



AGENDA
OZAUKEE COUNTY BOARD
ORGANIZATIONAL MEETING
TUESDAY, APRIL 16, 2024 – 9:00 AM
ADMINISTRATION CENTER - ROOM A-204
121 W. MAIN STREET, PORT WASHINGTON, WI 53074

THE FOLLOWING BUSINESS WILL BE BEFORE THE COUNTY BOARD FOR INITIATION, DISCUSSION, CONSIDERATION, DELIBERATION AND POSSIBLE FORMAL ACTION:

The public can access the meeting by viewing the live stream at the link which will be opened five minutes before the call to order:

[County Board Live Stream](#)

The public can submit comments here: [Public Comment Form](#)

[Public Comment Policy & Instructions For Submitting Public Comments Online](#)

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 3. OATH OF OFFICE - COUNTY SUPERVISORS**
Administered by Honorable Judge Paul Malloy
- 4. ELECTION OF CHAIRPERSON (SECRET BALLOT)**
To Succeed Mr. Schlenvogt
- 5. ELECTION OF VICE CHAIRPERSON (SECRET BALLOT)**
To Succeed Mr. Melotik
- 6. ELECTION OF SECOND VICE CHAIRPERSON (SECRET BALLOT)**
To Succeed Mr. Wolf
- 7. PUBLIC COMMENT**
Legislative Update
Chairperson's Proclamation
- 8. COMMUNICATIONS**
- 9. CLAIMS**
- 10. REPORT OF COUNTY ADMINISTRATOR**
- 11. PRESENTATION**
 - a. Ozaukee County Board of Supervisors: Roles and Responsibilities*
Andy Phillips, Attolles Law, S.C.
- 12. COMMITTEE APPOINTMENTS/REAPPOINTMENTS**
- 13. SUPERVISOR ANNOUNCEMENTS**
- 14. ADJOURNMENT**

**SMILE 😊!! County Board Group Photo to be taken on the Steps
inside the Historic Courthouse at 8:30 AM.
Please be Prompt.**

Ozaukee County Board

AGENDA INFORMATION SHEET

AGENDA DATE:	April 16, 2024
DEPARTMENT:	Administrator
DIRECTOR:	Jason Dzwinel
PREPARER:	Karen Niemuth

Agenda Summary Ozaukee County Board of Supervisors: Roles and Responsibilities

ATTACHMENTS:

- Ozaukee County 4-16-24 (PPTX)

OZAUKEE COUNTY BOARD

Roles and Responsibilities

Ozaukee County Board of Supervisors
April 16, 2024

ATTOLLES
LAW, s.c.

WCA
WISCONSIN COUNTIES
ASSOCIATION

COUNTY STRUCTURE

County authority comes from Chapter 59

- Municipal authority comes from the Constitution

Counties are a body corporate that can sue and be sued

- This means they enjoy status separate and distinct from the state or any political subdivision... but?

Powers are limited by state statute

- Administrative Home Rule

Counties are governed by a board of supervisors

- Board size ranges from 7 - 38

ADMINISTRATIVE HOME RULE

Sec. 59.03(1) - Every county may exercise any organizational or administrative power, subject only to the constitution and to any enactment of the legislature which is of statewide concern and which uniformly affects every county.

SELF-ORGANIZED COUNTIES

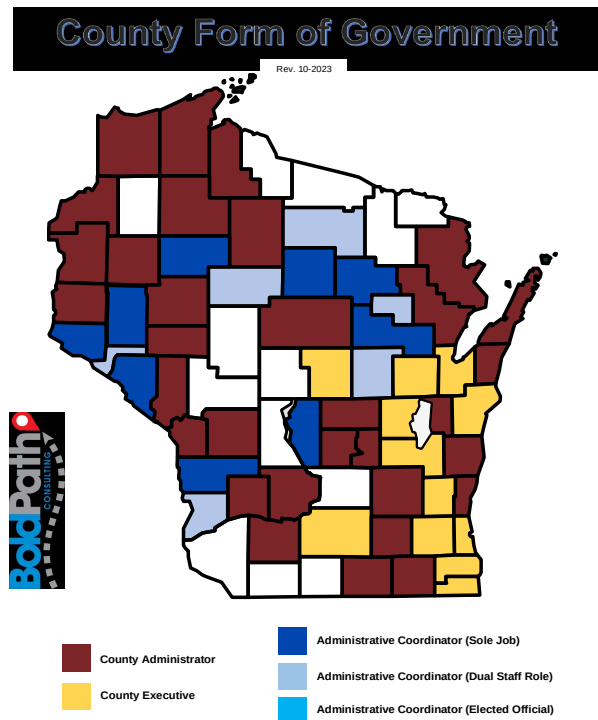
- Self organization provides more flexibility on the manner in which the board of supervisors may operate
 - Use of staggered terms
 - Compensation of supervisors
 - Filling county supervisor vacancies
 - 53 counties have elected this status

