



Winnebago County

The Wave of the Future

**AD-HOC TASK FORCE ON THE WRITTEN RULES OF THE 2024-2026 WINNEBAGO COUNTY
BOARD OF SUPERVISORS MEETING MINUTES
THURSDAY, FEBRUARY 6, 2025**

A. Call to Order

The meeting was called to order by Chairman Hansen at 4:35 p.m. in the Susan T. Ertmer Conference room at 112 Otter Avenue, Oshkosh.

Roll Call: Chairman Conley Hanson, Supervisor Ralph Harrison, Supervisor Morris Cox, Supervisor Karen Powers, Supervisor Rachael Dowling, Supervisor Tom Swan, and Supervisor Billy Halbur.

Also Present: County Board Chairman Tom Egan, County Board Vice-Chairman Chuck Farrey, County Executive Jon Doemel, Corporation Counsel Mary Anne Mueller, Public Policy Paralegal Rhys Phillips, and County Clerk Julie Barthels

B. Public Comments

County Board Chairman Tom Egan asked the task force to stop arguing during these meetings and encouraged the task force to go back and watch the videos of the meetings.

Supervisor Cox noted that the task force needs to find a way to stop arguing.

Rhys Phillips, Public Policy Paralegal, reported that he attended a seminar with other County employees. At the seminar, he found something interesting, "do we have to put in writing every single step of the process for different kinds of board rules or can we have objectives that need to be met and then there is room for each professional who is doing that task to operate in a way that they see is most efficient."

C. Adopt Agenda

Motion by Supervisor Powers, seconded by Supervisor Harrison to adopt the agenda for tonight's meeting. Supervisor Dowling noted that she had provided changes for rule 6.0 and that they were not included in the packet. Chairman Hanson said that it will be included on the next agenda.

Vote to approve agenda as presented: CARRIED BY VOICE VOTE.

D. Approval of Minutes

1. January 23, 2025, Meeting Minutes

Motion by Supervisor Powers, seconded by Supervisor Cox to approve the minutes with corrections. Supervisor Cox questioned how the minutes for January 9, 2025, read. His correction would be to note that this item referenced Rule 10.2.

Motion by Supervisor Halbur to Call the Question - CARRIED BY VOICE VOTE.

Vote to approve the minutes for January 23, 2025 with corrections: CARRIED BY VOICE VOTE.

E. Comments from the Chair

Chairman Hanson invited Corporation Counsel Mueller, Paralegal Rhys Phillips, County Board Chairman Egan, County Board Vice-Chairman Farrey and County Executive Doemel to attend this meeting to provide valuable experience relating to items on the agenda.

Upcoming meetings are scheduled for March 13th and March 25th. On March 25th this room will not be available. He would like to consider changing the meeting date to March 27th.

Chairman Hanson reiterated what County Board Chairman Egan had expressed regarding how the meetings are run. He noted what his expectations were for having an item placed on the agenda

and how he would like to handle any amendments presented to the committee.

Chairman Hanson will be presenting the changes of the rules at the County Board Special Orders meeting on March 4, 2025. He will be presenting the changes to the Judiciary and Public Safety Committee at their March 3, 2025, and April 7, 2025, meetings.

1. Excused Members – All members were present.
2. Rule changes that have been previously discussed have been drafted in resolution form. These are included as an exhibit only for information purposes and are not on the agenda for discussion.

Chairman Hanson sent an e-mail with his expectations for these meetings.
He will be asking for amendments or changes to the Rules that you are referencing.
He will be asking the author of the changes to present the changes. Be prepared with an amendment to approve or disapprove.
He noted that the clock is winding down. Chairman Hanson will be on the agenda for the March Special Orders meeting with a brief summary of the changes.
There will also be a presentation to the Judiciary and Public Safety Committee meeting at their April meeting.

F. Business Items

Action may be taken on any business items.

1. Discussion/Action: County Board Rules Section 6 - Order of Business

Chairman Hanson inquired about any changes to Section 6 of the Rules for the Winnebago County Board of Supervisors.
Supervisor Halbur explained how he would be presenting his proposed changes.

 - *Rule 6.3: Supervisor Halbur would like to change the word "may" to "must". With the change, it would read as follows: "6.3 Monthly Reports of Committees, Commissions, and Boards of the County Board "must" be made in writing, said reports to be included in the agenda packet mailed, or otherwise delivered, to each Board Member". After much discussion, this change will not advance. Section 6 will be added to the next meeting's agenda.*
2. Discussion/Action: County Board Rules Section 9 - Definitions

Chairman Hanson inquired about any changes to Section 9 of the Rules for the Winnebago County Board of Supervisors.

