



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 13, 2025**

A. Call to Order

The meeting was called to order by Chairman Hanson at 4:30 p.m. in the Susan T. Ertmer Conference room at 112 Otter Avenue, Oshkosh.

Members Present: Chairman Conley Hanson, Supervisor Ralph Harrison, Supervisor Karen Powers, Supervisor Morris Cox, Supervisor Rachael Dowling, and Supervisor Tom Swan

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

B. Public Comments

Supervisor Powers noted two comments.

- 1. When you raise your hand, be ready to speak.*
- 2. If you are referring to your paperwork, have it ready. Don't be digging through your pile to find it.*

C. Adopt Agenda

Motion by Supervisor Powers, seconded by Supervisor Harrison to adopt the agenda.

Business agenda items E3, E4 & E5 were removed because they were discussed at the last meeting. Nothing was submitted for agenda item E7, so that one will be removed as well.

Vote to adopt the agenda with the removal of the noted items: CARRIED BY VOICE VOTE.

D. Comments from the Chair

Chairman Hanson commented that he would like members to have all the language in front of them and be ready with your questions. He would like to see this meeting streamlined.

E. Business Items

Action may be taken on any business items.

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

Chairman Hanson introduced Section 6 regarding Order of Business.

- Rule 6.0: Supervisor Dowling brought forward her reasoning for Rule 6.0 Order of Business - To be compliant with Wisconsin State Statute 59.17, Subsection 6, the County Clerk needs to formally present any passed resolutions and ordinances to the County Executive. This change would bring the rules into compliance with the statute.*

Corporation Counsel Mary Anne Mueller read Wisconsin State Statute 59.17(6) and an e-mail from Attorney Phillips. She handed out a copy of the Wisconsin Constitution, Section 23A, which references when and how resolutions are to be presented to the County Executive. Corporation Counsel handed out a copy of Wisconsin State Statute 59.23 that references the County Clerk's duties. She explained how the days are counted when referring to the six days in the statutes. Per Attorney Phillips e-mail, the board rules cannot contravene state statutes, unless the statute explicitly authorizes the departure. The board can neither shorten nor lengthen this time period. The length of time that a County Executive has to consider a board action is not only a state statute, but also in the Constitution. The committee questioned if the resolutions or ordinances needed to be presented by the County Clerk or if they could be presented by one of the deputies. Rhys Phillips noted that State Statute 59.23.1(a) states that any deputy clerk in the office is able to perform the duties of the clerk if so designated by the clerk.

*After discussion, a motion was made by Supervisor Swan, seconded by Supervisor Dowling, to postpone this item until after discussing Chapter 9 - Definitions at this meeting.
CARRIED BY VOICE VOTE.*

2. Discussion/Action: County Board Rules Section 9 - Definitions
Chairman Hanson introduced Section 9 regarding Definitions.
Supervisor Powers referred to what Supervisor Halbur had expressed at the last meeting, that this section is only for definitions of words included in the rules, not to include more rules in this section.
 - *Section 9.12 - Definition of Veto: Supervisor Farrey would like more time to consider his amendment to this rule after discussion from this meeting. He asked that Rule 9.12 be added to the next agenda. The current definition of veto is: the refusal of assent by the County Executive to a resolution or ordinance passed by the County Board. After discussion, Corporation Counsel agreed to reach out to Attorney Andy Phillips to get his take on the 6-day requirement and then she will contact Supervisor Farrey. The task force would like the definition of what constitutes 6 days.*
 - *Rhys Phillips noted that while looking at County Board rules from other counties and the template from the Wisconsin Counties Association, the task force might want to consider creating a section on how the County Board and the County Executive need to form some kind of relationship. Item 9.12 will be placed on the March 13th agenda.*
 - *9.16 - Definition of Presentation: The formal act of delivering resolutions and ordinances to the County Executive by the County Clerk.*
Motion to move Rule 9.16 to Resolution format: CARRIED BY VOICE VOTE.
NAYS - Cox.
Supervisor Dowling moved to Pull Rule 6.0 in light of the information in this discussion.
3. Discussion/Action: County Board Rules Section 11 - Voting and Roll Call
This item was removed from this evening's meeting during the adoption of the agenda.
4. Discussion/Action: County Board Rules Section 12 - Motions
This item was removed from this evening's meeting during the adoption of the agenda.
5. Discussion/Action: County Board Rules Section 13 - Suspension of Rules
This item was removed from this evening's meeting during the adoption of the agenda.
6. Discussion/Action: County Board Rules Section 18 - General Duties of the County Board Committees, Commissions, Boards
Chairman Hanson introduced Section 18 regarding General Duties of the County Board.
 - *Rule 18.3 - Supervisor Dowling proposed the following change: Any decision made by a Standing Committee may be appealed to the County Board by any Supervisor at any regular or special board meeting. To initiate an appeal, the Supervisor must submit a written notice to the County Clerk at least 7 (seven) days prior to a regular or special Board meeting. The notice should detail the decision being appealed and the grounds for the appeal. The appeal ~~will~~ **may** be placed on the agenda for the upcoming Board meeting, where the Board will review and decide on the matter. Chairman Hanson suggested an amendment to change the wording from ""will" to "may" be placed on the agenda". Chairman Hanson moved to place this rule in resolution form. Vote: AYES: 4; NAYS: 2 - Cox and Swan.*