Wis. Stat. 59.10 (1)

FORMS OF COUNTY GOVERNMENT

Three types

- County Executive
- County Administrator
- County Administrative Coordinator



Note: As many counties are currently considering modifications to their structure, this chart may not be entirely accurate but is being used for illustrative purposes.

Full Time Dedicated Positions: 53 Counties
12 Elected County Executives (CE)
33 Appointed County Administrators (CA)
8 Appointed Administrative Coordinators (AC)

Dual Role Positions: 19 Counties
8 AC/County Clerks
4 AC/Board Chairs
4 AC/Human Resources
1 AC/Finance Director
1 AC/Human Services
1 AC/Highway Commissioner

COUNTY EXECUTIVE WIS. STAT. 59.17

- Position created either by county board or by petition and referendum
- An elected position
 - Accountable to the voters in the county
 - Board does not have the authority to remove
- Appoints and supervises department heads subject to board confirmation
- Appoints members to Boards and Commissions
- Submits an annual budget to the county board
- Has veto authority
 - May veto ordinances and resolutions
 - Has broader veto authority than Governor
 - County board can override veto with 2/3 vote

COUNTY ADMINISTRATOR WIS. STAT. 59.18

- An option for counties having a population of 750,000 or less
- Position created by resolution of the board or by petition and referendum
- Appointed by majority vote of the county board

COUNTY ADMINISTRATOR WIS. STAT. 59.18

- Serves as the chief administrative officer of the county
 - Shall take care that every county ordinance and state or federal law is observed, enforced and administered within the county

COUNTY ADMINISTRATOR WIS. STAT. 59.18

- Duties and powers:
 - Coordinates and directs all administrative and management functions of the county government not vested by law with other officers, boards or commissions
 - Appoints/removes and supervises department heads subject to board confirmation (unless waived)
 - Department head supervises the administration of the department
 - Board performs advisory or policy-making functions authorized by statute

COUNTY ADMINISTRATOR WIS. STAT. 59.18

- Duties and powers:
 - Appoints members to boards and commissions (board confirmation)
 - May appoint an administrative secretary and additional staff assistants, as necessary
 - Submits annual budget

COUNTY ADMINISTRATOR WIS. STAT. 59.18

- Qualifications for appointment:
 - Appointed solely on merit
 - Board shall give due regard to training, experience, administrative ability and general qualifications and fitness for performing the duties of the office
- No weight or consideration shall be given by the board to residence, to nationality, or to political or religious affiliations

COUNTY ADMINISTRATOR WIS. STAT. 59.18

- Removal
 - Board may remove at any time that the county administrator's conduct of the county administration becomes unsatisfactory (action of the board shall be final)
- Vacancy
 - Filled by appointment by majority vote of the board

ADMINISTRATIVE COORDINATOR WIS. STAT. 59.19

- Board shall designate an elected or appointed official to serve as administrative coordinator if no executive or administrator
- “The administrative coordinator shall be responsible for coordinating all administrative and management functions of the county government not otherwise vested by law in boards or commissions, or in other elected officers.”

