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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2013-14

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on...
Government Operations and State Licensing
(AC-GOSL) (Repealed 10-17-13)

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (December 2014)

Counties With Less than 100,000 in Population

Year	County/State	County Population	Salary per Supervisor/Commissioner	# of Sups./Comms.
2005	Summit County, CO	24,892	\$51,827	3
2005	Greenlee County, AZ	7,521	\$56,500	3
2008	Gallatin County, MT	78,210	\$66,027	3
2010	Delta County, CO	29,947	\$58,500	3
2010	Twin Falls County, ID	69,419	\$69,419	3
2010	Oconee County, GA	29,748	\$92,276	5
2010	Bartow County, GA	89,229	\$133,723	1

Source Data: Deborah Cox, Deputy Legislative Director, National Association of Counties (NACO)
 Kathryn Murphy, Senior Research Associate, National Association of Counties (NACO)

Counties With More Than 100,000 But Less Than 200,000 in Population

Year	County/State	County Population	Salary per Supervisor/Commissioner	# of Sups./Comms.
2005	Schuykill County, PA	147,447	\$50,947	3
2005	Kootenai County, ID	127,668	\$67,003	3
2005	Boone County, MO	143,326	\$78,832	3
2008	Arlington County, VA	195,965	\$53,900	5
2008	Monroe County, PA	163,234	\$63,341	3
2008	Clermont County, OH	190,589	\$65,062	3
2010	Johnson County, IA	117,067	\$51,017	4
2010	St. Louis County, MN	197,179	\$55,574	7
2010	Canyon County, ID	164,593	\$81,961	3

Source Data: Deborah Cox, Deputy Legislative Director, National Association of Counties (NACO)
 Kathryn Murphy, Senior Research Associate, National Association of Counties (NACO)

Counties With More Than 200,000 But Less Than 300,000 in Population

Year	County/State	County Population	Salary per Supervisor/Commissioner	# of Sups./Comms.
2005	Greene County, MO	250,784	\$66,965	3
2008	Greene County, MO	250,784	\$71,615	3
2008	Henrico County, VA	280,581	\$54,675	5
2008	Yakima County, WA	231,586	\$67,692	3
2010	Douglas County, CO	249,416	\$87,300	3

Counties With More Than 300,000 But Less Than 400,000 in Population

Year	County/State	County Population	Salary per Supervisor/Commissioner	# of Sups./Comms.
2005	ADA County, ID	344,727	\$85,490	3
2008	Dakota County, MN	383,592	\$64,700	7
2008	Anoka County, MN	323,996	\$58,770	7
2010	Anoka County, MN	323,996	\$59,945	7
2010	Washoe County, NV	389,872	\$55,433	5

Source Data: Deborah Cox, Deputy Legislative Director, National Association of Counties (NACO)
 Kathryn Murphy, Senior Research Associate, National Association of Counties (NACO)

Counties With More Than 400,000 But Less Than 500,000 in Population

Year	County/State	County Population	Salary per Supervisor/Commissioner	# of Sups./Comms.
2005	Ramsey County, MN	494,920	\$60,512	7
2005	Sedgwick County, KS	466,061	\$75,509	5
2008	Sedgwick County, KS	466,061	\$80,887	5
2010	Sedgwick County, KS	466,061	\$83,718	5
2008	Spokane County, WA	440,706	\$88,350	3
2005	Polk County, IA	401,006	\$82,690	5
2008	Polk County, IA	401,066	\$93,016	3
2005	Clark County, WA	403,766	\$94,224	3
2008	Clark County, WA	403,766	\$96,228	3
2010	Tulare County, CA	410,874	\$90,380	3
2010	Monterey County, CA	412,104	\$110,678	5

Source Data: Deborah Cox, Deputy Legislative Director, National Association of Counties (NACO)
 Kathryn Murphy, Senior Research Associate, National Association of Counties (NACO)

Counties With More Than 500,000 But Less Than 1,000,000 in Population

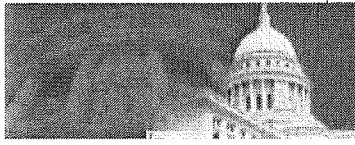
Year	County/State	County Population	Salary per Supervisor/Commissioner	# of Sups./Comms.
2005	Montgomery County, MD	927,583	\$79,721	9
2008	Johnson County, KS	506,562	\$87,075	7
2010	Johnson County, KS	506,562	\$260,000	7
2008	Montgomery County, OH	547,435	\$87,075	3
2010	Hamilton County, OH	806,652	\$87,075	3
1991	Milwaukee County, WI	959,275	\$35,479	25
2000	Milwaukee County, WI	940,164	\$52,227	25
2002	Milwaukee County, WI	940,164	\$50,679	25
2010	Milwaukee County, WI	952,532	\$50,679	19

Source Data: Deborah Cox, Deputy Legislative Director, National Association of Counties (NACO)
 Kathryn Murphy, Senior Research Associate, National Association of Counties (NACO)
 Milwaukee County Board of Supervisors

