recreation properties.
- D) Review Department annual budget and refer to the Administrative Coordinator/Finance Director for further action and review financial reports.
- E) The Committee shall confer and have policy making responsibilities for the Department.

As Enacted on May 9, 2011

## **By-LAWS of THE WASHBURN COUNTY HEALTH AND HUMAN SERVICES BOARD**

### **ARTICLE I Introduction**

The County Board of Supervisors have the primary responsibility for the overall health of the residents of the county which includes; the well being, treatment and care of persons experiencing social, mental and physical disabilities, the access to public health services for every member of the community and immediate emergency services for those individuals in need. These services are provided through a

Department of Health and Human Services established by the County Board of Supervisors under Chapter 46.23 and 251, Wisconsin Statutes.

**ARTICLE II**  
**Authorization**

The Washburn County Health and Human Services Board (WCHHSB) was created and authorized to function by resolution of the Washburn County Board of Supervisors on March 13, 2003.

**ARTICLE III**  
**Health and Human Services Board Appointments, Composition, Terms, Replacements**

**Section 1** All appointments to the WCHHSB shall be made by the County Board of Supervisors pursuant to Section 46.23(4)(B).

**Section 2** The WCHHSB shall consist of ten members.

*Subsection 1* Six members appointed shall be County Board Supervisors.

*Subsection 2* The remaining four members appointed shall be community representatives.

*Subsection 3* The persons appointed shall have a recognized ability and demonstrated interest in health and human services.

**Section 3** Appointments to the WCHHSB shall be for the following terms:

*Subsection 1* County Board Supervisors shall serve for the length of their elected term.

*Subsection 2* Community Representatives shall serve three-year terms.

**Section 4** When it becomes necessary to replace a member before a term expires; the person appointed shall serve for the length of the unexpired term of the person being replaced.

**Section 5** Applicants for vacancies of Community Representatives shall complete an application of interest. The WCHHSB shall review and recommend to the Washburn County Board of Supervisors all new Community Representatives.

**ARTICLE IV**  
**Definitions**

“County Board” means the Washburn County Board of Supervisors.

“Board” and/or “WCHHSB” means the Washburn County Health and Human Services Board.

“Program” means the total range of services to people including, but not limited to: public health services, mental health services, developmental disabilities services, economic support services, alcohol and drug abuse services, services to children, youth and aging, and exceptional educational services.

“Director” means the Director appointed by the Washburn County Health and Human Services

Board.

“Department” means the State Department of Health Services or the State Department of Children and Families.

**ARTICLE V**  
**Purpose of the Health and Human Services Board**

**Section 1** Responsible for developing policy and authorizing direction for all health and human services controlled by Ch 46, 48, 51, 54, 55, 251 and 767.

**Section 2** The WCHHSB acts as a governing and policy making body that has been authorized by the County to develop programs, plans and budgets for the program areas mentioned above.

**ARTICLE VI**  
**Powers and Duties of the Health and Human Services Board**

**Section 1** Within the limits of available state and federal funds and of county funds appropriated to match state funds, the WCHHSB shall provide for the program needs of persons suffering from social, mental and physical disabilities, assess the health status of the citizens, recommend policies that will improve the needs of County residents and assure that needed health services are provided under the following guidelines:

*Subsection 1* Shall determine administrative and program policies within limits established by the Department.

*Subsection 2* Shall establish priorities in addition to those mandated by the Department.

*Subsection 3* Shall determine whether state mandated services are provided or purchased or contracted for with local providers, and monitor the performance of such contracts.

*Subsection 4* Shall determine, subject to the approval of the County Board and with the advice of the Director whether services are to be provided directly by the County Department of Health and Human Services or contracted for with other providers and make such contracts.

*Subsection 5* Shall represent Health and Human Service agencies, professionals and consumers of services in negotiations with state and federal government.

*Subsection 6* Shall appoint a County Health and Human Service Director subject to the approval of the County Board on the basis of recognized and demonstrated interest in and knowledge of health and human services problems, with due regard to training, experience, executive and administrative ability and general qualification and fitness for the performance of the duties of the Director. The appointment is subject to the Personnel Policies and Procedures established by each County Board of Supervisors.

*Subsection 7* Shall appoint advisory committees for the purpose of receiving community, professional or technical information concerning particular policy considerations.

*Subsection 8* Shall determine the number and location of outstations when appropriate to meet service demands.

*Subsection 9* May recommend the removal of Director for cause to the County Board which participated in the appointment of the County Health and Human Services Board, and such County Board may remove the Director for cause by a two-thirds vote, on due notice in writing and hearing of the charges against the Director.

*Subsection 10* Shall develop Human Services Board operating procedures.

*Subsection 11* Shall oversee the operation of one or more service delivery systems.

*Subsection 12* Shall evaluate service delivery.

*Subsection 13* Shall annually prepare a budget of proposed expenditures for the ensuing fiscal year in accordance with s. 46.031(1) & 251.10.

*Subsection 14* Shall cooperate to the extent feasible with the school board, health planning agencies, law enforcement agencies, and other human service agencies, committees and planning bodies in the geographic area served by the WCHHSB.

*Subsection 15* May perform such other general functions necessary to administer the program.

*Subsection 16* Shall comply with state requirements.

**Section 2** The Director shall have all of the administrative and executive powers and duties of managing, operating, maintaining and improving the programs of county health and human services. In consultation with the WCHHSB and subject to its approval, the Director shall prepare:

*Subsection 1* An annual comprehensive plan and budget of all funds necessary for the program and services in which priorities and objectives for the year are established as well as any modifications of long-range objectives;

*Subsection 2* Intermediate-range plans and budget;

*Subsection 3* Such other reports as required by the Department and the County Board.

**Section 3** The Director shall make recommendations to the WCHHSB for personnel and salaries of employees and changes in program services.

## **ARTICLE VII Officers, Elections, Duties**

**Section 1** The officers of the WCHHSB shall consist of the following: a Chairperson and Vice-chairperson.

**Section 2** The officers shall be elected by the WCHHSB for a two-year term.



**Section 3** Duties of Officers

*Chairperson* - The Chairperson presides at all meetings of the WCHHSB and in general performs the duties usually associated with the office of Chairperson.

*Vice-chairperson* - The Vice-chairperson of the WCHHSB succeeds to the chairmanship in the event of the Chairperson's absence or disability. The Vice-chairperson undertakes such other responsibilities as the Chairperson may assign.

**ARTICLE VIII**

**Standing Committees, Appointments**

**Section 1** There shall be three (3) permanent committees of the WCHHSB:  
Permanence Planning Review Board  
Preparedness Advisory Committee  
Children Come First Committee

*Subsection 1* All standing committees will report directly to the WCHHSB.