ADMINISTRATIVE COORDINATOR WIS. STAT. 59.19

- What Does This Position Look Like?
 - Depends on the county
 - County clerk, department head, board chair (incompatibility issues), full time position
 - Little statutory direction
 - Duties depend on county
 - Some counties provide administrative coordinator with powers of county administrator

COUNTY BOARD OF SUPERVISORS

- Supervisors serve primarily a legislative function
- The legislative function is largely limited to policy making, law making, budgetary approval and cooperative decision making on matters within their statutory authority (recall the limitations based upon statute)
- No operational control resides with individual supervisors

COUNTY BOARD OF SUPERVISORS

- Supervisors authority is **collective** versus individual
- So do “supervisors” actually “supervise” anything
 - Remember, policy making (board) v. operations (administration)
- Thank you legislature for creating confusion with the name!

BOARD ROLES & RESPONSIBILITIES (DUAL)

County Board

- Adopts policy
- Holds staff accountable for implementing policy
 - Through county administration

Role is that of “visionary”

COUNTY BOARD FUNCTIONS

Involve	Involve, represent and be accountable to the public
Determine	Determine services to be provided
Adopt	Adopt budget – levy taxes
Regulate	Regulate within statutory authority
ENACT	Primary function is to ENACT POLICY

Sample County Board Rule

- The role of the County Board is to set the strategic mission and priorities for the County, establish the general policies by which the County is guided in its management of County affairs, consider and act upon resolutions and ordinances, provide financial oversight and build community relationships in support of the mission and priorities. The County Board appoints the County Administrator and monitors the County Administrator's management of the daily operations and implementation of policy.
 - County Board Rules, Chippewa County

COUNTY BOARD CHAIR

- Presides over meetings of the county board of supervisors
- Administers oaths
- Countersigns all ordinances
- Commonly acts as spokesperson for the county board
- Provides guidance and direction on moving issues through the board
- Typically appoints committee members subject to board confirmation (Wis. Stat. 59.13)

Wis. Stat. § 59.12

STANDING COMMITTEE FUNCTIONS

- Policy oversight for departments, offices and other entities
- Monitor performance
- Review and make budget recommendations
- Consider/advance ordinances and resolutions
- In other words, assist in POLICY DEVELOPMENT

WHAT IS THE COMMITTEE INVOLVEMENT?

- Counties are structured so that the committees do much of the preliminary work, and then make recommendations to the full board
- Committees have the knowledge, expertise and a better perspective of what is needed, what is achievable, how much it would cost (or save) to implement the new strategies and goals
- Committees know who in the community their departments and programs serve

STAFF ROLES & RESPONSIBILITIES (DUAL)

- Have an obligation to carry out duties in a manner consistent with the policy direction of the board
- Make recommendations and give professional advice
- Do not make policy other than internal as authorized

ADMINISTRATION (DEPARTMENT HEADS & STAFF)

- Implementation of policies and strategies
- Shorter term
- Day to day operations
- Related to smaller functions
- Addresses department or individual issues
- Requires attention to detail
- Requires specialized training

REQUIRED QUALIFICATIONS OF COUNTY STAFF COMPARED TO COUNTY BOARD SUPERVISORS

Staff

Education

Experience

Background checked

Bonded

Professionally current

Professional associations

Board

Elected by people

Local connection

POLICY VS. ADMINISTRATION

- Policy (Board) = “What” and “Why”
- Administrative/Operations (Staff) = “Where,” “When” and “How”

POLICY VS. ADMIN/OPS

Policy

- “What” – Will the county establish a hiking trail system?
- “Why” – Will the system benefit the county?

Admin/Ops

- “How” – Who will build and maintain the system?
- “When” – What is the timeframe for implementation?
- “Where” - Where will the system need to be maintained?



LEADERSHIP ROLES

- Department heads (non-elected) have the leadership role in their departments within the guidelines of the policies and procedures set by the board of supervisors and clarified through directives from the executive or administrator

LEADERSHIP ROLES

- Individual county board supervisors have no management or leadership role outside of committees and commissions; their authority is collective as a member of the board.