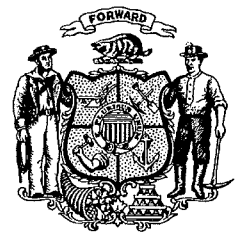
Counties With More Than 1,000,000 in Population

Year	County/State	County Population	Salary per Supervisor/Commissioner	# of Sups./Comms.
2008	Clark County, NV	1,710,551	\$73,971	7
2005	Cook County, IL	5,303,683	\$85,000	17
2008	Franklin County, OH	1,090,771	\$92,474	3
2005	Dallas County, TX	2,305,454	\$117,235	4
2008	San Diego County, CA	2,933,463	\$143,031	5
2010	Santa Clara County, CA	1,699,052	\$143,031	5
2008	San Bernardino, CA	1,963,535	\$155,200	5
2008	Hennepin County, MN	1,119,364	\$93,888	7
2010	Los Angeles County, CA	9,935,475	\$178,789	5

Source Data: Deborah Cox, Deputy Legislative Director, National Association of Counties (NACO)
 Kathryn Murphy, Senior Research Associate, National Association of Counties (NACO)



WISCONSIN STATE LEGISLATURE



Roles and Responsibilities of the County Board and the County Executive

Unlike in certain states where an elected county commission supervises and is directly responsible for the day-to-day operations of county government, Wisconsin chose to create a council form of government in which the legislative branch, in this case the county board, sets the broad policies of the county while the elected county executive or administration is responsible for the implementation of those policies through the day-to-day operation of county departments. WCA believes strongly that the county board should serve primarily in a legislative capacity largely limited to policy-making, law making, budgetary approval and cooperative decision-making.

Conversely, as confirmed through opinions of the Wisconsin Attorney General, the county executive should “exercise substantial direct and indirect control over personnel performing administrative and management functions for the various county departments and offices.” Section 59.17 specifically provides that the county executive, not the county board, is responsible for the day-to-day management and operation of county departments.

WCA believes there is significant statutory language and case law making this distinction clear and that the portion of Section 35 of the proposed legislation creating Sec. 59.794(3)(a), dealing with limitations on board authority is redundant, unnecessary and could lead to problems in its interpretation and application.

County Executive Authority to Create New Departments

WCA supports existing authority relating to the county executive’s ability to propose in his or her budget the creation of new departments with the consent or approval of the county board. However, Section 11 of the proposed legislation vests the county executive with supervisory authority over all departments that are created. It is possible that this newly authorized statutory authority could conflict with other statutes vesting supervisory authority in other county officers or boards. Without language prohibiting such conflicts, it is possible that the proposed language could create confusion relating to a new department that the county executive could create to the extent that the duties would overlap with an existing department.

Further, on Page 10, Section 11 (Lines 10-17), the bill allows the county executive to create departments, and sections and divisions within the departments, but there is no mechanism for funding the creation. Although the creation of any new department would occur within a budget or an amendment to a budget, the statutory language does not make clear that the county executive cannot create a new financial obligation for which the county board is mandated to fund without budgetary approval.

Applicability Outside of Milwaukee County

We understand it is the authors’ intent to limit the impact of the proposed legislation to Milwaukee County alone. However, although certain provisions of the bill - including those which modify existing statutes as well as others that create new statutory sections -

reference counties with a population of 750,000 or more, there are several others which reference counties with a population of 500,000 or more.

According to the state Department of Administration, Dane County's population as of January 1, 2012 is 491,555, meaning that certain provisions of the bill could soon be applicable not just to Milwaukee County, but also to Dane County. Those sections of the bill that could soon impact Dane County are:

- Section 10: relating to County Executive appointments, departmental oversight, lobbying services and diversity statements.
- Section 19: relating to county support enforcement office oversight.
- Section 25: relating to county board operating budget limitation.
- Section 42: relating to non-statutory provisions requiring a referendum on county board salaries¹.

Non-compensatory Benefits

Based upon our discussions, we understand it is the authors' intent to limit the financial impact of county government on Milwaukee County taxpayers; however, we have identified elements of the proposed legislation that could have the unintended consequence of not reducing the financial burden of county government on Milwaukee County taxpayers. For example, we believe that Section 7 of the bill, which would preclude supervisors from receiving any benefits not required by law would also restrict the county from allowing supervisors to participate in the county health care pool even if supervisors were required to pay 100% of the premium. Many counties allow for this practice. However, it is unclear whether merely allowing supervisors to participate in a larger, presumably lower cost pool would be considered a benefit.

Further, there may be federal, state and local rules that require employee participation in employee welfare and benefit plans. Since county board members are considered employees of the county under certain circumstances, there may be a need to maintain eligibility for participation.

Self-organization and Administrative Home Rule

The Legislature granted counties the ability to declare themselves "self-organized" in 1970, thus giving them the ability to adopt ordinances for the purpose of setting board compensation, establishing staggered supervisory terms and filling vacancies in supervisory districts. Thereafter, in 1985, the Legislature granted counties broad administrative home rule authority. The Legislature granted counties these powers not only to provide them with flexibility in managing their operations, but also as an acknowledgement that local communities are best positioned to determine how county government should be structured.

