

MANITOWOC COUNTY BOARD RULES
Executive Committee's Recommended Amendments

2 Open Meetings.

(c) The person preparing the notice shall submit a copy to the county clerk. The county clerk is responsible for reviewing the notice for compliance with the open meetings law and for posting the notice as required by the open meetings law.

8 Special Committees.

8(d) Alternates may be appointed when authorized by statute, ordinance, resolution, or motion. An alternate may act when authorized to do so by the person for whom the alternative is serving as a replacement, provided that the committee chair is notified and the action is noted in the minutes of any meeting at which the alternate serves.

11 Electronic Mail.

(b) Each supervisor's county email address will be published in the county's official directory and on the county's web site. ~~The county clerk will provide a supervisor with a hard copy of email received at this address if the supervisor notifies the clerk that he or she cannot access his or her county email account.~~

(c) A supervisor who does not wish to use email to conduct county business must notify the county board chair and the county clerk. Email sent to the supervisor's county email account will be automatically forwarded to the county board chair, who will provide the supervisor with a hard copy of that email.

11(h) A supervisor's county email communications are subject to the open meetings law, the public records law, and the county's computer resources policy. A supervisor's email, text, and recorded communications from any other electronic device are subject to the open meetings law and the public records law.

12 Meetings, Agenda, and Documents.

(a) The person presiding over a board, commission, or committee may schedule and call such meetings as are appropriate and necessary. A regular meeting of a standing committee that is comprised solely of members of the county board must be scheduled to start at or after 4:00 p.m. A special meeting of a standing committee that is comprised solely of members of the county board may be scheduled to start before 4:00 p.m. if the committee chair has asked and been granted permission by the county board chair to start the meeting at an earlier time. Any public hearing must be scheduled to start at or after 4:00 p.m. unless the person presiding over the hearing has asked and been granted permission by the county board chair to start the hearing at an earlier time.

14 Quorum.

(a) A majority of all members constitutes a quorum, except that three members of any standing committee will constitute a quorum.

(b) A member may raise a point of order related to the absence of a quorum and may request a roll call to determine whether a quorum is present.

(c) Any business conducted in the absence of a quorum, except for procedural actions to adjourn, fix the time for adjournment, recess, or take measures to obtain a quorum, is null and void. A member may raise a point of order related to the absence of a quorum and may request a roll call to determine whether a quorum is present.

18 Exclusion of County Board Members from Meetings.

(a) No county board member may be excluded from any meeting or session, open or closed, of the county board, or any subunit of the county board except as provided in Rule 18(b).

20 Debate. (NEW)

(a) Robert's Rules of Order notwithstanding, a motion is not required for debate if the county board chair has presented an agenda item to the board for discussion.

20(b) Robert's Rules of Order notwithstanding, the county board chair is not required to step down from the chair in order to participate in discussion or debate of an agenda item, resolution, or ordinance.

25 Voting.

(a) It is the duty of every member who has an opinion on a pending question to express that opinion by voting, but a member cannot be compelled to vote and may abstain from voting.

(b) A member shall abstain from voting when the member believes that he or she is legally required to do so. A member who abstains because the member believes that he or she is legally required to do so may shall inform the person presiding of the reason for the abstention. A member who abstains because the member is legally required to do so will not be counted when determining the number of votes required for a majority.

27(b) Contingency Fund.

27(b) ~~Contingency~~ Contingent Fund. The Finance Committee may, with the approval of the appropriate board, commission, or committee, supplement the appropriation for an activity, department, or office by a transfer from the ~~contingency~~ contingent fund. The total amount transferred may not exceed the amount in the ~~contingency~~ contingent fund and may not exceed 10 percent of the amount originally appropriated for the activity, department, or office in the annual budget. Any other transfer or appropriation from the ~~contingency~~ contingent fund requires a vote of two-thirds of the members of the county board.

28 Purchase and Sale of Real Property.

(a) Except for tax foreclosed real estate sold pursuant to MCC § 4.12, no real estate owned by the county may be sold unless the sale is first authorized by majority vote of the county board in open session.

21 Petitions, Resolutions, Ordinances, Written Motions, and Other Papers.

(a) All resolutions, ordinances, and written motions must be submitted to and approved by the appropriate standing committee, board, or commission before being presented to the county board. This provision may be waived by the County Board Chair, but any item added to the agenda as the result of a waiver may be stricken from the agenda upon the objection of any member. The county board may override the objection by a majority vote and restore the item to the agenda.

MANITOWOC COUNTY BOARD RULES, AS AMENDED COUNTY BOARD ELECTED APRIL 2010

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1 Applicability.

These rules apply to all meetings of the county board, its committees, and subunits, and all other Manitowoc County governmental bodies.

2 Open Meetings.

- (a) Policy. All meetings of the county board, its committees, and subunits, and all other Manitowoc County governmental bodies must comply with the Wisconsin Open Meetings Law.
- (b) Notice. All meetings must be preceded by a public notice that specifies the time, date, place, and subject matter of the meeting, including any matter intended for consideration in closed session, in a manner that is reasonably likely to inform the public and the news media of the nature and purpose of the meeting. No additional public notice is required for any meeting of a subunit of a board, commission, committee, or other governmental body that is held during a recess from or immediately following a meeting of the parent group, provided that the person presiding at the meeting of the parent group publically announces the time, place, and subject matter of the subunit meeting prior to the time the subunit meeting convenes.
- (c) The person preparing the notice shall submit a copy to the county clerk. The county clerk is responsible for reviewing the notice for compliance with the open meetings law and for posting the notice as required by the open meetings law.