*Subsection 2* Composition and duties of each standing committee will be established by the WCHHSB upon recommendation of the director.

*Subsection 3* Other Committees will be created by the HHSB as needed.

**Section 2** All appointments to committees shall be made by the Chairperson with the approval of the WCHHSB.

**ARTICLE IX**

**Meetings, Notices, Attendance, Voting**

**Section 1** The regular meeting of the WCHHSB will normally be on the second Monday of the month at the time and place designated. Special meetings of the WCHHSB and meetings of the committees shall be held at any time at the discretion of the Chairperson.

*Subsection 1* All members shall be notified and provided with a copy of the agenda of all meetings at least 24 hours in advance.

*Subsection 2* A quorum must exist to transact business.

*Subsection 3* A quorum means a simple majority.

**Section 2** All meetings shall be open to the public and it shall be the duty of the Director to see that the public is properly notified of all meetings through the county newspapers and/or radio stations.

**Section 3** All members shall be required to attend all meetings of the WCHHSB unless excused by the chairperson. All committee members shall be required to attend meetings of the committee to which he/she has been appointed unless excused by the chairperson. If a committee member is absent with or without excuse from more than four meetings in a year the Chairperson may ask the County Board Chair

to consider replacing the member. Committee members should notify the Chairperson and/or Director prior to the meeting if unable to attend.

**Section 4** Each member shall be entitled to one vote for each issue or motion before the WCHHSB.

*Subsection 1* The vote of a member shall be counted only if he/she is present at the time the issue or motion is presented.

*Subsection 2* All voting shall be voice, unless a member requests otherwise, and then only by majority vote of all members present.

*Subsection 3* Results of all votes shall be declared by the Chairperson.

*Subsection 4* All issues or votes will pass by majority of vote unless a specific majority is required per Wisconsin State Statutes, Washburn County Rules of Order, and or these By-Laws.

#### **ARTICLE X Resignations, Terminations**

**Section 1** Any member of the WCHHSB who wishes to resign from the WCHHSB shall send written notice in duplicate addressed to the Chairperson who will refer it to the County Board.

**Section 2** All resignations from the WCHHSB, with the exception of the Chairperson, shall be in writing addressed to the Chairperson.

*Subsection 1* In the event a WCHHSB member resigns his/her position prior to the completion of his/her term, the Chairperson with the consent of the majority of the WCHHSB members, shall recommend a person to fill the unexpired term of the resigned person to the Executive Committee. This shall be done at the next regular WCHHSB meeting following the date of resignation.

**Section 3** The resignation of the Chairperson shall be in writing addressed to the chairman of the County Board of Supervisors.

*Subsection 1* In the event the resignation of the Chairperson occurs prior to the end of his/her term of office, the Vice-chair shall assume the Chair position and an election shall be held for to elect a Vice-chair for the remaining term.

**Section 4** Any WCHHSB member may be removed from the Board or Office for cause by two-thirds vote of the County Board, with due notice in writing and hearing of the charges against the person.

*Subsection 1* A member may bring complaint against another member in writing submitted to the Chairperson.

*Subsection 2* The member being removed shall be provided with a written notice thirty (30) days in advance of removal, which shall clearly state the reason(s) for the action.

*Subsection 3* The member being removed shall have the right to present his/her case before the WCHHSB.

*Subsection 4* A two-thirds vote of all members is necessary to remove a person from the Board or Office.

*Subsection 5* Three consecutive unexcused absences shall be cause for termination.

**ARTICLE XI**  
**Health and Human Services Board Procedures**

**Section 1** The Chairperson shall begin each meeting with a request for roll call.

*Subsection 1* Each member shall, when his/her name is called, shall indicate his/her presence by voice.

*Subsection 2* The records shall notify the Chairperson of the number of members present and the number absent.

*Subsection 3* The Chairperson shall determine whether a quorum exists.

**Section 2** The Chairperson may request that the recorder read the minutes of the previous meeting.

*Subsection 1* Following the reading of the minutes, the Chairperson shall ask for corrections or additions.

*Subsection 2* If there are not corrections or additions, the minutes shall stand approved as written or read.

**Section 3** The WCHHSB shall conduct its business in accordance with and in the order of the agenda developed for the particular meeting. The order of the agenda may be changed at any time for convenience but only with the approval of the majority of the WCHHSB members present.

*Subsection 1* A motion shall not be entertained on any issue that is not a part of the agenda as published.

*Subsection 2* On all issues, the Chairperson shall determine exclusively whether a motion is necessary.

**ARTICLE XII**  
**Parliamentary Authority**

**Section 1** Robert's Rules of Order shall govern the conduct of business in all cases in which they are applicable and not in conflict with Wisconsin State Statutes, Washburn County Board Rules of Order or these By-Laws.

**ARTICLE XIII**  
**Approval, Amendments**

**Section 1** These By-Laws shall become effective on the date they are approved by the County Board.

**Section 2** These By-Laws can be amended at any regular meeting of the WCHHSB by a two-thirds vote of all WCHHSB members, provided that the amendment has been submitted in writing at the previous regular meeting. The amendment shall be approved by the County Board before it becomes effective.

These By-Laws have been adopted by the WCHHSB on:

\_\_\_\_\_  
Date

HHSB

\_\_\_\_\_  
Thomas Mackie, Chairperson

These By-Laws have been approved by the Washburn County Board of Supervisors on:

\_\_\_\_\_  
Date

Chairperson

\_\_\_\_\_  
Steven Sather, Washburn County

## **7 HIGHWAY COMMITTEE**

### **1) Membership**

A five member committee to be elected at the organizational meeting. For the purpose of this election, the County shall be divided into three districts as follows:

District 1- Supervisory Districts 1,2,3,4,5,6,7 (N1/2 Co.)

District 2 -Supervisory Districts 8, 9, 10, 16, 17, 18, 19 (Ctr)

District 3 -Supervisory District 11,12,13, 14, 15, 20, 21 (S 1/4 Co.)

One member of the committee shall be elected from each district. Each member of the committee shall be elected by a separate vote of the entire Board. The remaining two members of the committee shall be selected at large

Nominations shall be by ballot with the two candidates receiving the highest number of votes in such balloting declared the nominees to be voted upon for election, provided the combined vote received by said nominees amounts to at least two-thirds of the total votes cast. The election of each member shall be by ballot.

The term of each elected member shall run from the day of election and shall be for two years to run concurrently with the Supervisory term.

Any vacancy in the committee shall not be filled until the next meeting of the County Board by appointment made by the Chair of the Board vacancies will be filled thru the election process for a specific district or at large.