¹ It is possible that Dane County's population could exceed 500,000 prior to the date of the referendum proposed in the legislation.

Certain provisions in the proposed legislation would rescind some of these powers, making Milwaukee County the only self-organized county without the ability to set its supervisors' salaries, determine the size of its budget, set its own hiring practices and manage the structure of its' departments.

Perhaps more importantly, certain provisions in the legislation raise concerns on separation of powers grounds. The legislation would provide the Milwaukee County Board, the county's legislature, with no check over the executive branch's budget and staffing levels. This type of budgetary challenge is exacerbated considering that the legislation allows the executive to circumvent budgetary limitations by growing his or her budget and staff without oversight from, and to the exclusion of, statutorily mandated programs and services.

County Board Operating Budget

Although the legislation specifically excludes certain costs as being exempt under the 0.4% cap, other expenses would not be exempt. WCA believes that because specific exemptions were cited in the legislation, other costs *not* specifically cited must therefore be calculated for inclusion under the cap. Expenses such as time spent by corporation counsel advising the board, County Courthouse rent allocation, janitorial staff, etc. would not only be difficult to calculate, but would certainly impact the ability of the Board to maintain a budget of no greater than 0.4% of the levy.

In addition, it is unclear whether this provision would ultimately result in taxpayer savings given that there is no mechanism in the legislation that would require that any reduction in the county board operating budget be made to the overall county budget. As a result, other departments could potentially absorb that portion of the levy without taxpayer savings.

Lobbying Functions

WCA believes that county lobbyists first and foremost should serve the interests of the county, not a specific branch of county government. However, the proposed legislation could create an internal conflict of interest as it relates to Milwaukee County's lobbyists. The Intergovernmental Relations Department – the Department that houses Milwaukee County's lobbyists – is organized as a Department under the County Board. Nonetheless, the proposed legislation would make the county executive responsible for the supervision and direction of the Intergovernmental Relations Department's staff. As a consequence, the county board would hire the staff, but the county executive would direct the staff. WCA believes that not only would this be functionally challenging to implement, but that organizational, and perhaps legal, issues would also arise out of the unorthodox nature of the relationship.

Intergovernmental Cooperation Agreements

Although agreements authorized under § 66.0301 of the Wisconsin Statutes can have significant and far-reaching public policy ramifications, many agreements are routine in nature and can even affect the delivery of services in an emergency. Examples of routine agreements include shared ownership of equipment, group purchasing agreements for various office and maintenance supplies, equipment rental between municipal entities, emergency and routine road maintenance, snow plowing and repair and in-kind personnel trades. WCA is concerned that the effect of the language under Section 35 of the proposed legislation, which requires all agreements established under § 66.0301 to first be approved by every city and village in the county before taking effect, could preclude the procurement or provision of services in an emergency, require burdensome and time-consuming approvals for routine agreements and allow communities not impacted by an agreement to have undue influence in the determination of service delivery in another community. Furthermore, this provision could impact intergovernmental agreements to which local units of government *outside* of Milwaukee County are party as well.

County Executive Exclusive Oversight Over Certain County Operations

A number of counties own and operate a variety of public facilities ranging from airports to convention centers. In these counties, the common practice is for a county commission or county board committee to make recommendations related to the adoption of policies governing the facility for approval by the full county board and, ultimately, for approval or rejection by the county executive. Sections 18-23 of the proposed legislation, which consolidate policy setting responsibilities of various county facilities wholly into the office of the county executive without oversight by the county board or independent commission, is a significant departure from the operations of other counties and could create a situation in which one person would be granted significant authority that could limit the public's ability to seek redress over potentially wide-reaching policy decisions made by the county executive.

Separation of Powers

Under Sections 8 and 11 of the proposed legislation respectively, the county executive is provided the authority to both convene a special meeting of the county board and also to introduce legislation. Additionally, Section 10 of the proposed legislation provides for a "passive review" of county executive appointments. While WCA understands the convenience associated with such allowances, these privileges represent a blurring of the boundaries between the legislative and executive branches under a legislative form of county government illustrated by the fact that not even the Governor of the State of Wisconsin is not afforded these same rights as it relates to the state's affairs.

County Board Inquiries of County Departments

WCA respects and agrees with the notion that county boards should not be involved with the day to day supervision of county departments; however, it is possible that 59.794(3)(b), a newly created section of the statute under the proposed legislation, could preclude supervisors from making departmental inquiries without directly engaging the office of the county executive. This practice would be a significant departure from that of both the county board and legislative practice, both of which routinely engage department liaisons to investigate the status of constituent cases, and potentially represents both a practical and logistical issue with the cost-effective deployment of county government.

Approval of Contracts

WCA understands that in addition to limiting the impact of county government on the taxpayers of Milwaukee County, it is also the goal of the legislation to ensure that Milwaukee County government operates smoothly and efficiently. In that light, WCA respects that a streamlined contract approval process may further that goal; however, it is possible that the limitation contained in Section 16, which prescribes that the county board's finance committee have exclusive jurisdiction over contracts greater than \$300,000, could conflict with other state statutes which require oversight over certain highway or human services contracts. Further, while it may be beneficial to create an expedited review for certain, small contracts, it is unclear whether \$300,000 is the appropriate benchmark.