3 General Meeting Procedures.

- (a) All meetings will be conducted in accordance with ROBERT'S RULES OF ORDER (NEWLY REVISED), as modified by these rules. No past practice, rule, or action is binding unless codified in these rules. No action may be invalidated solely because of a failure to comply with ROBERT'S RULES or these rules.
- (b) Any motion must be reduced to writing upon the demand of any two members.
- (c) Any question which is divisible must be divided upon the demand of any member.
- (d) A motion to reconsider may be made on any matter except the budget. The motion must be made on the same day or the following day if the meeting continues for more than one day.
- (e) A motion, resolution, or ordinance offered for the purpose of rescinding something previously adopted may not be voted upon at a meeting unless specific notice of the subject matter was given as required by the Open Meetings law. If the matter was not noticed, any discussion and action must be set over to a later meeting for which notice is given.

4 County Board Meetings.

- (a) Meeting Time. Meetings of the county board will commence at 7:00 p.m. or as soon after as may be practical, unless another starting time is specified in the meeting notice.

- (b) Annual Meeting. The county board will hold an annual meeting on the last Monday of October in each year, except that the annual meeting will be held on the first Monday in November in any year that the last Monday in October is the last day of the month.
- (c) Emergency Meetings. The County Board Chair may call an emergency meeting upon at least two hours notice in the event of a declared emergency. A declaration of emergency must be included as part of the meeting notice. Upon convening, the county board shall ratify the existence of the emergency as a condition of proceeding further. For purposes of this rule, an emergency is deemed to exist if time is of the essence and a delay in meeting is likely to or will actually result in substantial damage, injury, or harm to the County, its residents, or property.
- (d) Organizational Meeting. The county board will meet on the third Tuesday of April in each even numbered year to organize and to elect a Chair, First Vice-Chair, and a Second Vice-Chair for the duration of the two-year term. The Board may also transact business, including any business permitted at the annual meeting.
- (e) Regular Meetings. The county board will hold its regular monthly meeting on the third Tuesday of each month, except that the meeting will be held on the fourth Tuesday of the month if a primary or general election for a seat on the county board is held on the third Tuesday. Any regular meeting may be rescheduled to another date and time by the County Board Chair with such notice as is appropriate under the circumstances.
- (d) Special Meetings. The county board may call a special meeting as provided for in Wis. Stat. § 59.11(2).

5 County Board Chair and Vice-Chairs.

- (a) The County Board Chair will preside at all meetings of the county board. The First Vice-Chair will preside in the absence of the Chair. The Second Vice-Chair will preside in the absence of the Chair and First Vice-Chair. The county board may elect a temporary chair to preside at a meeting in the absence of the Chair and Vice-Chairs.
- (b) The County Board Chair will call the new county board to order at its Organizational Meeting and preside over the meeting until the new board elects a Chair. In the absence of the Chair and Vice-Chairs, the County Clerk will call the meeting to order and preside over the election of a temporary Chair. The temporary Chair is not eligible to be elected County Board Chair and will preside over the meeting until the new board elects a Chair. Once a County Board Chair has been elected, the new Chair will preside over the remainder of the elections and the agenda.
- (c) The County Board Chair is an ex-officio member of every county board committee and may attend all committee meetings unless prohibited pursuant to state law, county ordinance, or county board rule.

6 Policy Oversight.

- (a) All matters pertaining to county organizational or administrative power are to be broadly construed in favor of the will of the county board as set forth in rules and other enactments and consistent with the scope of authority set forth in Wis. Stat. § 59.03.
- (b) Each of the county's boards, commissions, and committees is the public focal point for all programs and activities under its respective jurisdiction.
- (c) Complaints concerning county employees, officials, or departments that are first stated at a county board meeting will be immediately referred to the appropriate board, commission, or committee.

7 Appointments to Boards, Commissions, Committees, and Other Governmental Bodies.

- (a) In the event of a vacancy on the county board, the County Board Chair shall promptly appoint a person who is a qualified elector and resident of the unrepresented supervisory district to fill the unexpired portion of the term. The county board shall, at its first meeting following the appointment, vote on whether to confirm the appointment. If the county board does not confirm the appointment, the members of the county board shall nominate one or more persons who are qualified electors and residents of the unrepresented supervisory district to fill the vacancy and shall elect a person to fill the unexpired portion of the term.
- (b) Standing committees will be appointed by the County Board Chair as soon as practicable after the April reorganization meeting and, in no event, later than the next regular meeting of the board. The County Board Chair will also appoint a committee chair, unless the committee is authorized by statute to elect its own chair. Each committee will elect its own vice-chair and secretary. The County Board Chair will appoint a replacement to fill any vacancy that occurs on a committee.
- (c) Every member of the county board must serve on at least one standing committee.
- (d) The County Board Chair may replace any member of a county board committee when the member's service has been found to be unsatisfactory or when personality conflicts within the committee require a change.

8 Special Committees.

- (a) The County Board may create special committees as the need arises. The County Board Chair will appoint the chair and members of each special committee, subject to approval by the county board.
- (b) Special committees will perform the tasks authorized or directed by the County Board or the County Board Chair.

- (c) Special committees may be dissolved at any time by order of the County Board and will automatically be dissolved upon completion of the tasks for which the committee was created.
- (d) Alternates may be appointed when authorized by statute, ordinance, resolution, or motion. An alternate may act when authorized to do so by the person for whom the alternative is serving as a replacement, provided that the committee chair is notified and the action is noted in the minutes of any meeting at which the alternate serves.

9 Joint Committee Meetings.

- (a) A committee may request a joint meeting with another committee on matters of common concern.
- (b) When a joint committee meeting is requested, the committee chairs will cooperate in preparing for the meeting and in determining the time and place, who is to preside, who will take minutes, and all other arrangements for the joint meeting. The person presiding at the meeting is responsible for providing notice of the meeting.
- (c) If differences arise that the committee chairs cannot resolve, the chair of any affected committee may ask the County Board Chair to intervene. The County Board Chair may order whatever action is necessary to ensure the success of the joint committee meeting.
- (d) Each Committee participating in a joint meeting will vote separately on matters that come before the joint meeting.