### **Mission**

The County Highway Committee shall have the general charge of the construction and maintenance of county highways and of all highways maintained by the County, shall have general charge of maintenance and repair of all county owned dams, and shall have the powers and duties delegated in Section 83.015 of the Wisconsin Statutes together with such specific powers and duties as may be from time to time delegated to such committee by specific ordinance or motion adopted by the County Board. Said committee shall, in addition to the annual report of the county highway commissioner, present to the County Board an annual report of the committee itself covering the activities and plans of said committee.

### **Duties and Responsibilities**

- A) At the organizational meeting, the members shall elect a Chair, Vice Chair.
- B) Purchase and sell county road machinery as authorized by the Board.
- C) Determine if county construction and maintenance should be done by the Highway Department or by private contract.
- D) Enter into contracts in the name of the County.
- E) Direct the expenditure of highway maintenance funds received from the State and the County.
- F) Review Department annual budget and refer to the County Finance Director for further action and review financial reports.
- G) The Committee shall confer and have policy making responsibilities for the Department.

## **8 INFORMATION TECHNOLOGY COMMITTEE**

## **1) Membership**

The Information Technology Committee shall be comprised of five (5) County Board Supervisors. This Committee should include at least 1 member from the Finance, Law Enforcement, Personnel, Public Property, and Executive committees.

## **2) Duties and Responsibilities**

- A) At the organizational meeting, the members shall:
  - Elect a Chair and Vice Chair from members of the Committee
  - Approve a Recording Secretary
  - Designate agenda creation and approval procedure.
- B) Approve Information Technology Department goals and objectives.
- C) Approve Information Technology Department programs and projects.
- D) Approve procedures for county wide use, archival, and storage of digital records.
- E) Approve Information Technology Department annual budget and financial reports.
- F) Approve Information Technology usage policy for the county.
- G) Approve long range technology plan for Washburn County.
- H) Review departmental technology to insure integration with county-wide plan.

## **9 LAW ENFORCEMENT AND EMERGENCY MANAGEMENT COMMITTEE**

This committee shall be comprised of 5 County Board Supervisors. The chair has the authority to set the agenda for committee meetings, preside over the meetings and make reports and recommendations on the committee's behalf.

### **Duties and Responsibilities**

On behalf of the county board:

#### **LAW ENFORCEMENT**

- A) Provide financial oversight of the Sheriff's budget;
- B) Review and process bills;
- C) Inspect the jail once a year as required or more as needed;
- D) Review, modify and recommend for approval the Sheriff's budget proposal;
- E) Assist the Sheriff as needed, in the development and implementation of any proposed program, legislation, resolution, action or recommendation, which is in the best interest of the county and the safety of its citizenry which promotes the efficient, effective and safe operation of the Sheriff's Office and recommend such action to the county board.

#### **EMERGENCY MANAGEMENT**

- A) Provide policy direction and financial oversight to the Emergency Management Director;
- B) Ensure the compliance of any applicable Federal Laws, Wisconsin State Statutes and/or County Ordinances;
- C) Review and process bills;

- D) Review, modify and recommend for approval the yearly budget;
- E) Complete annual performance evaluation for Emergency Management Director.

## **10 LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)**

### **1) Membership**

Superfund Amendments and Re-authorization Act (SARA) Title III (Section 301 (c)) requires that the Committee consist of at least one (1) representative from each of the following groups; Elected State and Local Officials, Law Enforcement, Fire, Emergency Management, Health Professionals, Environmental, as well as representatives of facilities subject to the Emergency Planning requirements, and the Media. The County Administrator shall appoint members to the Committee for a two (2) year term, subject to confirmation of the Board.

### **2) Duties and Responsibilities**

- A) This Committee is an advisory Committee and not a policy making Committee.
- B) At the organizational meeting, the members shall elect a Chair, Vice Chair and a Secretary from members of the Committee. The Committee may also approve a Recording Secretary.
- C) The LEPC's primary responsibility is to develop and review annually an emergency response plan for hazardous and toxic spills. The LEPC plan must evaluate resources for preparing for and responding to a potential chemical accident.

## **11 PERSONNEL COMMITTEE**

### **MISSION STATEMENT:**

The Washburn County Personnel Committee works with the Personnel Department to employ necessary, qualified employees and staff to provide the services mandated by the Washburn County Board. To administer to the needs and benefits of those employees as determined by negotiated contract and policy. These tasks are to be accomplished at the most fiscally responsible level possible.

It shall be the designated representative of the County Board relating to labor union negotiations and shall report their recommendations to the Board for action. No contract or agreement shall be considered adopted without County Board approval.

The committee shall act to effect and preserve an equalized scale of wages and salaries for all employees of the county in accordance with the provisions of fair and equitable job classification and compensation plan, or any such plan as may be adopted by the Board.

It shall consider and evaluate all requests and problems relating to wages and salaries of all county employees prior to the same being brought before the Board.

The committee will further be responsible for establishing and maintaining a uniform hiring policy and procedure. The interview panel will be selected and confirmed by the Personnel Office with input by the affected Committee. Generally no more than five individuals will serve on the interview panel. **A Committee County Board member is required to participate in the interview of an LTE or Part-time employee seeking a full-time vacancy.** The composition of the interview panel for general non-exempt positions shall generally consist of the Human Resource Director (or designee), the Department Director, the Department Supervisor where staffed, and one member from either the Committee of Jurisdiction or the Personnel Committee. The composition of the interview panel for Department Head and Exempt Salaried vacancies shall generally consist of one member of the committee of jurisdiction, Personnel Committee Chair, Human Resource Director, Administrative Coordinator & County Board Chair. A subject matter expert may be included if the Personnel Director determines it to be appropriate. Careful selection will be made of panel members to ensure objectivity and job knowledge. Relatives or personal friends of the applicants will be excluded from serving on the panel.

## 1) **Membership**

The Personnel Committee shall be comprised of five (5) County Board Supervisors.

## 2) **Duties and Responsibilities**

- A) At the organizational meeting, the members shall elect a Chair, Vice Chair and a Secretary from members of the Committee. The Committee may also approve a Recording Secretary.
- B) Provide leadership for setting policy pertaining to wages, benefits, hours, and other conditions of employment for all county employees including jurisdiction for the Personnel and General Administrative Policies.
- C) Administer the disciplinary procedure as outlined in the Personnel and General Administrative Policies.
- D) Review and approve filling budgeted open positions.
- E) Review new position requests that have not been budgeted and make recommendations to the Board for final approval.
- F) Review all new and updated job descriptions.
- G) Review all employee reclassification requests.
- H) Establish parameters for the negotiation of wages, benefits, and other conditions of employment for the county's collective bargaining agreements.