HOW OUR COURTS VIEW THE DISTINCTION BETWEEN POLICY AND ADMINISTRATION

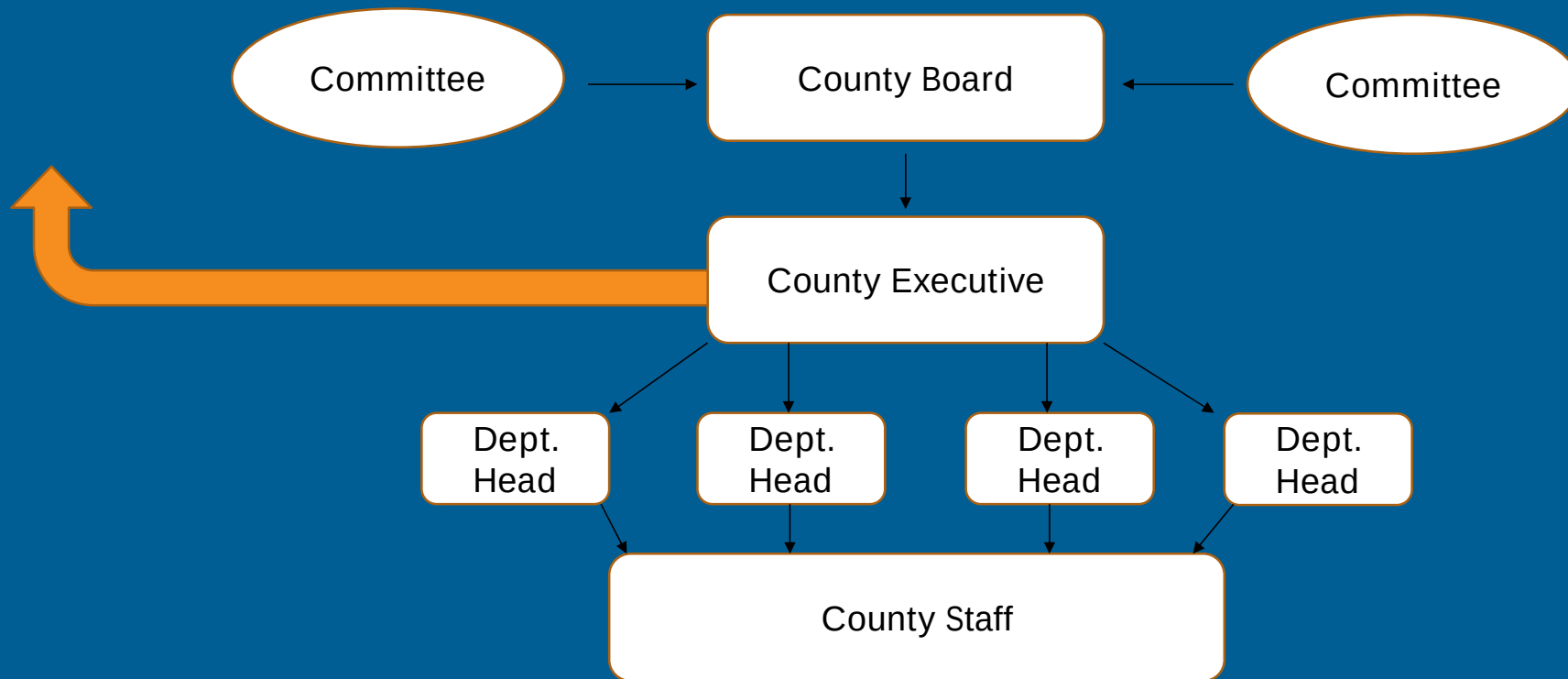
- The county boards function is primarily policy making and legislative, while the county executive functions as an administrator and manager. See, e.g., 80 Op. Atty Gen. 49 (1991). Policy has been defined as “a high-level overall plan embracing the general goals and acceptable procedures esp. of a governmental body.” Webster's New Collegiate Dictionary 890 (1977). “Legislative power, as distinguished from executive power, is the authority to make laws, but not to enforce them, or appoint the agents charged with the duty of such enforcement.” See 2A MCQUILLIN, MUNICIPAL CORPORATIONS § 10.06 at 311 (3d ed. 1996). “The crucial test for determining what is legislative and what is administrative has been said to be whether the ordinance is one making a new law, or one executing a law already in existence.” Id.

Schuette v. Van De Hey, 205 Wis.2d 475 (Ct. App. 1996).