10 County Board Documents and Mailings.

- (a) The committee chair will submit a copy of a resolution, ordinance, or written motion to the County Clerk at least one week before the regular meeting at which it is to be reported to the county board. The County Clerk will provide a copy of each resolution, ordinance, or written motion to the Comptroller and Corporation Counsel for review.
- (b) The County Clerk will mail a copy of the agenda, resolutions, ordinances, and written motions included to each Supervisor not less than five days before each regular meeting. The County Clerk will mail the agenda and related documents to each supervisor at least 72 hours prior to any special meeting. The County Clerk will provide the agenda and related documents to each supervisor at the time of any declared emergency meeting.
- (c) The County Clerk will distribute copies of the proposed budget to each Supervisor and the Corporation Counsel at or before the first regular meeting after the County Clerk has received a copy of the proposed budget from the Finance Committee.
- (d) The County Board Chair may direct that the County Clerk provide the members of

the county board with copies of any communications or other papers addressed to the county board either as part of an agenda mailing, in a separate mailing, or in person at a county board meeting.

- (e) Copies of late resolutions, ordinances, written motions, and other papers will be provided to the county board when it meets and may be considered if the matter has been properly noticed in accordance with the Wisconsin Open Meetings Law.
- (f) The County Clerk will keep at least one copy of the agenda and related documents on file for public review.

11 Electronic Mail.

- (a) Each supervisor will be provided with a county email account. While no supervisor is required to conduct county business by email, a supervisor who does so is required to use the county email account for all communications that pertain to county business.
- (b) Each supervisor's county email address will be published in the county's official directory and on the county's web site.
- (c) A supervisor who does not wish to use email to conduct county business must notify the county board chair and the county clerk. Email sent to the supervisor's county email account will be automatically forwarded to the county board chair, who will provide the supervisor with a hard copy of that email.
- (d) The county clerk will distribute meeting notices and other information to each supervisor by email at the same time that meeting notices and other information are distributed to the news media.
- (e) A supervisor may communicate with other supervisors by email for the purpose of setting a meeting time, place, and agenda; but a supervisor should not engage in any substantive discussion of county business with any other supervisor by email.
- (f) A supervisor who uses email to share information with all of the members of a board, commission, or committee may send a copy of the email to the county clerk.
- (g) A supervisor must not send, forward, or reply to an email if doing so will result in a violation of the open meetings law by creating a quorum of any board, commission, committee, or other governmental body as defined by Wis. Stat. § 19.82(1).
- (h) A supervisor may communicate with his or her constituents by email.
- (i) A supervisor's county email communications are subject to the open meetings law, the public records law, and the county's computer resources policy. A supervisor's email, text, and recorded communications from any other electronic device are subject to the open meetings law and the public records law.

- (j) The standards contained in paragraphs (e) through (h) apply to all members of county governmental bodies.
- (k) Each email sent by a county employee, officer, or official in connection with official business must contain the following disclaimer:

This message is intended for the use of the person or organization to whom it is addressed. It may contain information that is confidential, privileged, or otherwise protected from disclosure by law. If you are not the intended recipient or a person responsible for delivering this message to the intended recipient, any copying, distribution, or use of this message or the information that it contains is not authorized and may be prohibited by law.

12 Meetings, Agendas, and Documents.

- (a) The person presiding over a board, commission, or committee may schedule and call such meetings as are appropriate and necessary. A regular meeting of a standing committee that is comprised solely of members of the county board must be scheduled to start at or after 4:00 p.m. A special meeting of a standing committee that is comprised solely of members of the county board may be scheduled to start before 4:00 p.m. if the committee chair has asked and been granted permission by the county board chair to start the meeting at an earlier time. Any public hearing must be scheduled to start at or after 4:00 p.m. unless the person presiding over the hearing has asked and been granted permission by the county board chair to start the hearing at an earlier time.
- (b) The person presiding at a meeting is responsible for the preparation of an agenda for each meeting and may determine the order of business.
- (c) The person presiding at a meeting will make the members aware of any correspondence that has been received and may direct that any appropriate document be read, distributed, or placed on file. However, anonymous correspondence will not be read.
- (d) A governmental body will deny consideration to any ordinance, resolution, or motion which is substantially similar to any ordinance, resolution, or motion brought before the body on three or more occasions during any 365-day period. An ordinance, resolution, or motion may be considered substantially similar despite the fact that a different individual brings it before the committee for action. A governmental body may waive application of this rule only upon a two-thirds vote of its entire membership.

13 Attendance.

- (a) A member is expected to attend all meetings and to notify the County Clerk of an expected absence at least two hours prior to the start of the meeting. If the meeting is

held outside normal business hours, the member must notify the County Clerk prior to the close of business on the day of the meeting. The County Clerk will report the expected absence to the person presiding at the meeting, and that person shall determine whether to excuse the absence. All absences should be noted in the minutes of the meeting along with an indication of whether the absence was excused.

- (b) The person presiding will direct that a roll call or other action is taken to record the names of the members in attendance at a meeting.
- (c) The person presiding will report the name of any member who accumulates three or more unexcused absences within a year from properly noticed meetings to the County Clerk. The County Clerk will provide a quarterly report to the county board of any member of the county board, its committees, subunits, or other governmental bodies who accumulates three unexcused or more absences within a year.
- (d) The county board may, consistent with the requirements of Wisconsin law, take whatever action it deems appropriate with respect to a person who has three or more unexcused absences within a year. Such action may include censure, suspension, or removal from the committee, subunit, or other governmental body.

14 Quorum.

- (a) A majority of all members constitutes a quorum, except that three members of any standing committee will constitute a quorum.
- (b) A member may raise a point of order related to the absence of a quorum and may request a roll call to determine whether a quorum is present.
- (c) Any business conducted in the absence of a quorum, except for procedural actions to adjourn, fix the time for adjournment, recess, or take measures to obtain a quorum, is null and void.

15 Unintended Quorum.

Members of the county board are entitled to attend the meetings of subunits of the county board, even when they are not members of the subunit. It is possible that the attendance of one or more nonmember supervisors at a meeting may result in the creation of a quorum of another subunit of the county board. Such a quorum is unintended and the nonmember supervisors are not meeting for the purpose of and shall not exercise the responsibility, authority, power, or duties of any other subunit of the county board.