- D) Hears employee grievances in an attempt to resolve employee issues and contractual disputes with the unions.
- J) Responsible for periodic performance appraisals of the Personnel/Benefits Director and in conjunction with the Board.
- K) Review Department annual budget and financial reports to refer it to the Finance Committee for further action.
- L) The Committee shall confer and have policy making responsibilities for the Personnel Department.

## **12 Public Property and Land Sale Committee**

### **1) Membership**

The Public Property and Land Sale Committee shall be comprised of five (5) County Board Supervisors.

### **2) Duties and Responsibilities**

- A) At the organizational meeting, the members shall elect a Chair and Vice Chair from members of the Committee. The Committee may also approve a Recording Secretary.
- B) General policy-making responsibilities for all building, remodeling, improvements or fixtures on County property, personal property and real estate, whether owned or leased, and operations, repairs and upkeep of such real estate with the exception of the Highway facility and Forestry real estate, shop and recreational facilities.
- C) Responsibility for the purchase and sale of all County land except for Highway right-of-way and County Forest Lands. All purchases and sales require County Board approval.
- D) Work with the Department Head on projects affecting the Department.
- E) Review Department annual budget and refer to County Finance Committee for further action and review financial reports.
- F) The Committee shall confer and have policy-making responsibilities for the Maintenance Department.
- G) Review the delinquent property taxes, tax foreclosures and the subsequent sale of foreclosed property.
- H) Conduct annual land and public property auction to dispose of excess personal property and tax deed land.
- I) Has responsibility for assessing space needs for County departments and plan for future needs and assign space with County Board approval.

## **13 SOLID WASTE**

This committee shall be composed of a minimum of four Board members and three citizens appointed by the County Board Chair.

The primary responsibilities of the committee will be to establish an orderly plan for the handling of all county solid waste including recyclables, and present such a plan to the Board for

its approval. Said committee will be the committee of authority for the maintenance and administration of the County Solid Waste Handling and Recycling Program.

## **14 VETERANS AND MILITARY AFFAIRS COMMITTEE**

### **1) Membership**

The Veterans and Military Affairs Committee shall be comprised of three (3) County Board Supervisors.

### **2) Duties and Responsibilities**

- A) Assist and approves, at committee level the annual budget for the Washburn County Veterans Service Office.
- B) Oversees the operations of the Washburn County Veteran's Peace Memorial Wayside stones.
- C) Oversees the operations of the Washburn County Veteran's Service office.
- D) Communicates and coordinates with the Veteran's Commission for Washburn County.

## **15 ZONING COMMITTEE**

The zoning committee will oversee the administration of the County Zoning Ordinances, conducting necessary hearings on proposed amendments and/or changes to such ordinances and reporting such recommendations to the Board for their consideration. The committee shall also examine plats of proposed subdivisions, hold hearings on such proposals and submit their recommendations concerning them to the County Board.

The committee will have jurisdiction over the Zoning Division of the Planning Land and Resource Management Department.

### **1) Membership**

The Zoning Committee shall be comprised of five (5) County Board Supervisors.

### **2) Duties and Responsibilities**

- A) At the organizational meeting, the members shall elect a Chair, who shall be a County Board Supervisor, and a Vice Chair.
- B) Review Department annual budget and refer to the Finance Committee for further action and review financial reports.
- C) The Committee shall oversee the following ordinances:
  - i) Wisconsin Statutes 59.69 Zoning Ordinance.
  - ii) Wisconsin Statutes 59.692 Shoreland Zoning Ordinance.
  - iii) Wisconsin Statutes Chapter, 59.69 Floodplain Zoning Ordinance.
  - iv) Wisconsin Statutes 145.20 Private Sewage Septic Ordinance.
  - v) Wisconsin Statutes 236.45 Land Subdivision Regulations.
  - vi) Wisconsin Statutes Chapter 295 Non-Metallic Mining Reclamation Ordinance.

- D) Review and recommend approval to the Board of all Planning Documents formulated by the Planning Department including Comprehensive Plans, in accordance with Wisconsin Statutes 59.69 and 66.1001.
- E) Adopt policies used in the implementation of the Ordinances identified above.
- F) The Committee shall confer and have policy making responsibilities for the Department.

## **II. QUASI-GOVERNMENTAL ORGANIZATIONS**

### **1 INDUSTRIAL DEVELOPMENT AGENCY**

INDUSTRIAL DEVELOPMENT AGENCY LTD.  
A NONPROFIT NONSTOCK CORPORATION

7/21/2008  
ARTICLE 1

#### **OFFICES**

Section 1     PRINCIPAL AND BUSINESS OFFICES: The Corporation may have such principal and other business offices, within Washburn County, Wisconsin, as the Board of Directors may designate.

Section 2      REGISTERED OFFICES: The registered office of the corporation, as required by the Wisconsin Non Stock Corporation Law, to be within Washburn County, Wisconsin, and said registered office need not be identical with the principal office in Washburn County, and the address of the registered office may be changed from time to time by the Board of Directors.

## ARTICLE II

### BOARD OF DIRECTORS

Section 1      GENERAL POWERS: its Board of Directors shall manage the business and affairs of the corporation.

Section 2      NUMBERS, CLASSES, AND QUALIFICATIONS: Pursuant to sec. 59.071, Wis. Stats. The total number of authorized directors of the corporation shall be eight (8). The Board shall consist of two classes of directors known as county directors and public directors. There shall be five (5) authorized county directors and three (3) public directors. The County Directors shall consist of the chairperson of Washburn County Supervisor and Washburn County Finance Committee, the Treasurer, and the Washburn Corporation Counsel, and Extension Resource Community Educator. If the County Board Chairperson and Finance Committee Chairperson are the same person, and additional County Officer appointed by the County Board shall serve as the County Director. Washburn County Industrial Development Agency Board Members shall nominate the public director and the final Board will be appointed by a majority vote of the County Board.

Section 3      OPEN MEETING LAW: All meetings shall comply with Wisconsin's Open Meeting Law.

Section 4      REGULAR MEETING: An annual meeting of the Board of Directors shall be held without other notice than this bylaw on the last Thursday in April beginning with the year 1989. The Directors may provide, by resolution, the time and place, for holding of additional regular meetings.

Section 5      SPECIAL MEETINGS: Special meetings of the Board of Directors may be called by or at the request of the president, secretary, or any two directors. The president or the secretary calling the meeting of the Board of Directors may fix any place within Washburn County, as the place for holding any special meeting of the Board of Directors.