Municipal Employer Certification

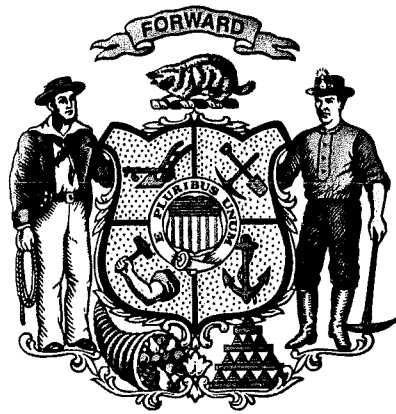
Section 39 of the proposed legislation authorizes the county executive to serve as the sole "municipal employer" for the purposes of labor relations. This provision would significantly modify and reduce the checks and balances currently in place and vests a great amount of authority in one person. The Milwaukee County executive would be the only individual office holder vested with the authority to act as a "municipal employer" in the state of Wisconsin. Even the state does not allow its executive branch to act in such a unilateral fashion.

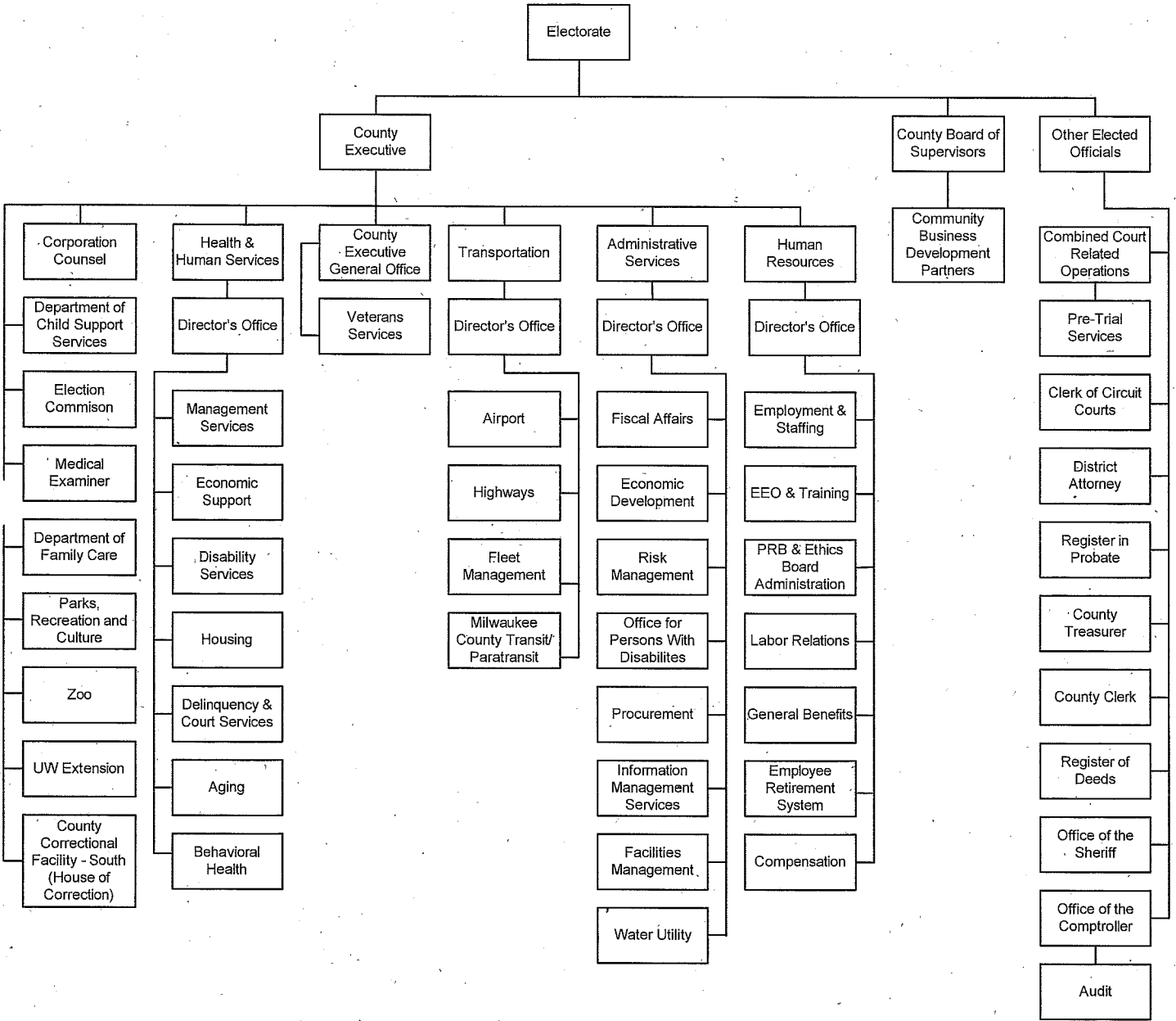
Technical Concerns

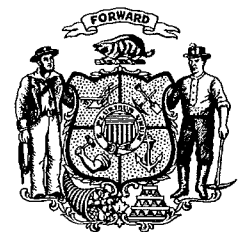
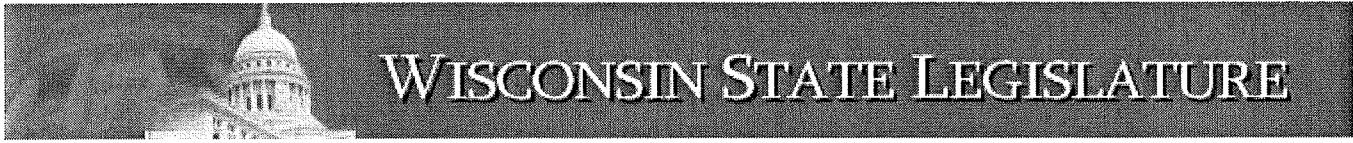
The word "exclusively" (Page 9, Section 10, Line 21 and Page 14, Section 17, Line 8) is redundant and could create a great deal of confusion.

Language on Page 11, Section 11 (Lines 7-10) is a current law provision and is redundant.

The County Board currently has the ability to utilize the services of corporation counsel. However, Page 20, Section 33 (Lines 6-7) adds explicit language to the same effect. Rather than adding language that may cause confusion (for Milwaukee and other counties), WCA believes this may be better addressed by a memorandum from Legislative Council.







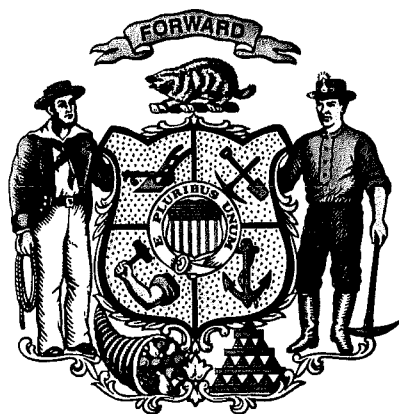
Thank you for taking the time to write regarding the recent proposal by Rep. Sanfelippo and Sen. Darling that would make reforms to Milwaukee County Government. The purpose of this bill is to better define the governance structure of the county, and to maximize local control by giving voters the opportunity weigh in on the their level of representation in county government.

Up until the time the county executive office was created around 1960, the county board in Milwaukee was responsible for running the day to day operations of county government. Recognizing the problems caused when there are “too many cooks in the kitchen” the Legislature created the executive form of county government. However, the Legislature left the job unfinished by failing to clearly define the responsibilities between the board and the executive. As a result, a chaotic and dysfunctional governance structure in Milwaukee County is curtailing economic development and job creation, and wastes millions of taxpayer dollars.

Since county government is an agent of the state, the state has the responsibility to step in and make corrections. The statutory reforms included in this bill will go a long way towards fixing the county’s governance problems, finishing the job the legislature began more than a half century ago.