 - *Rule 9.9: Supervisor Halbur introduced his amendment to Rule 9.9 regarding the definition of a session. His proposed change would read as follows: "A session of the Winnebago County Board of Supervisors is a meeting or series of connected meetings devoted to a single order of business, program, agenda, or announced purpose. When there is more than one meeting in a session, each succeeding meeting is scheduled to continue business at the point where it was left off at the previous meeting, provided that all meetings adhere to the daily schedule and adjournment provisions set forth in Rule 1.2." Corporation Counsel Mary Anne Mueller noted that she has done a study regarding the definition of a session with the Judiciary and Public Safety Committee. It is her understanding that a "session" should be defined as the two-year period between the organizational meetings occurring in April of each even numbered year." Supervisor Halbur agreed to Corporation Counsel's recommendation.*
 - *Rule 9.12 is in regard to the Veto process. Corporation Counsel Mary Anne Mueller provided her understanding of the veto process and how it relates to Winnebago County. The definition can also be found in the Wisconsin State Statutes Chapter 59.17(6).*

Executive Doemel stated that he does not have a pocket veto. He has talked with other executives, he can either veto a resolution or ordinance or pass it. He has a minimum of six days to review the resolutions after they have been presented to see if they will have a fiscal

or legal impact on the county. Discussion was held as to what constitutes the six days that the County Executive has to sign resolutions and ordinances and how this definition should be worded. Rhys Phillips explained what a pocket veto is and because the County Board does not go out of session like the State and Federal governments do, a pocket veto can only be done when they are adjourned/ out of session. Corporation Counsel Mueller stated that the definition of veto is: "Veto: The refusal of assent by the County Executive to a resolution or ordinance passed by the County Board. It was decided to have rule 9.12 remain the same as it was originally written in the rules.

- Rule 9.13 was introduced regarding a Partial Veto. It was decided to leave this rule as it was originally written.
- Rule 9.14 was introduced regarding a motion to reconsider. Supervisor Swan noted that at a previous meeting it was decided to amend the rule to read as follows: "Motion to Reconsider: The motion to reconsider can be made only by a member who voted with the prevailing side. The making of this motion is subject to time limits, as follows: In a session of one day, the motion to reconsider can be made only on the same day the vote was considered. A motion to reconsider may be made by a member of the prevailing side, at the next business meeting, as a matter of exception only if presenting evidence of new information that would change the member's previous vote. The Board shall vote on the measure to reconsider and pass with a 2/3 majority to reconsider. A motion cannot be reconsidered twice unless it was materially amended during its first reconsideration. Motions to reconsider are only for the County Board as standing Committees, Commissions or Task Force may entertain a motion at any time during a session." It was determined that this definition should be a rule and will be moved to Section 12 regarding Motions.
- Rule 9.17 - Supervisor Halbur brought this rule forward to add a definition of "Act Upon". The definition would read as follows: "Definition of Act Upon. A motion or item of business is 'acted upon' when the assembly takes some definitive step to address it, regardless of the outcome." Supervisor Dowling asked for an amendment to strike "some definitive step" and add "a formal action". After discussion, this rule/definition will not advance.
- Rules 9.18 - Supervisor Halbur brought this rule forward to add a definition of "Friendly Amendment". This rule would be 9.17 because the previous suggested rule 9.17 is not advancing. The definition would read as follows: "Definition of 'Friendly Amendment. A 'friendly amendment' is a proposed change to a motion that is perceived by the maker of the motion and, if applicable, the seconder, as an improvement of clarification. A friendly amendment may be accepted without a formal vote if both the maker and the seconder of the original motion agree to the amendment. If there is any objection by any member of the assembly, the proposed amendment must be formally introduced, debated, and voted upon as a standard amendment." After discussion, this rule/definition will not advance.
- Rule 9.19 - Supervisor Halbur brought this rule forward to add a definition of "Division of the Assembly". This would be definition 9.18 and would read as follows: "Definition of Division of the Assembly. 'Division of the Assembly' refers to a procedural mechanism allowing a member to question the accuracy of a vote taken viva voce or by show of hands. When called, the vote is retaken with members rising in turn to signify their votes, ensuring transparency and accuracy." After discussion, this rule/definition will not advance.

Supervisor Powers left the meeting at 6:43 p.m.

Supervisor Cox noted that the reason for this task force is to clean up the rules, not to add additional definitions and create more confusion.

- Rule 9.20 - Supervisor Halbur withdrew this definition.
- Rule 9.21 - Supervisor Halbur withdrew this definition.
- Rule 9.22 - Supervisor Halbur withdrew this definition.