Section 6      NOTICE; WAIVER: Notice of each meeting of the Board of Directors shall be given by written notice delivered or mailed in the regular mail (OR E-MAIL), to each director at his or her business address or at such other address as such director shall have designated in writing filed with the secretary, and in each case, not less than 72 hours before the time set for the meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail so

address, with postage thereon, prepaid. WHENEVER ANY NOTICE WHATEVER IS REQUIRED TO BE GIVEN TO ANY DIRECTOR OF THE CORPORATION UNDER THESE BYLAWS, OR ANY PROVISIONS OF THE LAW, A WAIVER THEREOF IN WRITING, SIGNED AT ANY TIME, WHETHER BEFORE OF AFTER THE DATE OF THE MEETING, BY THE DIRECTOR ENTITLED TO SUCH NOTICE CONSTITUTE A WAIVER OF THE NOTICE REQUIREMENTS). The attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends and objects there-at to the transaction of any business because the meeting was not properly called or conveyed.

- Section 7     QUORUM: A majority of the number of directors set forth in section 3 shall constitute a quorum for the transaction on business at any meeting of the Board of Directors, but a majority of the directors present (no less than such quorum) may adjourn the meeting from time to time without further notice.
- Section 8     MANNER OF ACTING: The act of the majority of the directors present at the meeting in which a quorum is present shall be the act of the Board of Directors, unless law requires the act of a greater number.
- Section 9     TENURE: Each County Director shall hold the office of director for so long as that individual holds the County Office or remains on the County Board. Each public director shall hold the office for a term of two (2) years. A public director may be removed from office, at any time and with cause, by an affirmative vote of a majority of the Board of Directors. A public director may resign at any time by filing his written resignation with the secretary of the corporation. Public directors shall have (OR HAD) business interests Washburn County but need not be a resident of Washburn County, Wisconsin.
- Section 10    CONDUCT OF MEETING: The president, or in his absence, the vice-president, and in their absence, any director chosen by the directors present, shall call meetings of the Board of Directors to order and shall act as chairman of the meeting. The secretary of the corporation shall act as secretary of all meetings if the Board of Directors, but in the absence on the secretary, the presiding officer may appoint any member of the Board of Directors to act as secretary at the meeting.
- Section 11    VACANCIES: Any vacancy occurring due to removal, resignation or sickness of any public director shall be ratified by the County Board pursuant to Sec. 59.071 (5) (e) Wis. Stats.
- Section 12    COMPENSATION: The Board of Directors, by an affirmative vote of the majority of the directors then in office may establish reasonable compensation of all the directors for services to the Corporation as directors or officers.

## **2 WASHBURN COUNTY HIGHWAY TRAFFIC SAFETY COMMITTEE**

## **Mission**

The Highway Safety Committee strives to encourage and foster traffic safety in the county and its villages and towns.

## **Membership**

The committee is composed of at least nine (9) members. Membership is comprised of the following:

- A) The County Highway Commissioner or designee.
- B) The Chief County Law Enforcement Officer or designee.
- C) The County Highway Safety Coordinator, designated by the County Board.
- D) An Education Representative designated by the County Board.
- E) A Medical Representative designated by the County Board.
- F) A Legal Representative designated by the County Board.
- G) A Division of State Patrol Representative designated by WisDOT.
- H) A Highway Traffic Engineering representative designated by WisDOT.
- I) A Traffic Safety Representative designated by WisDOT.
- J) Additional representation is encouraged.

## **Duties and Responsibilities**

- A) Represent the interests of their constituency.
- B) Offer solutions to traffic safety related problems that are brought to the Commission.
- C) Report back to their constituency.
- D) Meet at least quarterly.
- E) Post meetings notice at least one week prior to meeting dates.
- F) Review traffic crash data from the county/city.
- G) Review other traffic safety related information.
- H) Prepare and maintain a spot map of traffic crash locations.
- I) Send recommendations for corrective actions in writing to appropriate government officials, businesses and other interested groups.
- J) File a report on each meeting with the Bureau of Transportation Safety.

## **Applicable Statutes**

Section 59.07(34)(m), Section 62.135, Section 66.0485 and Section 83.013

## **3 VETERANS SERVICE COMMISSION FOR WASHBURN COUNTY**

The Veteran's Commission for Washburn County is commissioned by the State of Wisconsin under Wisconsin Statutes 45.81 through 45.86 and is interpreted by the Attorney General and Washburn County Corporation Counsel.

### **1) Mission**

The Commission strives to assist all eligible Veterans' of Washburn County with qualifying needs.

## **2) Membership**

The Veterans Service Commission shall be comprised of three (3) residents of the County. The residents shall be Veterans appointed by the County Board Chair to staggered 3 year terms. The Commission shall elect a chairperson on or before the 2<sup>nd</sup> Monday of December each year.

## **3) Duties and Responsibilities**

- A) The Commission has been charged by County Board Resolution to provide transportation to all ambulatory Washburn County Veteran's having appointments at VA Medical Centers and establish the policies necessary to complete the service.
- B) Annually provide a budget and report to the Washburn County Board.
- C) Communicate and coordinate with the Veteran's and Military Affairs Committee.
- D) Provide assistance to needy Veterans, spouses, surviving spouses, minor and dependent children of Veterans.
- E) Provide care of Veterans graves including the graves of Veterans spouses.

# **4 ZONING BOARD OF ADJUSTMENT**

## **SECTION I General Provisions**

### **1. Authority:**

This Board has been established pursuant to Section 59.694 of the Wisconsin Statutes, and assumes thereby, all responsibilities, duties, and powers as provided therein and by related statutes. A copy of these rules shall be filed with the County Clerk, and kept as public record. These rules are supplementary to the Zoning Ordinance provisions of the County as they relate to the procedures of the Board of Adjustments, and available to the public.

### **2. Title:**

The Official title of the Board is: The Washburn County Board of Adjustments.

### **3. Membership:**

The Board shall consist of five (5) members who shall be appointed by the Chairperson of the County Board, with approval of the County Board, for terms in accord with § 59.694 (2)(a), Wis. Stats., together with two (2) alternate members as prescribed in § 59.694(2)(am), Wis. Stats.

### **4. Conflicts of Interest:**

A member of the Board who has any direct or indirect interest, personal or financial, in any matter coming before the Board for a hearing, shall disclose said interest to the Board in advance of the hearing. No such member shall participate in the hearing or in the following deliberation, nor shall such member vote on such matter. A conflict of interest requiring disqualification shall include the following:

- a) When a member or his or her spouse is applying to the Board on an appeal or for a variance or is related within the third degree of consanguinity to the applicant.
- b) When a member is the employer or employee of the applicant or is a member or stockholder in a partnership, corporation or other form of association or is a sole proprietor of an entity seeking to appeal a decision or asking for a variance.
- c) If a member owns real estate within 300 feet of the property that is the subject of the application for a hearing.

In all other situations, each member shall be guided by Wisconsin law and Washburn County Ordinances as to whether a conflict of interest exists, requiring or recommending to an individual member that he or she should choose not to participate.