Over the past decade, several reports have been completed, including an audit by the state that have all determined the governance structure in Milwaukee County has serious problems and is in need of reform. Last April in an advisory referendum twelve of the nineteen communities that make up Milwaukee County approved reforming the county board 80%. Despite this overwhelming show of support the county board has continued to ignore the will of the people.

This bill gives all voters in Milwaukee County the ultimate form of local democracy; the ability to vote on reform in a binding referendum to take place in April of 2014. The citizens of Milwaukee County will finally have their voices heard. Any changes made to representation will be done by the local citizens and not the state legislature.



ANALYSIS OF SEPERATION OF POWERS

CURRENT PRACTICE vs. POST REFORM

The bill to reform Milwaukee County government has two goals. The first is to measure the level of representation desired by the electorate through a binding referendum. The second goal is to align the governance of the county with the intent of the legislature when it created the executive form of county government by clearing up ambiguous state statutes that define the roles between the board and the executive.

The information below is a list of changes included in the bill as highlighted by the Legislative Reference Bureau. After each point, is a brief comparison of how the county currently functions and how it will function after the reforms are in place. This analysis will show that the county board maintains all of the checks and balances, policy making and oversight control the legislature intended it to have, and the county executive maintains the responsibility for overseeing the day to day operations of the board and enacting board policy as it was intended to have.

1. Except for a specific statutory provision which states otherwise, authorizes the county executive, exclusively, to administer, supervise, and direct all county departments, including any person who lobbies for, or negotiates on behalf of, the county.

CURRENT PRACTICE: The county executive appoints department heads subject to confirmation of the board. Department heads must attend regularly scheduled meetings with board members wherein they are often given direction regarding day to day tasks from the board that often contradicts direction from the county executive. Department heads and their staff spend an inordinate amount of time preparing for these meetings and then undertaking the tasks given by the board. This not only takes them away from focusing on running their departments but it causes confusion amongst departments as to who they really should listen too; the county executive that hired them or the board that orders them around.