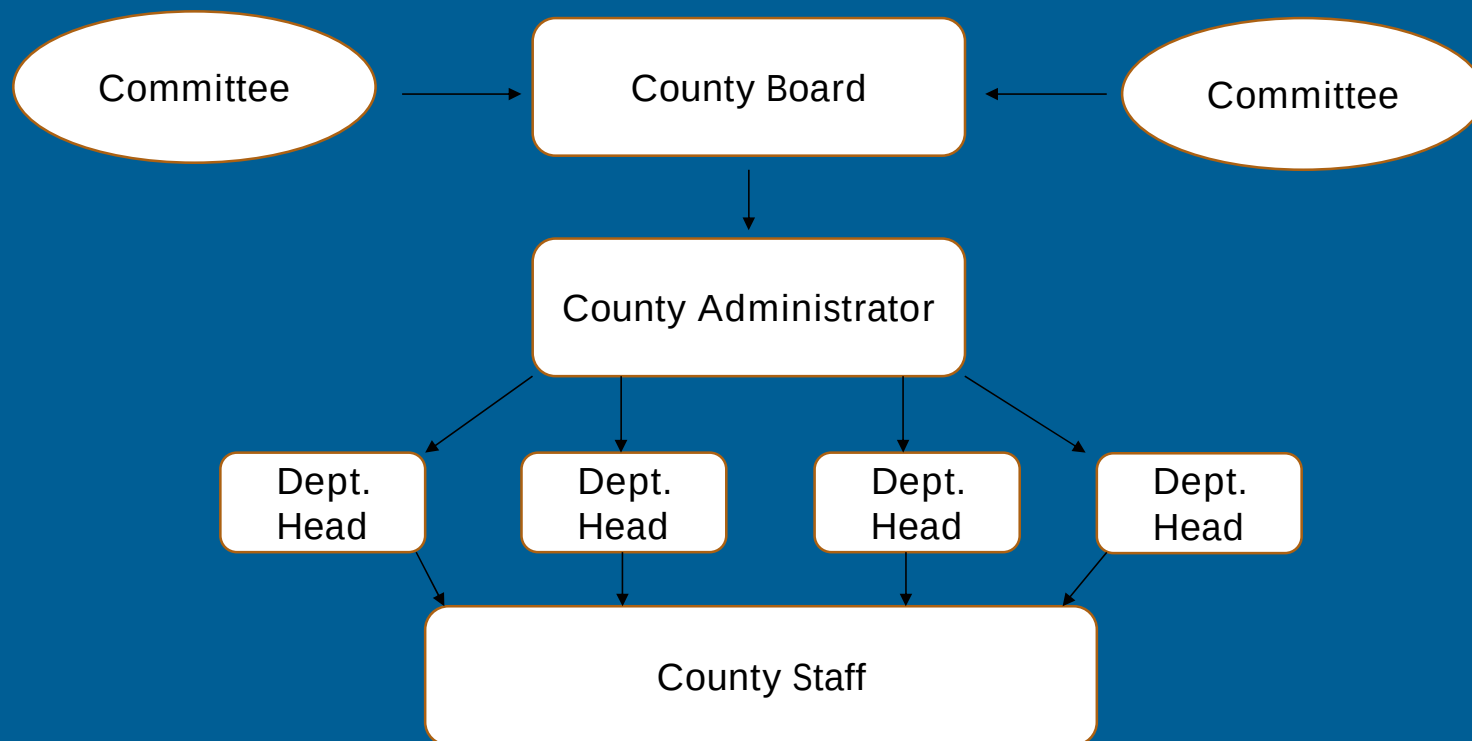
What Happens Without Distinction Between Policy and Administration?

- Time spent on the trivial
- Reading reams of documents
- Long-running meetings that accomplish little
- Committees that are window dressing for what staff want to do
- Meddling in administration
- Staff in control of board agendas
- **Reactivity vs. proactivity**
- Executive/Administrative Committee serving as the de facto Board
- Confusion about what is going on
- Rubber stamping or meddling
- No incisive way to evaluate the Executive/Administrator/Administrative Coordinator