### **5. Limitations:**

Nothing herein, shall be construed to give or grant to the Board, the power or authority to alter or change the Zoning Ordinance or zoning of other official maps of the County, which authority is reserved to the Zoning Committee and County Board of Supervisors.

### **6. Board's Office:**

The office of the Board shall be located at the Zoning Administrator's office. All records of the Board shall be available for public inspection during office hours, 8:00 a.m. to 4:30 p.m., Monday thru Friday, except legal holidays.

## **SECTION II Officers and Duties**

### **1. Officers:**



The Board shall elect a Chairperson, and a Vice-Chairperson, from among its regular members. The officers shall hold office until their successors are elected. The Board may, at any meeting or hearing, elect from among the membership, the replacement for an officer who for whatever reason is unable to perform the duties of his/her office.

## **2. Duties of Officers:**

The Chairperson, if present, otherwise the Vice-Chairperson, shall preside over and direct the conduct of all meetings and Hearings of the Board and may administer oaths, and compel the attendance of witnesses. The Chairperson shall report on all official transactions that have not otherwise come to the attention of the Board. The Chairperson shall direct the official business of the Board; supervise the work of the Board. The Chairperson, or the presiding officer, shall decide all points of the procedure or order, unless otherwise directed by the majority of the members in attendance on motion duly made and approved.

- a) The Board shall record minutes of the Board's proceedings, showing the vote of each member on each question or, if absent or excused from participation, the fact of said absence or recusal. The Board shall also maintain records of its official actions and shall keep a verbal record of all hearings which shall include the names and addresses of all persons appearing before the Board in person or by an attorney and it shall publish in the official newspaper the notices of meetings and hearings as required by law. The Board shall file all of its records with the County Zoning Administrator, who shall act on behalf of the Chairperson of the Board in maintenance and preservation of those records. At all times the Chairperson of the Board, subject to delegation of duties under this provision, shall be deemed to be the custodian of the Board records in accord with the Public Records Law.
- b) Staff of the Zoning Department shall perform clerical duties and functions on behalf of the Board.
- c) Minutes of closed sessions shall be separated from those of open sessions and shall remain confidential until such time as when, in accord with Wisconsin Law, they shall be deemed to be subject to a public records request.

## **SECTION III Meetings**

### **1. Time:**

Meetings and hearings of the Board shall be held at the call of the Chairperson, provided that all Board members are notified at least 48 hours in advance of any meeting or hearing. In the alternative, if a majority of the regular members of the Board deem it necessary or appropriate to call a meeting and the Chairperson does not agree, such majority of the regular Board may call a meeting on 48 hours notice, as well. Meetings and hearings may be cancelled upon notice at least 24 hours in advance thereof.

### **2. Open Meetings and Hearings Format; Closed Sessions:**

All meetings and public hearings held by the Board shall be open to the public. The only exception to this shall be those portions of meetings, which are duly convened into closed session in accord with § 19.85, Wis. Stats. No closed session shall be held by the Board under § 19.85 (1) (a), Wis. Stats., for deliberation purposes except in relationship to an evidentiary hearing held under § 19.85 (1) (b), Wis. Stats.

### **3. Quorum:**

A quorum shall consist of a majority of all members of the Board and no action may be taken except by a vote of the members present. If a quorum is not present, a lesser number of members may adjourn the meeting to a time certain.

### **4. Parliamentary Procedure Guide:**

The Board shall be guided by but shall not be considered to be bound by the rules of procedure set forth in Robert's Rules of Procedure.

### **5. Notice of Meetings:**

All hearings and meetings of the Board shall be held upon notice to the public and to interested persons, which shall be posted, published or personally served or mailed in accord with the relevant provisions of Wisconsin Law. In addition, for notice purposes, the Board shall comply with the Open Meetings Law, Subch. IV, Ch. 19, Wis. Stats., with respect to the timing, means of noticing and contents of such notices.

## **SECTION IV Appeals and Variances**

The powers and duties of the Board of Adjustments are identified in Sections 59.694 (7) of the Wisconsin Statutes and in the Washburn County Zoning Ordinance. The Board shall have the following general powers:

### APPEALS:

- ❑ To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of the Zoning Ordinance. In exercise of its power to grant or deny appeals, the Board may affirm or reverse the administrator, in whole or in part, or it may modify the order, requirement, decision, or determination in question and may make such order, requirement, decision or determination as ought to be made and to this effect shall have all of the powers of the administrator from whom the appeal is taken.

### VARIANCES:

- ❑ To authorize, upon appeal in specific cases, such variance of the Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in un-necessary hardship and so that the spirit of the ordinance shall be observed, public welfare and safety secured and substantial justice done.

- ❑ In accord with Osterhues vs. Bd. of Adjustment for Washburn County, 282 Wis. 2d 228 (2005), before proceeding to a hearing on the merits on such appeal, the Board shall decide whether or not it wants to determine the case solely upon the basis of the record of evidence presented to the administrative official, in which case it shall render an independent decision on that basis alone or, in the alternative, whether it wants to take new testimony and evidence to supplement the record from below, in which event its determination shall be based upon the evidence as supplemented in the form of a de novo hearing. In making the decision of whether or not to allow the supplementation of the record from below, the Board shall be guided by its analysis of whether the said record is sufficiently complete as to allow the Board to rely upon it as presenting to it a factual basis upon which to render its determination. To this extent, the Board may choose to perform a review of the record to enable it to make this preliminary determination.

A Variance:

- ❖ Shall be consistent with the spirit and intent of the Zoning Ordinance, for which the stated purpose of the Zoning Ordinance or state law may act as a guide.
- ❖ Shall not permit a use which is inconsistent with the law governing the granting of use variances.
- ❖ Shall not be granted unless it is shown that the variance will not be contrary to the public interest or damaging to the rights of other persons or property values in the area.
- ❖ Shall not be granted for land uses or spatial purposes, which logically require pursuit of an amendment to the Zoning Ordinance.
- ❖ Shall not be granted on the basis of economic gain or loss.
- ❖ Shall not be granted for a self-created hardship.
  - Be responsible for the interpretation of any of the provisions of the Zoning Ordinance, which may to be clarified in regard to a specific situation or peculiarity.
  - Hear and decide Appeals on the extension of structures, buildings, or premises devoted to non-conforming uses.
- ❖ Shall not be granted in the Floodway or Wetland/Shoreland Zoning Districts.
- ❖ In determining whether to grant or deny a variance, the Board shall be guided by the principle that it is only under circumstances where the applicant will suffer an unnecessary hardship that a variance is allowed. For the purposes of “area” variances, the standard to be applied is that

“compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. For purpose of “use” variances, the standard to be applied is that in the absence of the variance, the owner will have no reasonable use of the property. State v. Kenosha County Board of Adjustment, 218 Wis. 2d 396 (1998) and State v. Waushara County Board of Adjustment, 271 Wis. 2d 547 (2004).