POST REFORM: The bill very clearly points out that the county executive shall have exclusive authority over day to day operations of county departments. This is consistent with current statute but language in new bill is more precise. The county board retains authority to approve department heads but will no longer be able to indefinitely put off a vote. The County board retains authority to interact with departments for the purpose of making inquiries, referring constituent concerns and to provide oversight of policy matters. The only restriction is that the board cannot give orders in running day to day departmental operations. This is consistent with the legislative intent of current statute and mirror the interaction at the state level between the legislature and the departments.

2. Authorizes the county executive to establish departments and subunits of the departments, subject to the approval of the board, that the executive believes are necessary for the efficient administration of the county. This authority is subject to

board approval of the county executive department budget.

CURRENT PRACTICE: *The county board can create or abolish departments for running the day to day operations of the county.*

POST REFORM: *This authority transfers to the executive. This move makes sense since the executive is responsible for running day to day operations. The board retains oversight of this role through the budget process by approving all departmental funding. This is consistent with state practice.*

3. For a contract with the county to be valid, requires the county executive to sign all contracts on behalf of the county to the extent that no other county officer or employee is required to sign them, and the county executive must countersign all other contracts. Under current law, and under the bill, contracts with the county must also be countersigned by the comptroller and corporation counsel.

CURRENT PRACTICE: *All contracts over \$50,000 must be approved by the board.*

POST REFORM: *The threshold for board approval is raised to \$100,000. The board has passive review authority for contracts between \$100,000 and \$300,000. Contracts above that amount require board action. Consistent with current statute, the independent, elected comptroller must review and approve all contracts. The county board retains oversight by setting terms under which contracts can be solicited and accepted through its policy making role. Even after this reform, the board will have more authority here than at the state level as the legislature does not approve any contracts.*

4. The county executive may introduce proposed ordinances and resolutions for consideration by the board, call a special meeting of the board with the approval of the county board chairperson, and hire and supervise the number of employees that he or she believes are necessary to carry out his or her duties, subject to compliance with hiring policies set by the board.

CURRENT PRACTICE: *The executive currently has the ability to propose legislation for board consideration, special meetings can be called subject to the approval of the majority of board members, and the county executive through the budget proposal process has the authority to staff his department as needed.*

POST REFORM: *The executive maintains ability to propose legislation subject to board approval for enactment, special meetings require approval of the county board chair rather than a majority of the board, and the county board maintains oversight of executive staff through the budget approval process.*

5. The county board is prohibited from creating a county department or subunit of a department, and may not exercise day-to-day control of any county department or subunit of a department. Such control may be exercised only by the county executive. (This is just the flip side of #1&2 above)

CURRENT PRACTICE: *The county board can create or abolish departments for running the day to day operations of the county. Department heads must attend regularly scheduled*

meetings with board members wherein they are often given direction regarding day to day tasks from the board that often contradict direction from the county executive. Department heads and their staff spend an inordinate amount of time preparing for these meetings and then undertaking the tasks given by the board. This not only takes them away from focusing on running their departments but it causes confusion amongst departments as to who they really should listen to; the county executive that hired them or the board that orders them around.

POST REFORM: Department creating authority transfers to the executive. This move makes sense since the executive is responsible for running day to day operations. The board retains oversight of this role through the budget process by approving all departmental funding. The bill very clearly points out that the county executive shall have exclusive authority over day to day operations of county departments. This is consistent with current statute but language in new bill is more precise. The County board retains authority to interact with departments for the purpose of making inquiries, referring constituent concerns and to provide oversight of policy matters. The only restriction is that the board cannot give orders in running day to day departmental operations. This is consistent with the legislative intent of current statute and mirrors the interaction at the state level between the legislature and the departments.

6. Except for making an inquiry, referring a specific constituent concern, or using legal services of the corporation counsel, the supervisors may deal with county departments solely through the county executive, and no supervisor may give instructions or orders to any subordinate of the county executive, although the board may require any county employee or officer to attend a board meeting to provide information and answer questions.

CURRENT PRACTICE: Department heads and staff are required to attend regularly scheduled monthly committee meetings. Time is wasted in many cases when requested information could be forwarded in a more efficient manner such as through memos and reports. Board members on these committees often encroach on administrative duties of the executive by giving orders for day to day operations.

POST REFORM: Department heads and staff will only be required to attend committee meetings if specifically requested by the board. The County board retains authority to interact with departments for the purpose of making inquiries, referring constituent concerns and to provide oversight of policy matters. The only restriction is that the board cannot give orders in running day to day departmental operations. This is consistent with the legislative intent of current statute and mirrors the interaction at the state level between the legislature and the departments.

7. Although the board may generally set the salary and compensation level of county employees, the bill *temporarily* prohibits the board from lowering the salary, terminating, or eliminating the position of any county employee who works in the office of the county executive, unless such changes affect all county employees in all county departments. This prohibition does not apply after the supervisors who are elected in the spring 2016 election take office.