16 Minutes.

- (a) Minutes will be kept of each meeting. The minutes will include the name of the person taking the minutes and a record of attendance, motions, and votes taken. Minutes may, at the direction of the person presiding, contain a description of the views expressed and a summary of any actions taken along with the reason for the action. Separate minutes will be kept for each closed session.

- (b) The person taking the minutes must provide draft minutes to the County Clerk within one week of any meeting. Draft minutes will normally be reviewed, corrected, and approved at the next meeting of the governmental body. However, draft minutes of the county board meeting as a committee of the whole will be reviewed at the next regular meeting of the county board. A copy of the approved minutes must be on file with the County Clerk within one week of approval.
- (c) Minutes of any open session are open to the public for inspection and copying. Minutes of any closed session will remain closed to the public for so long as the reason for convening the closed session continues, but will be open to the public once the reason for convening the closed session has ended.
- (d) The County Clerk will provide one copy of the minutes of any meeting to a member of the county board upon request and without charge, unless the supervisor was been excluded from the meeting.
- (e) A copy of the approved minutes of each county board meeting will be printed in the county board proceedings book.

17 Closed Sessions.

- (a) Closed sessions are authorized by Wisconsin law when necessary to protect the public interest and when holding an open session would be incompatible with the proper conduct of government affairs.
- (b) Every meeting must be initially convened in open session. The meeting may subsequently convene in closed session only if a closed session is permitted under Wis. Stat. § 19.85(1); if the meeting notice provides for a closed session or if the need for a closed session was not known to the person providing the notice at the time it was given; and if a majority votes to convene in closed session.
- (c) Closed sessions should be held sparingly and a meeting should remain in open session if there is any doubt about whether a closed session is permitted. All discussion during closed session must be limited to the business specified in the meeting notice for the closed session.
- (d) Discussions held, information presented or obtained, and actions taken during closed sessions are deemed to be confidential information. Disclosure of confidential information without proper legal authorization violates MCC § 5.06(3)(e) and is punishable by forfeiture.
- (e) When the reason for holding a closed session has passed, any information presented or obtained during the closed session becomes available for public inspection.

18 Exclusion of County Board Members from Meetings.

- (a) No county board member may be excluded from any meeting or session, open or closed, of the county board, or any subunit of the county board except as provided in

Rule 18(b).

- (b) A county board member may be excluded from a closed session of a committee or subunit of the county board by a majority vote if the closed session directly concerns the county board member, a relative of the county board member, or someone maintaining a confidential relationship with the county board member.
- (c) A county board member may be excluded from a closed session of any other governmental body which is not a committee or subunit of the county board by a majority vote of the governmental body if the closed session directly concerns the county board member, a relative of the county board member, or someone maintaining a confidential relationship with the county board member.
- (d) For purposes of this rule, the term “relative” includes any aunt, brother, child, daughter-in-law, father-in-law, first cousin, foster child, grandparent, mother-in-law, nephew, niece, parent, sister, son-in-law, spouse or person in a marriage-like relationship, stepbrother, stepchild, stepparent, stepsister, or uncle; and the term “confidential relationship” includes professional relationships, such as those between attorney and client, medical provider and patient, or religious counselor and petitioner; personal relationships, such as those in which there is a long personal friendship and mutual trust between the parties; and legal relationships, such as those where the member is an employee, official, or officer of an adverse party in a legal matter.

19 Public Input.

- (a) The purpose of public input is to provide nonmembers with an opportunity to present information to a governmental body. It is not intended to provide for interactive debate or for the cross-examination of citizens or members.
- (b) The person presiding at a meeting may require that a nonmember who wishes to speak must provide the nonmember’s name, address, telephone number, and topic prior to the start of public input.
- (c) A nonmember must be recognized by the person presiding. Once recognized, the nonmember may speak without interruption, except for procedural matters. A nonmember who is called to order by the person presiding must immediately cease speaking.
- (d) A nonmember will normally be allowed five minutes for public input. However, the person presiding may establish a shorter time limit. Additional time will not normally be granted, but the person presiding has the discretion to do so.
- (e) The person presiding may limit the number of persons who speak on an issue and may call a nonmember to order if the nonmember’s statements are not germane or are unduly repetitive.
- (f) A person who wishes to ask a question during public input must direct his or her

question to the Chair. A person who directs a question to anyone other than the Chair may be ruled out of order. When the person has concluded his or her comments, the Chair may present the question to the board, refer the question to a committee, forward the question to the county executive, or take such other action as the Chair deems appropriate. No one may be compelled to answer a question that is asked during public input.

- (g) The person presiding may take whatever action is necessary to maintain an appropriate level of decorum and order at all times. The person presiding will not permit public input to become a running debate or to serve as a platform for personal attacks, and the person presiding may rule any citizen or member out of order if that person's comments or conduct is inappropriate.
- (h) The members of a governmental body may, during the period of public comment, discuss any matter raised by the public.

20 Debate.

- (a) Robert's Rules of Order notwithstanding, a motion is not required for debate if the county board chair has presented an agenda item to the board for discussion.
- (b) Robert's Rules of Order notwithstanding, the county board chair is not required to step down from the chair in order to participate in discussion or debate of an agenda item, resolution, or ordinance.

21 Nonmembers Opportunity to Speak During Debate.

- (a) A member may ask the person presiding to allow a nonmember to speak on any agenda item that is properly before the meeting.
- (b) A nonmember may be denied permission to speak by a majority vote of the members present.
- (c) The person presiding may limit the number of nonmembers who are permitted to speak and may limit the amount of time that a nonmember is permitted to speak.
- (d) The person presiding may call upon a department head or the department head's designee to speak on any agenda item that is related to the department and that is properly before the meeting.
- (e) Corporation Counsel may provide advice relating to any matter that is properly before the meeting at any time during discussion or debate at the request of any member.