3. Discussion/Action: County Board Rules Section 10 - Privilege of Speaking
Section 10 of the rules had already been discussed at a previous meeting and was now presented to the task force in resolution form. No additional changes were made.
4. Discussion/Action: County Board Rules Section 11 - Voting and Roll Call
Chairman Hanson inquired about any changes to Section 11 of the Winnebago County Board of Supervisors Rules.
 1. Rule 11.1 - Supervisor Dowling provided her changes to this rule. The new rule would read as follows: "A vote on every question shall be taken by ayes, nays, or abstentions, and shall be recorded using the electronic voting system, and in the records of the proceedings". Supervisor Swan suggested adding the following at the beginning of the sentence "for the final disposition of ordinances and resolutions." Chairman Hanson felt that this wording would be better at the end of the sentence. The task force agreed with his amendment. Supervisor Halbur recommended adding: "a vote on every final disposition of ordinances and resolutions" at the beginning of the rule. With amendments, this rule would read as follows: "A vote on every final disposition of ordinances and resolutions shall be taken by ayes, nays, or abstentions, and shall be recorded using the electronic voting system, and in the records of the proceedings".
 2. Rule 11.3 - Supervisor Halbur introduced this rule change. He would delete the current rule because it is also in Roberts Rules of Order and would add a rule for Division of the Assembly. Supervisor Dowling's offered an amendment to Supervisor Halbur's proposal. It is as follows: "If there is a doubt about the result of a vote taken by voice or show of hands, any member may call for a division of the assembly immediately after the vote is announced or before another motion is made. A division is requested by stating, "I call for a division". This request does not require a second, it is not debatable and cannot be amended. Upon a proper call for division, the chair will take the vote by having members in favor stand followed by those opposed. The chair may deny repeated request for division if they are being used to disrupt the proceedings." After discussion, Supervisor Halbur withdrew this change.
 3. Rule 11.6 - Supervisor Halbur and Supervisor Dowling provided changes to this rule regarding votes cast. Supervisor Dowling asked if the task force could wait to discuss 11.6 to see if 11.7 passes.
 4. Rule 11.7 - Supervisor Halbur introduced his proposed changes to Rule 11.7. It would read as follows: "11.7 Invocation of Remote Voting Under Extenuating Circumstances. A Supervisor may invoke Rule 11.7 if and only when the Supervisor has such extenuating circumstances that prevent them from being present at the time of a vote on an item that meets one or more of the following criteria:
 1. The item is authored, sponsored, or co-sponsored by said Supervisor.
 2. The item directly impacts the district the Supervisor presides over.
 3. The item has a financial impact of greater than \$100,000 on the County.
 4. The item's vote would otherwise be delayed due to lack of quorum.In case of emergency as determined by the county board chair, a supervisor may be allowed to attend a meeting remotely or vote remotely under extenuating circumstances. Emergencies include, but are not limited to, the following: public health and safety emergencies; pandemics; disease outbreak; severe weather events; natural disasters and active security threats; infrastructure and technology failures; building damage; power outage; communication failures that prevent an in-person meeting; legal and governmental reasons; county, state, or federal emergency declarations; or urgent legal requirements.
Invoking Rule 11.7 for remote participation is limited to two times per calendar year per supervisor. If a supervisor intends to vote remotely, they must notify the chair and county clerk in writing as soon as the extenuating circumstances are known, providing a brief

explanation and the items for which the rule is being revoked. When an emergency is declared, proper notice shall be given to the public and remote meeting procedures shall adhere. Meeting procedures shall adhere to applicable laws and county board rules." Corporation Counsel suggested to reference Wisconsin State Statute Chapter 323.11 and 323.14(4)(b) with Rule 11.7 for items 1 - 3 of the criteria for extenuating circumstances regarding declaration of emergencies. Another rule could be created in regard to a quorum that would authorize the board chair to allow remote attendance in order to achieve a quorum. Discussion was held regarding allowing voting remotely or not.

Chairman Hanson made a motion to Call the Question: CARRIED BY VOICE VOTE. (6-0) Vote to Not Pass Rule 11.7: AYES: Cox, Swan, Harrison, and Hanson; NAYES: Dowling and Halbur. Rule 11.7 will not advance.

Supervisor Halbur withdrew his amendment to rule 11.6 and is proposing to bring a formal resolution to the full county board referencing Rule 11.6 and 11.7. Rule changes can be presented to the County Board and will require a 2/3 vote unless presented at the Organizational meeting.

Supervisor Dowling presented her amendment to Rule 11.6 and how it relates to Rule 13.2.

Motion by Supervisor Cox to table rule 11.6 until after review and passage of rule 13.2. Seconded by Supervisor Harrison. Vote to Table: AYES: Cox, Hanson, Harrison, and Swan; NAYES: Halbur and Dowling.