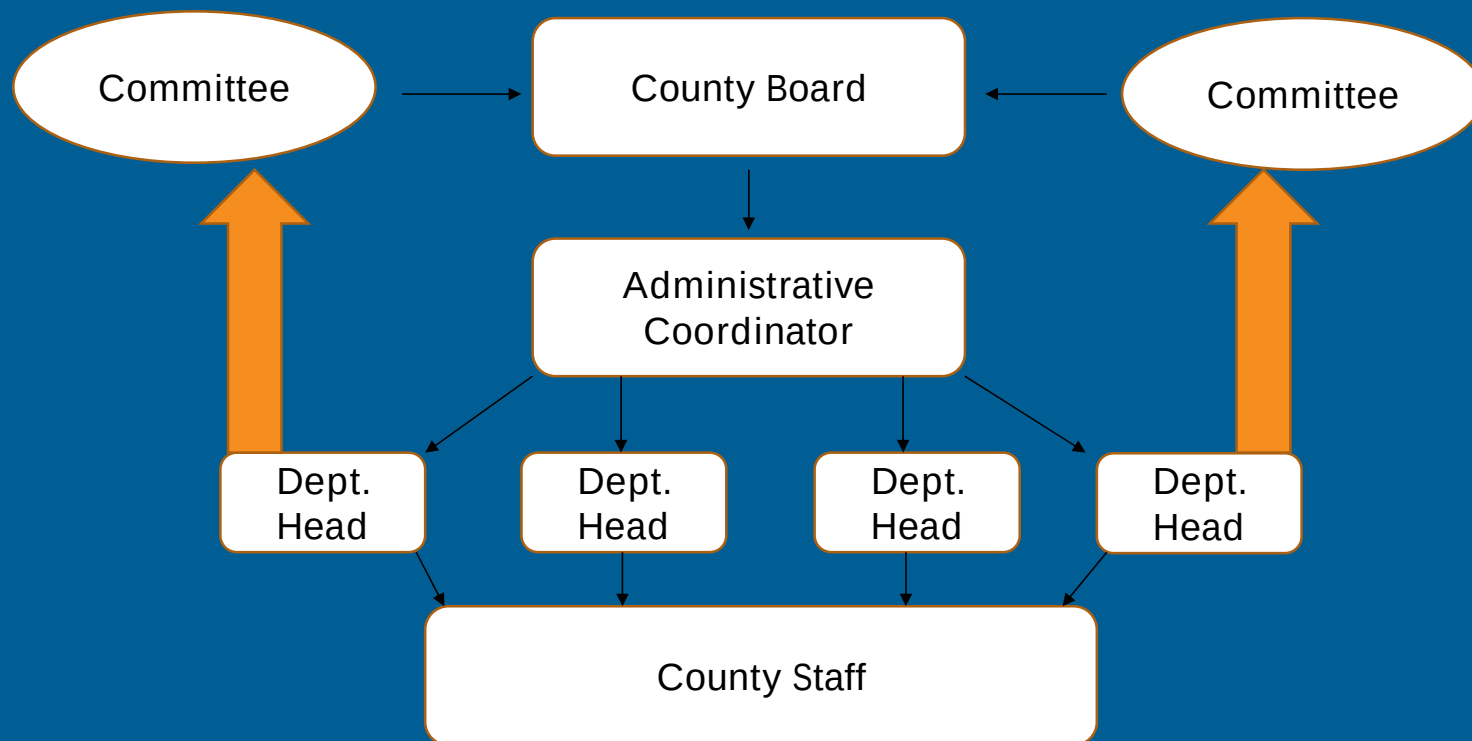
Wisconsin County Organizational Chart (Executive)