22 Petitions, Resolutions, Ordinances, Written Motions, and Other Papers.

- (a) All resolutions, ordinances, and written motions must be submitted to and approved by the appropriate standing committee, board, or commission before being presented

to the county board. This provision may be waived by the County Board Chair, but any item added to the agenda as the result of a waiver may be stricken from the agenda upon the objection of any member. The county board may override the objection by a majority vote and restore the item to the agenda.

- (b) Any resolution, ordinance, or written motion which is reported to the county board must be signed by the committee chair or other person making the report and may be signed by one or more other members of the county board as sponsors.

23 Fiscal Impact Statement.

- (a) Every resolution, ordinance, or written motion presented to the county board must contain a fiscal impact statement that describes the cost, revenue, and economic impact of the resolution, ordinance, or written motion. If the fiscal impact cannot be determined, a written explanation indicating why the fiscal impact cannot be determined must be provided.
- (b) The person drafting the resolution, ordinance, or written motion is responsible for drafting the fiscal impact statement.
- (c) Resolutions supporting or opposing legislation or honoring an individual, group, or event are exempted from the fiscal impact statement requirement.

24 Fiscal Note.

- (a) Every resolution, ordinance, or written motion that contains a fiscal impact statement must be presented to the Comptroller for review and must contain a Fiscal Note in the following form:

FISCAL NOTE: Reviewed and approved by Comptroller. _____

- (b) The Comptroller will initial the fiscal note on the original document if the fiscal impact statement is approved or provide a statement indicating why the fiscal impact statement was not approved.

25 Legal Note.

- (a) Every resolution, ordinance, or written motion must be presented to the Corporation Counsel for review as to form and must contain a Legal Note in the following form:

LEGAL NOTE: Approved as to form by Corporation Counsel. _____

- (b) The legal note will indicate whenever more than a simple majority vote is required.
- (c) The Corporation Counsel will initial the legal note on the original document if the matter is approved as to form or provide a statement indicating why the matter was not approved as to form.

26 Voting.

- (a) It is the duty of every member who has an opinion on a pending question to express that opinion by voting, however a member cannot be compelled to vote and may abstain from voting.
- (b) A member shall abstain from voting when the member believes that he or she is legally required to do so. A member who abstains shall inform the person presiding of the reason for the abstention. A member who abstains because the member is legally required to do so will not be counted when determining the number of votes required for a majority.
- (c) Regular Method of Voting. The regular method of voting by the county board is by electronic tabulation, but the county board may vote by other means. The regular method of voting by any committee, subunit, or other governmental body is by voice vote.
- (d) Unanimous Consent. Any governmental body may take action by unanimous consent.
- (e) Secret Ballots. A secret ballot will be used when voting for the election of officers. Unless specifically authorized by statute, no secret ballot may be utilized to determine any other election or decision of a governmental body.
- (f) Closed Session Votes. A governmental body may vote in closed session when the vote is an integral part of deliberations authorized to be conducted in closed session under Wis. Stat. § 19.85(1). The governmental body must vote in open session unless doing so would compromise the need for the closed session. Whenever a vote is taken in closed session, the motion and the result of the vote, including the name and vote of each person in attendance, will be recorded and made a matter of public record.
- (g) Ascertaining and Recording Votes. Any member may request that a vote be taken in such a manner that the vote of each member is ascertained and recorded, except when voting to determine the election of officers.

27 Expense Reimbursement.

- (a) It is the policy of Manitowoc County to reimburse certain authorized, reasonable, and necessary expenses incurred while conducting official county business as set forth in the County's Policy and Procedure Manual, Section 26, Travel Policy. For purposes of this rule, official county business includes attendance at county board and committee meetings, educational programs, professional associations, public hearings and meetings, training seminars, and other similar activities that are related to county business and that have been properly authorized.
- (b) Other Expenses. Other reasonable and necessary expenses incurred while conducting official county business may be reimbursed provided that the

reimbursement is authorized by the county board prior to the date on which the expense is incurred.

- (c) Mileage will be paid for one trip per day from a person's residence to one meeting location and from one meeting location to the person's residence, even if the person attends more than one meeting and returns home between meetings. Mileage will be paid for necessary travel between meeting locations.
- (d) No expenses will be paid to any person attending any meeting when that person has not been authorized to attend the meeting as a member of the group that is conducting the meeting, as a program participant, or by direction of the County Board Chair, the county board, or a county board committee, subunit, other governmental body, the County Executive, or a department head.
- (e) A member's expenses associated with attending a public hearing may be reimbursed only if approved in advance by the county board or the appropriate committee. Such approval shall be recorded in the minutes of the county board or committee.
- (f) Members of the county board, committees, subunits, and other governmental bodies may, upon request, receive an advance toward reimbursable expenses other than mileage that are expected to be incurred while conducting official county business outside Manitowoc County which has been authorized by the county board.
- (g) Claims, Verification, and Receipts. All claims for reimbursement by members of the county board, committees, subunits, or other governmental bodies must be submitted to the County Clerk in a form approved by the County Clerk. All such claims must be itemized and accompanied by receipts for the expenses claimed or by a statement explaining the absence of a receipt. All claims must be signed by the person seeking reimbursement swearing or affirming that the claim is accurate and that the expenses were reasonably and necessarily incurred while conducting official county business.

28 Budget and Funds.

- (a) Annual Budget. The county board shall adopt an annual budget in compliance and conformity with Wis. Stat. § 65.90 by a majority vote of the county board. Any amendment to the budget subsequent to its adoption requires a two-thirds vote of the members present.
- (b) Contingent Fund. The Finance Committee may, with the approval of the appropriate board, commission, or committee, supplement the appropriation for an activity, department, or office by a transfer from the contingent fund. The total amount transferred may not exceed the amount in the contingent fund and may not exceed 10 per cent of the amount originally appropriated for the activity, department, or office in the annual budget. Any other transfer or appropriation from the contingent fund requires a vote of two-thirds of the members of the county board.
- (c) General Fund. A two-thirds vote of the members of the county board is required to make an appropriation from the General Fund.