Supervisor Dowling asked to have her changes forwarded to the Judiciary and Public Safety with the following: the reason for adopting the change to Rule 18.3, the current rule for 18.3, and the proposed rule as changed. Chairman Hanson explained the procedure and process that he would like followed for the rule changes to be presented to the Judiciary and Public Safety (JPS) Committee meeting and for his presentations to JPS and the County Board.

- *Rule 18.4 - The reason for changing this rule is to specify that the right of county board members to attend meetings is subject to any legal exceptions, ensuring alignment with Wisconsin State Statute 19.89. This allows supervisors to attend any meeting, including closed session, without the ability to vote.*

Rhys Phillips noted that in Rule 5.4, this details the chair or vice-chair of the county board being allowed to vote at all meetings, if requested to be present, to complete a quorum for that committee, commission or board.

Discussion was held regarding the use of remote attendance at a closed-session meeting for county board members.

The revised suggestion would read as follows: In accordance with Wisconsin Statute §19.89, no duly elected or appointed member of a governmental body may be excluded from any meeting of such body. Therefore, any County Board Member may attend any open or closed meetings of any County Board Committee, Commission, or Board. Unless they are a member of the specific Committee, Commission or Board, attending County Board members shall not have voting privileges.

Chairman Hanson asked for an amendment to say: In accordance with Wisconsin Statute 19.89, no duly elected or appointed member of a governmental body present may be excluded from any meeting of such body in person physically. Supervisor Swan asked Chairman Hanson to amend his amendment to say, "of a governmental body attending in person may be excluded." Supervisor Dowling inquired about being present remotely for closed sessions. She read the full sentence as to how it should read, "No appointed member of a governmental body physically present may be excluded from physically attending any meetings of such body." Chairman Hanson noted his version of this amendment, "In accordance with Wisconsin Statute 19.89, no duly elected or appointed member of a government body physically present may be excluded from any meeting." Motion by Chairman Hanson, 2nd by Supervisor Swan to advance Rule 18.4 as amended. Vote: AYES: 5; NAYS: 1 - Harrison.

- *Rule 18.6 - The reason for changing rule 18.6 is with 36 members on the County Board, this revision ensures more opportunities for members to take on leadership roles. By expanding this rule, it would include commissions and boards and offer fairer distribution of responsibilities and prevents leadership positions among a selected few. It would mean that supervisors cannot be chair of more than one committee. This would include commissions and boards. Supervisor Dowling recommended the following suggestion for rule 18.6: No County Board member shall permanently chair more than one committee, commission, or board. This rule shall not apply to the chair of the Legislative Committee. Vote to advance this rule to warrant a resolution: AYES: 6; NAYS:0.*
- *Rule 18.7 - The reason for changing rule 18.7 is to reaffirm the vote before each meeting among committee members regarding early meetings times. To make sure that everyone is able to participate. Supervisor Dowling's suggestion for revision: All Committees, Boards, and Commissions will meet no earlier than 3:00 p.m. on any given day unless the committee agrees unanimously to a different time. The vote shall be re-affirmed prior to every meeting requested for an earlier time. The current rule reads as follows: All Committees, Boards, and Commissions will meet no earlier than 3:00 p.m. on any given day unless the committee agrees unanimously to a different time. Supervisor Swan moved to keep the language the same as it was: All Committees, Boards, and Commissions will meet no earlier than 3:00 p.m. on any given day unless the committee agrees unanimously to a different time. Vote on Supervisor Swan's motion to leave as is: AYES: 5; NAYS: 1 - Dowling. This rule will remain the same.*

7. Discussion/Action: County Board Rules Section 19 - Annual Tour

This item was removed from this evening's meeting during the adoption of the agenda.