## *SECTION V Application and Appeal*

To implement its powers in the hearing of appeals from the decisions and determinations of administrative officials, the Board may choose at the onset of the public hearing held in the matter of such an appeal to first determine whether or not to take additional evidence. If it decides to do so, it may either proceed to hold the hearing at that time or it may vote to adjourn the hearing to another date and time. If it decides not to take additional evidence, the applicant shall proceed to present his or her case to the Board for its consideration in conjunction with the record from below.

1. The applicant or appellant, his/her agent, or attorney shall file applications to the Board and appeals from the Zoning Administrator’s decision, with the Zoning Administrator. Appeals may be filed by any person aggrieved or by an officer, department, Board, or by the Town affected by the Zoning Administrator and/or Zoning Committee’s decisions on Conditional Use Permits. Appeals from the Zoning Administrator and Zoning Committee’s decisions, must be filed within thirty (30) days after the decision, in writing, is made and filed.

Each appeal or application shall be considered by the Board at its next available meeting, provided there is sufficient time between the date of the filing and the date of the meeting for the required Hearing Notices to be published, as established by law.

### **2. State Reasons:**

The reason for the application or Appeal, must be stated and the reasons why the request should be granted, must also be stated by the applicant:

- a) If a variance, facts should be stated upon which findings may be made by the Board to justify the granting of the Variance.
- b) If an appeal is based on an alleged error or abuse of discretion of the Zoning Administrator, facts should be stated as to the nature thereof.

The Board may refuse to hear a case upon the failure of the applicant to supply the required information called for, on the forms, and as further required by the Zoning Administrator.

### **3. Notices:**

The Zoning Office shall transmit notices to the Board of Adjustments, copy in Zoning Office files, to Clerk of the Town Board, and where applicable, affecting property within the shore lands, notice to the Department of Natural Resources.

Notice of each Hearing will include:

- a) Publication of a Class 2 Hearing notice in the designated County Newspaper.
- b) Notice to the applicant, and where required, Department of Natural Resources, ten (10) days before the Hearing.
- c) Notice to the Town Clerk and Chairperson, no less than one week prior to the Hearing.
- d) Notice of hearing to City Clerk, Village Clerk, or Village President, when property affected, lies within 1½ miles of the closest city or village limits. The municipality (town, city, village) will be requested to submit their decision on each application involved in their jurisdiction. This decision shall be signed by the Board members and attested by the Clerk

The Board of Adjustments, in granting or denying the variance requested, may consider the decision of the municipality.

- e) Notice and the applicant's request, shall be sent to property owners within three hundred (300) feet of the perimeter of the affected property. The Board may consider comments from the surrounding property owners. Failure of such opinion letter to reach any property owner shall not invalidate any decision made on a Variance.

#### **4. Effect of Appeal:**

An appeal shall stay all proceedings and furtherance of the action appealed from, unless the officer, from whom the appeal is taken, shall certify to the Board of Adjustments, after notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stated, otherwise than by a restraining order, which may be granted by the Board of Adjustments, or by a court of record on application and notice to the officer from whom the appeal is taken, and on due cause shown.

#### **5. Fees:**

The applicant shall pay such fee as established by the Zoning Committee, and shall be deposited to the Zoning Office, for each application, before a public hearing will be scheduled.

### **SECTION VI Hearing Procedure**

## 1) **Appearances:**

### Effect of Non Appearance; Adjournments; Production of Witnesses and Evidence Upon Demand of Chairperson

- a) Each applicant shall appear before the Board at the time and on the date scheduled for a hearing on his or her matter. Appearances shall be made in person and each applicant may choose to be represented by an attorney or agent of his or her choice. The failure of an applicant to appear may result in dismissal of his or her appeal or variance application
- b) In its sound discretion, the Board may move to table an application or adjourn the hearing in the matter to a date and time certain.
- c) The Chairperson may request the attendance of witnesses or the production of evidence, if deemed necessary and not produced by the parties to an appeal or application.

## 2) **Order of Hearings:**

Hearings on cases shall normally follow as:

- a. Application read, and reason for denial by the administrative official.
- b. Determination of jurisdiction, if requested.
- c. Applicants file which may include: The Town Board's decision when applicable, City or Village Council decision; maps or surveys; inspection reports; opinion letters; correspondence; soil test results; plot plan or sketches; and application.
- d. Applicant's statements and presentation of evidence of a hearing.
- e. Others in support of applicant, making statements, and if any, presentation of evidence.
- f. Objector's statement, and if any evidence, presentation.
- g. Staff recommendations, when requested.
- h. Questions by Board members.
- i. Rebuttals as permitted by the Board.
- j. Deliberations and decisions by the Board.

The Board reserves the right, on a case by case basis, to deviate from the above stated format.

### **3) Preliminary Matters:**

Following the reading of the application, or appeal, the Board may hear arguments on the question of jurisdiction and request that briefs be filed on the point. The Board may proceed with the hearing and taking of testimony; in any event, and reserve its determination on a jurisdictional question until after hearing all testimony and render a decision on the merits as if it had jurisdiction. The Board may make an immediate determination and close the Hearing, finding it lacks jurisdiction. If the Board determines by motion, that it lacks jurisdiction, the decision shall be recorded as a vote to deny the request.

Orderly procedure requires that each side shall proceed without interruption by the other; that all arguments shall be addressed to the Board, and that there be no questioning or arguments between individuals.

Witnesses shall be identified to the Board by the parties who call upon them to testify. In the case of other interested persons who seek to testify for or against the applicant, each such person shall identify him or herself to the Board as well as to state their interest in the proceedings. All testimony shall be addressed to the Board.

### **4) Questions and Debate; Evidence:**

During the hearing, the Chairperson, Board members, or its legal counsel, together with staff of the Zoning Department, may ask questions of the applicant and all witnesses participating in the hearing. Such questioning shall be for the purpose of bringing out relevant facts, circumstances and conditions which may affect the matter and assist the Board in arriving at its decision.

All supporting evidence for and against each case shall be presented to the Board. The applicant is responsible for presentation of information supporting his/her case. The Board may take notice of relevant facts on its own motion or that of a party to the proceedings.

### **5) Additional Evidence; Rules of Evidence:**

The Board may take a case under advisement for later consideration and determination, or may “table” or defer action whenever it concludes that additional evidence is needed, or at the Boards discretion, on-site inspections, or further study is required.

The Board shall not be bound by court rules of evidence, but it may exclude irrelevant, immaterial, incompetent, unduly argumentative, or repetitious testimony, or evidence.

The Chairperson shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Board members.