CURRENT PRACTICE: *The board has complete control of staffing levels in the executive branch through the budget approval process.*

POST REFORM: *Until the next term begins in 2016, the board is prohibited from eliminating funding and dismantling the executive branch. This temporary provision is in direct response to threats by board members of gutting the executive branch in retribution for the current executive's support of reform proposals. There is an exception however for any cuts that may be made to all departments on a countywide basis.*

8. Permits only the county executive to bargain collectively with county employees.

CURRENT PRACTICE: *The county's labor negotiator receives instructions from both the executive and the board. In some instances, board members have engaged in the negotiating process directly by meeting with union officials. This causes confusion, drags out the process of negotiating contracts and has resulted in lawsuits against the county for bad faith bargaining.*

POST REFORM: *The labor negotiator will receive instructions only from the county executive. The board will have oversight in this process by setting parameters under which contracts can be offered by the negotiator through its policy making authority and will have final input on a straight up or down vote on the contract.*

9. If the board does not take a vote to confirm an appointment of the county executive within 60 days after the executive submits the appointment to the board, the appointment shall be considered confirmed. (Note; this language is a drafting error. The bill states that the appointee can begin working pending approval by the board which must vote within 60 days of notification of appointment by the executive).

CURRENT PRACTICE: *The executive appoints department heads. The board has an unlimited amount of time to vote on the appointment. It is not clear under current statute if the appointee can begin working prior to the board voting on the appointment.*

POST REFORM: *The appointee will be able to begin work pending a vote to confirm by the board. This is consistent with state practice. The bill further states the board must hold that vote within 60 days of notice of appointment from the county executive. The county board retains authority in the process.*

10. Under current law, the state, regional planning commissions, federally recognized Indian tribes and bands, and local units of government, including municipalities, counties, school districts, and other special purpose districts, may enter into intergovernmental cooperation agreements for the receipt or furnishing of services or joint exercise of powers. Under another provision of current law, a county and a city, village, or town (municipality), may enter into a contract to consolidate municipal services under which the county renders such services to the contracting municipality, either exclusively by the county or jointly with the municipality.

Under this bill, before such a contract, or before an intergovernmental

cooperation agreement, between a county with a population of 750,000 or more (presently only Milwaukee County) and another local unit of government may take effect and become binding on such a county, the contract or agreement must be approved by an executive council. The bill defines executive council as a body that consists of the mayor or village president of every city and village that is wholly located within that county and is based on a current law provision that is used to select four members of the Milwaukee Metropolitan Sewerage Commission

CURRENT PRACTICE: The county executive can propose to consolidate county services with other governmental units subject only to the approval of the county board and the consent of the partnering municipality.

POST REFORM: Any such consolidation would require approval of the Intergovernmental Cooperation Council (ICC) as well as the county board and partnering municipality.

11. Under current law, a county board has general authority to acquire, lease, or rent real and personal property. Under this bill, in Milwaukee County, such authority is exercised by the county executive, consistent with established county board policy, although the sale or lease of property is subject to a simple approval or rejection by the county board.

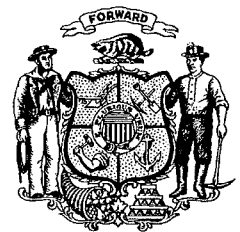
CURRENT PRACTICE: The county board approves the sale of a parcel by declaring it surplus. The board approves contingencies to be included in a Request for Proposal (RFP). The applicable department writes the RFP and goes back to the board for approval. The department releases the RFP and accepts proposals. The department returns to the board seeking permission to "negotiate" with one of the bidders. Following negotiations the department returns to the board for approval. All of this back and forth goes on while at the same time, the department is answerable to the executive branch per current state statute. This procedure provides the board with the ability to change terms of a sale at will, every step of the way through the process. In some instances board members have inserted themselves into the negotiating process dealing directly with the bidder and/or other parties involved, dragging out the process and causing confusion.

POST REFORM: The county board retains authority to decide which parcels will be placed for sale, and through its policy making role will set contingencies under which proposals can be offered and accepted. The department will work within the policies set by the board to issue an RFP and negotiate a deal. The department will then return to the board for a final up or down vote on the sale. The board maintains control on front end through policy making and on the backend with a vote.

Finally, the bill also deletes several old, outdated state statutes that no longer apply such as owning and operating a professional baseball team.



WISCONSIN STATE LEGISLATURE



A PURELY PLENARY POWER

The legislature has plenary power over county boards. This power includes the ability to not only define how boards function, but also the authority to delete boards from existence generally. Accordingly, the fight over details within the county board bill comes down to a simple adage: what the legislature giveth, it may also taketh. This page provides historic examples of the legislature acting to control county boards.

1. The legislature controls county board composition and districting powers.

- 1971 Act 134 defined the Milwaukee Board's membership and districting powers in terms of:
 - how many board members were allowed to exist: 25
 - how supervisors were to draw their districts: compactness & continuity
 - when districts were to be drawn: upon receipt of certified 1970 census data
 - When re-districting could happen: not until receipt of 1980 census data
 - When redistricting could take effect: not until 1984.
- 1983 Act 29 Section 10 provides another example of the legislature controlling county board redistricting.