- (d) Borrowing Funds. A two-thirds vote of the members of the county board is required to borrow funds.
- (e) Transfer of Funds. The Finance Committee may, with the approval of the appropriate board, commission, or committee, transfer funds between line items in a departmental budget.
- (f) This rule and its subparts may not be amended or suspended except by a unanimous roll call vote.

29 Purchase and Sale of Real Property.

- (a) Except for tax foreclosed real estate, no real estate owned by the county may be sold unless the sale is first authorized by majority vote of the county board in open session.
- (b) The county board will not consider, vote upon, or accept any offer to purchase real property owned by the county that provides for a conveyance by warranty deed unless the offer is in a form customarily used for the purchase and sale of real estate and will create a binding contract for sale upon acceptance.
- (c) All offers to purchase or sell real property are contingent upon review and approval as to form by the Corporation Counsel, unless the county board directs otherwise.

30 Agreements, Contracts, and Leases.

- (a) No County employee, official, or officer may enter into, execute, or continue an agreement, contract, or lease without first securing all necessary approvals and authorizations. Any agreement, contract, or lease entered into, executed, or continued in violation of this rule is voidable by a majority vote of the county board.
- (b) It is the responsibility of the employee, official, or officer executing or otherwise entering into an agreement, contract, or lease to seek, in advance, all necessary advice from Corporation Counsel regarding the terms of the agreement, contract, or lease and to request the assistance of any other department which has expertise necessary to prepare the agreement, contract, or lease.

31 Amendments.

Except as provided in rule 28(f), these rules may be amended by a two-thirds vote of the members of the county board. An amendment may be voted upon only if it has been reduced to writing and distributed to the members of the county board at least five days prior to the meeting at which it is presented to the county board for adoption.

32 Suspension Of Rules.

Except as provided in Rule 28(f), any rule may be suspended by a vote of two-thirds of the members present. Immediately upon completion of the business for which the rule was

suspended, the suspended rule will automatically be reinstated without any further vote.

33 Rules of Construction and Severability.

Nothing in these rules may be construed to conflict with any statute. These rules are severable and if any rule is held invalid, void, or unenforceable, the remainder of the rules will remain in full force and effect.

34 Effective Date and Repeal of Prior Rules.

These rules are effective immediately upon adoption and repeal any and all prior rules.

HISTORY

04/20/2010: Adopted by Res. No. 2010/2011-1 (oral motion).

04/27/2010: Rule nos. 2, 5, 8, 11, 12, 14, 18, 25, 27, 28 amended, rule no. 20 created, and subsequent rules renumbered by Res. No. 2010/2011-3 (oral motion).

RESOLUTION AMENDING VOLUNTEER POLICY

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 **WHEREAS, Manitowoc County’s current Volunteer Policy recognizes that**
2 **volunteers make great contributions that benefit county government and the citizens of the**
3 **county; and**

4
5 **WHEREAS, the current Volunteer Policy addresses the issues of liability exposure**
6 **and protection, as well as risk management, but does not address the issue of gratuities for**
7 **volunteers; and**

8
9 **WHEREAS, the Personnel Committee recommends the addition of a section to the**
10 **Volunteer Policy that establishes reasonable parameters for volunteer gratuities that are**
11 **flexible and that allow a variety of methods for providing recognition to volunteers, but**
12 **that strictly prohibit giving cash or gift certificates to volunteers; and**

13
14 **WHEREAS, the proposed addition limits to the provision of volunteer gratuities**
15 **exclusively to volunteers; and**

16
17 **WHEREAS, the proposed addition prohibits Departments from soliciting donations**
18 **from local businesses or individuals as a way of providing volunteer gratuities; and**

19
20 **WHEREAS, the expense of providing volunteer gratuities will be listed as a separate**
21 **line item beginning with the 2011 budget in order to allow for accurate reporting of the cost**
22 **of any volunteer gratuities that are provided;**

23
24 **NOW, THEREFORE, BE IT RESOLVED that the Volunteer Policy is amended to**
25 **include Section 25.06, Volunteer Gratuities, which reads as follows:**

26
27 **25.06 Volunteer Gratuities.**

28
29 **Volunteer gratuities (e.g., lunches, certificates of appreciation, and small tokens of**
30 **appreciation such as candy, pens, or service pins) may be provided subject to the**
31 **following restrictions:**

- 32
33 **a) Volunteer gratuities must be budgeted for and expensed to the designated**
34 **account number;**
35
36 **b) Distribution of cash or gift certificates is prohibited;**
37
38 **c) Volunteer gratuities are restricted to volunteers only; and**
39
40 **d) Departments may not solicit donations from local businesses or individuals as a**
41 **way of providing volunteer gratuities.**

Dated this 27th day of April 2010.

Respectfully submitted by

Norbert A. Vogt, Supervisor

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

APPROVED: _____
Bob Ziegelbauer, County Executive **Date**

**RESOLUTION APPROVING AMENDMENT TO 2008 – 2010
COLLECTIVE BARGAINING AGREEMENT WITH
HIGHWAY DEPARTMENT EMPLOYEES
REPRESENTED BY LOCAL 986, AFSCME, AFL-CIO**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, the Manitowoc County Board of Supervisors approved an agreement with Highway
2 Department employees represented by Local 986, AFSCME, AFL-CIO, on May 15, 2007; and
3

4 WHEREAS, economic conditions have drastically changed since May 2007; and
5

6 WHEREAS, the employees of Local 986 have agreed to a 5% reduction in the 2010 wage rate
7 effective May 9, 2010 in exchange for a commitment of no layoffs until April 1, 2011; and
8

9 WHEREAS, the members of Local 986 will perform all Parks and Airport work duties in the
10 calendar year of 2010 at a class grade 2 wage rate; and
11

12 WHEREAS, the payment of class grade 2 for Parks and Airport work is limited to 2010 and does
13 not create a past practice or precedent; and
14

15 WHEREAS, the employees of Local 986 will revert to the 2009 wage schedule on January 1,
16 2011 until a 2011 wage schedule is negotiated;
17

18 NOW, THEREFORE, BE IT RESOLVED that the 2010 wage schedule for Local 986 will be
19 reduced by 5% effective May 9, 2010; and
20

21 BE IT FURTHER RESOLVED that there is a commitment to not lay off any personnel
22 represented by Local 986 through April 1, 2011; and
23

24 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors expresses its
25 appreciation to the employees of Local 986 for their willingness to assist Manitowoc County
26 during these difficult economic times; and
27

28 BE IT FURTHER RESOLVED that the County Executive, Personnel Committee Chair, and
29 Personnel Director are authorized to execute this settlement.