Chairman Hanson noted the time and asked if the task force would like to continue with the meeting or adjourn. The consensus was to continue through the agenda.

5. Discussion/Action: County Board Rules Section 12 - Motions

Chairman Hanson inquired about any changes to Section 12 of the Rules for the Winnebago County Board of Supervisors.

- Section 12.6: Supervisor Dowling introduced her amendment. Her amendment is: "The previous question (a motion to end debate) may be moved by any member present, or attending via remote option, for passage, subject to the same rules and procedures governing motions made in person." Motion by Chairman Hansen, seconded by Supervisor Halbur to approve amendment as proposed. AYES: 5; NAYS: 1 - Swan. This amendment will advance.*
- Section 12.7: Supervisor Dowling introduce her amendment. Her amendment is: "When a motion or question has once been determined, any member with the prevailing side, if present and voted, may move for reconsideration of the vote. Such motion shall be made and acted upon at the same or next succeeding adjourned meeting and shall not thereafter be except by unanimous vote." Supervisor Swan requested to clarify the language by adding "member" or "supervisor" after the words "prevailing side, if". After discussion, he withdrew his request. Supervisor Halbur requested to change "unanimous vote" to "a 2/3 vote". After discussion, Chairman Hanson moved to Call the Question. Vote on Calling the Question: CARRIED BY VOICE VOTE. NAYES: Halbur. Vote on 2/3 vote vs. Unanimous; Voting for Unanimous: AYES: 5; NAYS - 1 Halbur. Supervisor Dowling's proposed amendment will read as follows: "When a motion or question has once been determined, any member with the prevailing side, if present and voted, may move for reconsideration of the vote. Such motion shall be made and acted upon at the same or next succeeding adjourned meeting and shall not thereafter be made except by unanimous vote". Motion by Chairman Hanson to Call the Question. Vote on Call the Question: CARRIED by VOICE VOTE. NAYES: Swan
VOTE on Section 12.7 as Amended: CARRIED BY VOICE VOTE. NAYES: Harrison*
- Section 12.7: Supervisor Halbur withdrew his amendment for this section.*

6. Discussion/Action: County Board Rules Section 13 - Suspension of Rules

Chairman Hanson inquired about any changes to Section 13 of the Rules for the Winnebago County Board of Supervisors.

- *Section 13.1: Supervisor Halbur withdrew his amendment for Rule 13.1 because his amendments for 11.6 and 11.7 did not advance.*
- *Section 13.1: Supervisor Dowling introduced her amendment for Rule 13.1. It reads as follows: "Any of the Rules may be suspended by two-thirds vote of the members present, except Rule Numbers 3.8, 7.5, 11.0-11.6, 12.7, 13.1 which are not suspendable." An alternate would add the following words: "Rule 11.6 may be suspended without a two-thirds vote in cases of emergency as outlined in Rule 13.2". The definition of emergencies can be found in Wisconsin State Statute 3.311*

Motion by Supervisor Hanson to keep 13.1 as it is currently written. AYES: 5; NAYES: 1 - Dowling

- *Section 13.2 - It was the opinion of Corporation Counsel that Rule 13.2 cannot advance because of conflict with Rule 11.7. Rule 13.2 will not advance.*
- *Section 11.6: Going back to Section 11.6 that was tabled until after discussing Rule 13.2. Supervisor Dowling's amendment reads as follows: "All votes cast shall be valid only if the Supervisor is present, either physically at their desk in the officially designated county board/committee meeting space or through an approved remote participation mechanism in accordance with established rules." Vote on advancing Rule 11.6 as amended - AYES: 2 - Halbur, Dowling; NAYES: 4 - Cox, Swan, Harrison and Hanson. Section 11.6 will not advance.*

7. Discussion/Action: County Board Rules Section 15 - Publication of Reports

Chairman Hanson inquired about any changes to Section 15 of the Rules for the Winnebago County Board of Supervisors.

There were no amendments proposed for Section 15.

This section will remain the same.

G. Next Meeting Date

The next meeting date will be on February 13, 2025 at 4:30 p.m. in the Susan T. Ertmer Conference room. A meeting has been scheduled for March 13th. The task force will need to set a second meeting date in March at the next meeting. The Susan T. Ertmer Conference room is not available on March 25th. Discussion was held regarding a meeting space for March 27th.

H. Adjourn

Motion by Supervisor Dowling, seconded by Supervisor Cox to adjourn this meeting.

The meeting was adjourned at 8:37 p.m.

The video portion of this meeting is available on the County website:

<https://winnebagocowi.portal.civicclerk.com>