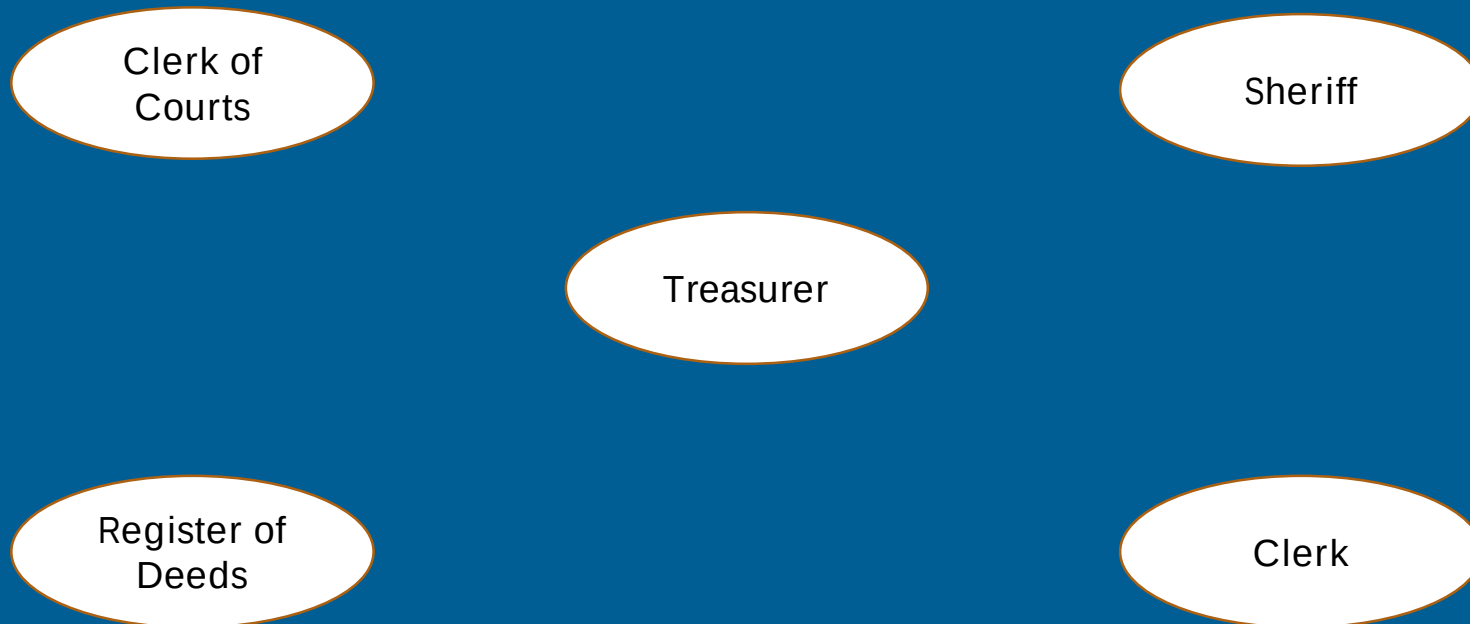
Wisconsin County Organizational Chart (Administrator)