8. Discussion/Action: County Board Rules Section 21 - Access

Chairman Hanson introduced Section 21 regarding Access.

Supervisor Dowling reported on her reasoning for the change to rule 21 regarding access to County offices. Without clear definitions or guidelines, different departments might interpret "reasonable access" inconsistently. The current rule reads as follows: All County Board Members shall have reasonable access during normal business hours to departments or offices of Winnebago County not prohibited by State Statutes or Federal Regulations. Supervisor Dowling's Suggested Revised Rule 21.1 would read as follows: County Board members are entitled to access county departments and offices during normal business hours to fulfill their official duties. Such access must adhere to all applicable state and federal laws, including those governing confidentiality and privacy. Members seeking access to confidential or sensitive information may include signing confidentiality agreements. Access to offices of independently elected officials shall be coordinated with the respective officeholders to respect their statutory authority and operational autonomy. Chairman Hanson asked to amend to delete the following line - "applicable state and federal laws." He feels access must be requested to be admitted into an office. Supervisor Swan feels that the original rule is simpler and states everything that needs to be stated. Chairman Egan noted that there are some offices that do not want to allow someone in. Supervisor Dowling agreed to leave the rule as currently written with the addition of the last sentence to read as follows: "Access to offices of independently elected officials shall be coordinated with the respective office holders to respect their statutory authority and operational autonomy." Supervisor Swan asked to remove the word "independently" from Supervisor Dowling's amendment. Vote on Rule 21.1 as amended: AYES: 5; NAYS: 1 - Harrison. This rule will be advanced to resolution format.

9. Discussion/Action: County Board Rules Section 22 - Committee Meetings

Chairman Hanson introduced Section 22 regarding committee meetings.

- Rule 22.35 - Supervisor Cox brought forward Rule 22.35. For an item to be approved on the agenda, it must be presented to the Committee, Commission, Consortium, or other Chair no later than noon of the week prior to the calendared meeting. Supervisor Swan noted that the word "it" should be changed to "the item". Supervisor Cox agreed. After discussion, Supervisor Cox agreed to remove the words Committee, Commission, Consortium, or other; and just leave the word "Chair". The rule would read as follows: For an item to be approved on the agenda, it must be presented to the Chair no later than noon of the week prior to the calendar meeting. Vote on Rule 22.35 as amended. AYES: 6; NAYS: 0. This rule will advance to resolution format.*
- Rule 22.50: Supervisor Cox brought forward Rule 22.50. "Presentations of Ordinances, Resolutions, or Budget Transfers, along with appropriate attachments, are to be presented for agenda preparation through the Committee Chair and Corporation Counsel no later than fourteen (14) days prior to the calendared meeting date. Attachments and agenda items shall be mailed or otherwise be made available, electronically posted and accessible, e-mailed or otherwise deposited for delivery at least seven (7) days before the meeting, and must provide all necessary information." A friendly amendment was made to change "appropriate attachments" to "supporting documents". Chairman Hanson asked to change the last sentence to read: "must provide Supervisors all necessary information". It was decided to take the word "Supervisors" out of the last sentence. Vote on Amended Rule 22.50: AYES: 6; NAYS -0. This rule will advance to resolution form.*
- Rule 22.51 will be on the next agenda.*

F. Next Meeting Date

The next meeting date is scheduled for March 13th at 4:30 p.m..

A meeting is temporarily scheduled for March 25th at 4:30 p.m.. There is a need to check into another meeting room.

Chairman Hanson asked the task force to e-mail him with 3 dates after March 13th that members would be available.

Supervisor Dowling requested that Section 17 be placed on the next agenda.

Chairman Hanson noted that Section 9, Section 12, and Section 22 will be placed on the next agenda.

Corporation Counsel noted that the Wisconsin Counties Association (WCA) has a template regarding County Board Rules. Rhys Phillips has created a template that compares the changes that the task force has prepared to the WCA proposed rules. Chairman Hanson noted that all sections would be put on the agenda for March 13th to be able to compare to the WCA rules.

G. Adjourn

*Motion by Supervisor Powers, seconded by Supervisor Cox to adjourn this meeting.
The meeting was adjourned at 7:35 p.m.*

*The video portion of this meeting is available on the County website:
<https://winnebago.cowi.portal.civicclerk.com>*