Dated this 27th Day of April 2010.

Respectfully submitted by

Norbert A. Vogt, Supervisor

FISCAL NOTE: Results in the following savings:
Wages \$45,064.96

FICA	\$ 3,447.47
WRS	\$ 4,957.15
Total savings	\$53,469.58

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

APPROVED: _____ Date _____
 Bob Ziegelbauer, County Executive

**RESOLUTION AUTHORIZING GRANT APPLICATION
(Long Lake Public Access)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Legislature has provided matching grants to assist governmental
2 units in developing park and recreation facilities; and

3
4 WHEREAS, the fishing and access pier at Long Lake is inadequate and not ADA compliant;
5 and

6
7 WHEREAS, a proposed ADA fishing and access pier with traffic guard barriers will improve
8 public access to the lake; and

9
10 WHEREAS, the project cost is estimated at \$8,403.36, which will be funded with \$4,201.68
11 in State grant funds and with the remaining balance provided by local fish and game organizations;

12
13 NOW, THEREFORE, BE IT RESOLVED that the Planning and Park Commission is
14 authorized to apply for and accept a Wisconsin Department of Natural Resources grant of \$4,201.68
15 for the purchase of an ADA fishing and access pier at Long Lake, provided that the balance of the
16 project cost is paid by local fish and game organizations; and

17
18 BE IT FURTHER RESOLVED that the Park Supervisor is authorized to sign documents and
19 take the actions necessary to undertake, direct, and complete the project authorized in the grant; and

20
21 BE IT FURTHER RESOLVED that Manitowoc County will comply with state and federal
22 rules for the program; will be responsible for updating plans and monitoring ongoing operations; will
23 obtain written approval from the Wisconsin Department of Natural Resources before making
24 changes in the project; and will maintain a record of expenditures; and

25
26 BE IT FURTHER RESOLVED that revenues in the Park budget are amended by the amount
27 of the grant and contributions received; that expenditures in the Park budget are amended by an
28 amount equal to the grant, matching funds, and contributions; and that the Comptroller/Auditor is
29 directed to record such information in the official books of the County as may be required.

Dated this 27th day of April 2010.

Respectfully submitted by

Mary Muench, Supervisor

FISCAL IMPACT: No tax levy impact. Estimated expenses of \$8,403.36 will be paid using \$4,201.68 in State funds and \$4,201.68 from local fish and game organizations.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: This resolution amends the budget and requires a two-thirds vote of the entire county board. Reviewed and approved as to form by Corporation Counsel. _____

APPROVED: _____ Date
Bob Ziegelbauer, County Executive

**RESOLUTION AUTHORIZING
LAKE MANAGEMENT PLANNING GRANT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County’s lakes are important resources that are used by the public
2 for recreation and enjoyed for their natural beauty; and

3
4 WHEREAS, Manitowoc County is required to enforce the provisions of Wisconsin
5 Administrative Code Ch. NR115 through a Shoreland Zoning Ordinance; and

6
7 WHEREAS, the Wisconsin Department of Natural Resources has completed a major revision
8 to Wisconsin Administrative Code Ch. NR115 and the county’s Shoreland Zoning Ordinance needs
9 to be revised to comply with new standards that have been adopted; and

10
11 WHEREAS, the Department of Natural Resources has grant funding available to assist the
12 county with its revision of the Shoreland Zoning Ordinance; and

13
14 WHEREAS, the county can meet its obligations under the grant by using resources that are
15 already included in the 2010 budget for the Planning and Zoning Department;

16
17 NOW, THEREFORE, BE IT RESOLVED THAT the Manitowoc County Board of
18 Supervisors authorizes Planning and Zoning Director Tim Ryan to submit an application to the State
19 of Wisconsin for a Lake Management Planning Grant; to sign such documents and take such actions
20 as may be necessary to undertake, direct, and complete the grant; and to submit reimbursement
21 claims and supporting documentation on behalf of the county; and

22
23 BE IT FURTHER RESOLVED that the appropriate line items in the 2010 budget are amended
24 by the amount of the grant received and that the Comptroller/Auditor is directed to record such
25 information in the official books of the County for the year ending December 31, 2010 as may be
26 required.

Dated this 27th day of April 2010.

Respectfully submitted by

Mary Muench, Supervisor

FISCAL IMPACT: No tax levy impact. Increases revenues and expenditures by the amount of any grant funds that are received.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: This resolution amends the budget and requires a two-thirds vote of the

entire county board. Reviewed and approved as to form by Corporation
Counsel. _____

APPROVED:

Bob Ziegelbauer, County Executive

Date

RESOLUTION AUTHORIZING 2010-2011 SNOWMOBILE TRAIL PROGRAM

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Snowmobile Aids Program provides funds for the acquisition,
2 development, and maintenance of public snowmobile trails in eligible counties; and
3

4 WHEREAS, Manitowoc County has completed 37 years of participation in the Wisconsin
5 Snowmobile Aids Program by acquiring, developing, insuring, and maintaining public snowmobile
6 trails in the county in accordance with Wisconsin Department of Natural Resources standards; and
7

8 WHEREAS, Manitowoc County is eligible to continue its participation in the Snowmobile
9 Aids Program and has budgeted \$61,275 for a Snowmobile Trail Program to cover the costs for
10 245.1 miles of trail; and
11