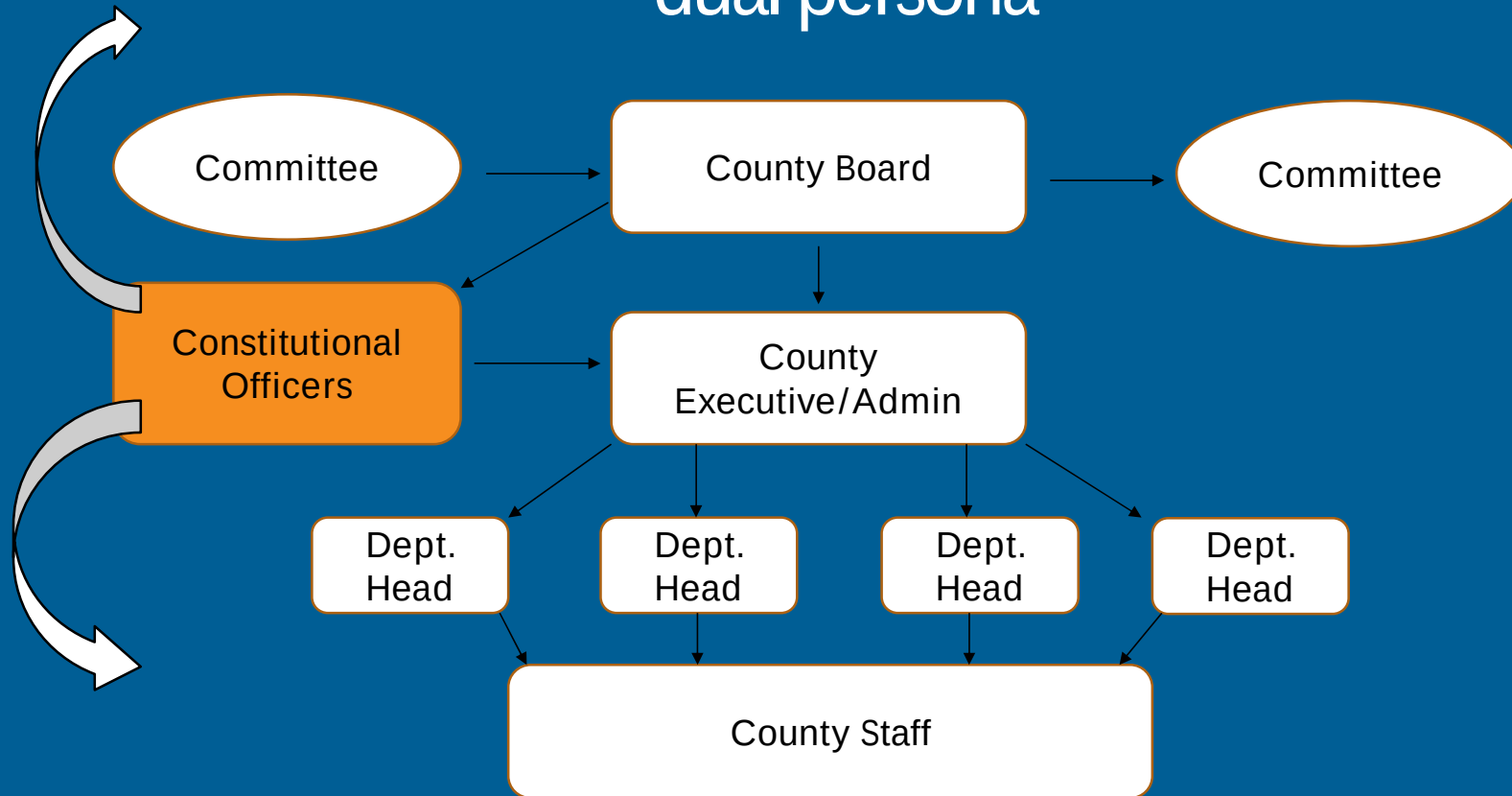
Wisconsin County Organizational Chart (Administrative Coordinator)



Where Do Constitutional Officers Fall on the Org Chart?



The Constitutional officer “dual persona”





Working together as a goal

Between Board Members and the Administrative Team

- Know your job and try not to interfere with that of the administration.
- Devote the time needed to do a good job. Read the background materials the administration prepares.
- Admit what you don't know.
- Do not jump to conclusions; instead, hear and weigh all the facts.



Working
together as a
goal

Between Board Members and the Administrative Team (cont.)

- Don't make promises outside board meetings, not only for legal reasons, but also out of respect for the ethics of the situation and regard for the other board members, the administration and employees.
- Listen to what your constitutional officers and employees have to offer and let them know you are listening.



Working together as a goal

Between Board Members and the Administrative Team (cont.)

- If someone complains to you about a member of the administration, listen but do not agree. Being supportive of the administration shows that you have confidence in yourself and in the county management team. If the complaint is serious, ask the person to put it in writing and ask the board as a whole to analyze it in light of the appropriate committee structure.
 - Know your county's complaint process!



Working together as a goal

- Staff has an obligation to remain “politically neutral” – they should never take a position based on politics
- Supervisors should not assume staff are “taking a side” if the answer they receive on a professional question is not what they hoped for

Key Points To Remember

- Counties are a creature of the State. Counties can only do what the Statutes and Constitution allow
- County Boards are to serve as a legislative body which sets policy, approves annual budgets and makes cooperative decisions.
- County Boards work most effectively when utilizing a strong committee system.
- County committees do much of the preliminary work prior to making recommendations to the full board. They monitor performance, review and develop budget recommendations, and draft ordinances and resolutions.

Key Points To Remember

- Individual county supervisors have no management or leadership role outside of county committees or commissions.
- County administration and department heads are to implement the policies and procedures of the Board.
- Micromanaging stifles productivity of county operations.
- The board & administrative team working cohesively & cooperatively provides the best chance of success in meeting the needs of county residents.

Resources

- UW-Extension Local Government Education
 - 608-262-9961
- Attolles Law
 - 414-644-0391
- Wisconsin Counties Association
 - 866-404-2700