2. The legislature has always defined supervisors' terms.

- 1955 Act 651 Sec. 3 imposes 4-year terms for Milwaukee County
- 1973 Act 118 imposes two year terms for other counties.

*Constitution says only
constitutional
officers
4 yrs*

3. The Legislature can impose agenda items onto boards without supervisors' consent.

The legislature's reach into county boards goes beyond electoral matters and into the heart of what boards *shall* consider. For example:

- 1973 Act 336 Section 34 requires boards to elect members of the board of adjustment, thus effectively requiring a meeting and a vote on a particular item via legislative fiat.
- 1979 Act 34 Section 703z mandates boards receive financial reports from the county treasurer, thus inherently setting a board agenda item via legislative fiat.
- 1979 Act 260 Sec. 38 mandates boards set compensation rates for certain public employees, thus requiring not only a meeting, consensus building and a vote on a legislatively selected agenda item.

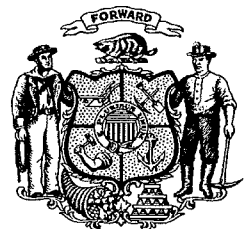
4. The Legislature can define the internal operating procedures of county boards.

In addition to control over board composition and agenda items, the legislature can define how county boards operate on an administrative level, from appointments to compensation.

- 1983 Act 192 Sec. 25 defines how county boards may remove a board appointed appointee.
- 1955 Act 651 Sec. 3 illustrates the legislature's historic ability to unilaterally impose not only salary ranges, but fixed salary amounts for the Milwaukee County Board.



WISCONSIN STATE LEGISLATURE



Larson newsletter myth vs. truth:

MYTH:

For Milwaukee County, that would mean an 85% cut to the Board's budget, and after taking into account the legacy expense of Milwaukee County retirement costs, would leave no funds available for current staff or supervisors' salaries.

TRUTH:

The bill specifically excludes legacy costs. Under the .4% cap, the board budget would be \$1.117 million annually. If Supervisors set their own salaries at the maximum allowed under this proposal, 450,956 is used leaving \$666,044 for staff and expenses.

MYTH:

Furthermore, the proposed cut raises fundamental issues about maintaining a system of checks and balances in local government, and whether the Wisconsin State Legislature should have the authority to intervene in what is clearly an issue of local control.

TRUTH:

Under this bill, the county board retains all the checks and balances it currently has such as; setting policy and budget writing authority. Furthermore the bill reforms state statutes, something only the state can do.

MYTH:

Although groups supporting the severe budget restrictions argue that no other Wisconsin county has a supervisory board comparable to Milwaukee, we must also remember that no other county in our state has such an economically and ethnically diverse population of nearly 1 million people, or more than one-sixth of the state's total population. Additionally, the Milwaukee Supervisory Board oversees a \$1 billion

dollar budget, and is responsible for oversight of a regional airport, county zoo, and county-funded mental health complex.

TRUTH:

No other Wisconsin county is fully incorporated like Milwaukee County. That means local aldermen and village trustees do the bulk of the work here that is done by county supervisors in every other county of the state. While other counties may have smaller budgets and fewer residents, those county supervisors have bigger workloads than supervisors in Milwaukee County. Furthermore, supervisor's role in the airport, zoo and mental health complex is limited to oversight only, not physically operating those departments. As far as the mental health complex is concerned, the board's oversight has been questionable at best which is why a federally mandated watchdog groups is advocating for the hospitals closure.

MYTH:

Critics of the current full-time board have compared the current structure of 18 supervisors and an annual salary of about \$50,000 to the salary and structure of the Board in 1970. What critics have failed to mention, however, is that the Board in 1970 had 25 members, who were each paid a salary of \$68,000 (when adjusted for inflation).

TRUTH:

The board's salary was not \$68,000 in 1970, adjusting for inflation is not a fair comparison.

MYTH:

- Reducing term-limits from four years to two years

TRUTH:

This brings Milwaukee County Board in line with every other board in the state.

MYTH:

- Prohibiting the County from adding a referendum question to the April 2014 ballot

TRUTH:

This prevents the county board from confusing voters with multiple questions.

MYTH:

- Banning Milwaukee County Board Supervisors from speaking directly to county department heads, instead forcing them to go through the County Executive's Office

TRUTH:

Supervisors are not banned from speaking to county department heads. Specific language in the bill gives board members the authority to require department heads to attend meetings, provide information and answer inquiries of supervisors.

MYTH:

- Preventing Milwaukee County Board Supervisors from crafting policies, instead only allowing them to approve or reject policies by the Milwaukee County Executive

TRUTH:

Nothing in this bill prevents supervisors from crafting policy. The county executive can propose policy however; exact language in the bill specifically gives policy making authority solely to the board.

MYTH:

- Attaching a completely unrelated measure requiring the state to pay for erecting and maintaining a billboard on I-43

TRUTH:

This sign is already in state statute and has been for more than 10 years. The bill merely corrects the name that should be displayed on the sign.