12 WHEREAS, the Planning and Park Commission has provided the County Board with a trail
13 system map showing the 245.1 miles of trail that are included in the Snowmobile Trail Program;
14

15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
16 approves the trail system map provided by the Planning and Park Commission; and
17

18 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors hereby
19 designates the Manitowoc County Planning and Park Commission as the agency to act on behalf of
20 Manitowoc County in submitting applications for state snowmobile aids for acquisition, bridge
21 rehabilitation, development, insurance, and maintenance costs of the county's public snowmobile
22 trail system; and
23

24 BE IT FURTHER RESOLVED that the Park Supervisor is authorized to sign documents and
25 take the actions necessary to undertake, direct, and complete the 2010-2011 Snowmobile Trail
26 Program; and
27

28 BE IT FURTHER RESOLVED that upon completion of acquisition, development, and
29 redevelopment of the snowmobile trails through the Snowmobile Trail Program, the trails will be
30 designated as public snowmobile trails; and
31

32 BE IT FURTHER RESOLVED that Manitowoc County will, subject to the limits of funds
33 appropriated for such purposes, provide for adequate maintenance of the trails and facilities that have
34 been funded for acquisition and maintenance through the Wisconsin Snowmobile Trail Program in
35 accordance with DNR requirements and funding criteria; comply with state and federal rules for the
36 program; maintain the completed project in an attractive, inviting, and safe manner; keep facilities
37 open to the general public during reasonable hours consistent with the type of facility; and obtain
38 approval in writing from the DNR before any changes are made in the use of the project site.

Dated this 27th day of April 2010.

Respectfully submitted by

Mary Muench, Supervisor

FISCAL IMPACT: No tax levy impact. \$61,275.00 is included in the 2010 budget, and the State will reimburse the county for the amount that it spends.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

APPROVED:

Bob Ziegelbauer, County Executive

Date

**ORDINANCE AMENDING ZONING MAP
(Peter Koeppel and Pattie Spaude)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on March 22, 2010; and

3
4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;

7
8 NOW, THEREFORE, the county board of supervisors of the County of Manitowoc does
9 ordain as follows with respect to two parcels of land located in the SE¼, SW¼, Section 21, T20N-
10 R23E, Town of Kossuth:

11
12 Parcel No. 1, a parcel of land located in the SE¼, SW¼, Section 21, T20N-R23E, Town
13 of Kossuth, commencing at the S ¼ Corner of said Section 21 thence westerly along the
14 centerline of Reifs Mills Road approximately 1,048 feet; thence northerly approximately
15 33 feet to the north r/w of Reifs Mills Road which is the point of real beginning; thence
16 continue northerly approximately 626 feet; thence westerly approximately 284 feet;
17 thence southerly approximately 626 feet; thence easterly along the north r/w of Reifs
18 Mills Road approximately 284 feet to the point of real beginning, said parcel containing
19 approximately 4.10 acres of land, shall be and is hereby rezoned from SE Small Estate,
20 to ES, Estate; and

21
22 Parcel No. 2, a parcel of land located in the SE¼, SW¼, Section 21, T20N-R23E, Town
23 of Kossuth, commencing at the S ¼ Corner of said Section 21 thence westerly along the
24 centerline of Reifs Mills Road approximately 1,048 feet; thence northerly approximately
25 659 feet which is the point of real beginning; thence continue northerly approximately
26 486 feet; thence westerly approximately 284 feet; thence southerly approximately 486
27 feet; thence easterly approximately 284 feet to the point of real beginning, said parcel
28 containing approximately 3.15 acres of land, shall be and is hereby rezoned from PA
29 Principal Agriculture to ES Estate.

Dated this 27th day of April 2010.

Respectfully submitted by

Mary Muench, Supervisor

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

COUNTERSIGNED: _____
Paul R. Tittl, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

RESOLUTION CREATING PART-TIME CLINICAL SOCIAL WORKER

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, there is an increasing demand for outpatient mental health services for children
2 and young adults in Manitowoc County; and

3
4 WHEREAS, the Manitowoc County Human Services Department is required to provide
5 outpatient mental health services; and

6
7 WHEREAS, providing outpatient mental health services assists in the treatment and recovery
8 of youth and avoids the more costly alternatives, such as inpatient admission, out-of-county
9 placement, or interaction with the criminal justice system; and

10
11 WHEREAS, hiring a part-time Clinical Social Worker will allow the existing full-time
12 psychologist to provide the needed mental health services to children and young adults; and

13
14 WHEREAS, it is less expensive to employ a part-time Clinical Social Worker than contract
15 for additional psychologist hours; and

16
17 WHEREAS, the Human Service Board, Personnel Committee, and Finance Committee
18 concurred in recommending the creation of a .5 full-time-equivalent Clinical Social Worker Position
19 in the Human Services Department;

20
21 NOW, THEREFORE, BE IT RESOLVED that the authorized positions for the Human
22 Services Department be increased by a .50 full-time-equivalent Clinical Social Worker position; and

23
24 BE IT FURTHER RESOLVED that this position be filled in accordance with the Human
25 Services Professionals labor agreement and Section 3 of the Non-Represented Policy Manual; and

26
27 BE IT FURTHER RESOLVED that the Comptroller/Auditor is directed to record such
28 information in the official books of the County for the year ended December 31, 2010 as may be
29 required.

Dated this 27th day of April 2010

Respectfully submitted by

Edward C. Rappe, Supervisor

Respectfully submitted by

Norbert A. Vogt, Supervisor

Respectfully submitted by

Mary Muench, Supervisor

FISCAL IMPACT: The annual cost of this position in 2010 is estimated to be \$31,901. The actual cost for 2010 will be approximately 50% of that (\$15,950)

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: This resolution adds a new position outside the budget process and requires a two-thirds vote of the entire membership of the county board. Reviewed and approved as to form by Corporation Counsel. _____

APPROVED:

Bob Ziegelbauer, County Executive

Date