Persons having an interest in the case may attend the hearing and may request an opportunity to testify provided they identify themselves.

**6) Record of Hearing:**

All proceedings at a hearing shall be tape recorded or, at the option of the Board, recorded by a court reporter. On record there will be a summary of motions, witnesses, appearances, roll call votes, and all other matters constituting the substance of the proceedings. Verbatim transcripts of recorded proceedings shall not be prepared unless ordered by the Circuit Court by a Writ of Certiorari. The proceedings shall become part of the written record filed in the Zoning Office, and open to the public.

**7) Adjournments:**

When the applications or appeals cannot be disposed of on the day set, the Board may adjourn from day to day or to a certain, as it may order, and such adjourned day shall be construed as a continuance of the hearing. Notice of adjournment shall not be given to the absent members of the Board.

**8) Application Withdrawal:**

An applicant or appellant may withdraw an application or appeal at any time. Withdrawal of an application or Appeal shall not entitle the applicant to a refund of the filing fee.

**SECTION VII Decisions of the Board**

**1. Majority Vote Required:**

The concurring vote of a majority of all members present and who participated in a hearing shall be necessary in order to approve, deny, or table any matter, which comes before the Board for its consideration.

**2. Decisions:**

Each decision shall be in writing and shall set forth the ultimate facts upon which it is based. The Board may choose, in its discretion, to file formal findings of fact and conclusions of law but if it does not do so in a given case, the record of the proceedings, upon the basis of which decision was made, shall be substituted for formal findings and conclusions.

Within thirty (30) days of the close of the hearing to which the decision relates, written notice of such decision shall be mailed to the applicant, and town clerk, when within the shore lands, or affecting the Wetland/Shore land district, to the



Department of Natural Resources. The approval or granting by the Board is deemed to constitute an order to the Zoning Office to issue a permit. A denial of the application or appeal is deemed to be an order to deny the permit.

The decision of the Board shall apply solely to the parcel of real estate, which is identified as being the subject of the application for a variance or appeal. No Decision shall apply to any other property, nor shall any decision of the Board be considered to create precedent. Unless otherwise set forth in the decision, both variances and appeal decisions shall be deemed to run with the identified parcel.

No action of the Board shall set a binding precedent. Each case shall be decided upon its merits and attendant circumstances, provided the Board shall not act arbitrarily or capriciously.

### **3. Findings of Fact:**

In acting on any matters before it, the Board shall make “findings” supporting its actions. In every case where a Variance from the Zoning Ordinance is granted, the minutes of the Board shall affirmatively show that an un-necessary hardship or practical difficulty exists, and the records of the Board shall clearly show in what particular and specific respects an un-necessary hardship or practical difficulty is created.

### **4. Informal Advice:**

The Board shall not give informal advice, nor shall any of its members, acting outside of a meeting of the Board purport to advise any person concerning the Zoning Ordinance, including but not limited to officials, employees of the County or any other person.

### **5. Valid Permit:**

In the event that the result of a hearing held by the Board requires that the applicant or appellant apply for and obtain a permit from the Zoning Department, each such permit shall be obtained within a period of two (2) years after the date of the filing of the Board decision or the decision granting authorization to obtain such permit shall be deemed to be null and void. Such period of time within which to obtain permits may be extended on motion of the Board for a period not to exceed five (5) years from and after the date of the filing of the decision.

### **6. Circuit Court Action:**

Any persons, jointly, or severally aggrieved by any decision of the Board of Adjustments, or any taxpayer, or any officer, department, board, or Bureau of the County, may commence an action in Circuit Court for Writ of Certiorari to review the legality of such decision in whole or in part, within thirty (30) days after the filing of the decision in the Zoning Office.

## **SECTION VIII Refilings and Rehearings**

- a. No matter which has been acted upon by the Board concerning the same or part of the same property, shall be considered again within one (1) year from the date of the action, except, as hereinafter provided.
- b. The Board may not reopen any case upon which a previous hearing has been held, except to correct a manifest error.
- c. A case will be considered as heard and closed at such time as the Board approves or rejects and application or Appeal, by motion, or when it is considered closed by operation of these rules.
- d. A decision of the Board may be reconsidered by motion to reconsider, made at the same meeting, which may be immediately disposed of without further notice.
- e. The filing of a motion for reconsideration shall stop the running of the thirty (30) day period in which a petition to the Circuit Court must be made. The thirty (30) day period will run in such event from the date of a decision not to reconsider, is made by the Board, or if the matter is reconsidered, from the date the decision on the reconsidered matter is filed in the Zoning Office.
- f. A simple majority vote shall be sufficient to reconsider a previous decision. If reconsideration is refused the person requesting it, the Board shall enter on the minutes, the basis of the request, reason it was refused, and the vote of the Board members.

## SECTION IX Annual Report

The Board of Adjustments Annual Report of its activities, may be included in the Zoning Department's Annual Report, and submitted to the County Board.

## SECTION X Definitions

Certain terms or words used herein are defined as follows:

- Aggrieved person: Any person whose substantial interests are adversely affected by a determination. Aggrieved persons may file Appeals, or appear in opposition to an application.
- Appeal: An action seeking the review by the Board of an alleged error of fact or of law in any order, requirement, decision, or determination made by an administrative official.
- Application: A request for a variance from the specific requirements of the Zoning Code.
- Appellate Body: A body authorized to review the judgments made by other people. The Board of Adjustment hears Appeal of the decisions of

the Zoning Administrator or the Zoning Committee. The Circuit Court hears Appeals of the Board's decisions.

- Certiorari: Judicial review of the decision of an administrative body, such as the Board, in which the Court Generally reviews the record of that body to which it applies the following standards: (1) Did the Board have jurisdiction over the subject matter? (2) Did the Board commit an error of Law? (3) Was there substantial evidence placed before the Board in support of the decision made? and (4) Did the Board act arbitrarily and capriciously, exercising its will as opposed to its judgment?
- Closed Session: A session closed to the public based on a majority vote of the members for the purpose of deliberating quasi-judicial matters or conferring with legal counsel.
- Findings of Fact: A statement of the Board's rationale behind the decision and facts that support the decision.
- Hearing De Novo: To hear anew, as in the case of an appeal from a decision of an administrative official in which to Board determines that the factual record is insufficient and accordingly causes a record to be made in the proceeding before it.
- Variance: An authorization granted by the Board to make use of property subject to the Zoning Code in a manner, which is inconsistent with spatial or use requirements imposed there under, under circumstances in which the absence of such variance, the owner or occupant of the property would be subjected to an unnecessary hardship.
- Un-necessary Hardship: Circumstance where special conditions which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height, or density, un-necessarily burdensome, or unreasonable in light of the purposes of the Zoning Ordinance.

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