



County Officials Workshops 2016

Roles & Responsibilities

Adapted from presentation originally authored by Alan Probst and Philip Freeburg, University of Wisconsin-Extension Local Government Center.





Leadership and Management

- Leadership
 - Model the Way
 - Inspire a Shared Vision
 - Challenge the Process
 - Enable Others to Act
 - Encourage the Heart
- Management
 - Day to Day Operations





Leadership in Context of County Government

- Understand the Context
- Understand your role in that context.



Counties' Dual Purposes

- An arm of state government
 - Law enforcement
 - Vital records retention
 - Circuit courts
 - Elections

Counties' Dual Purposes

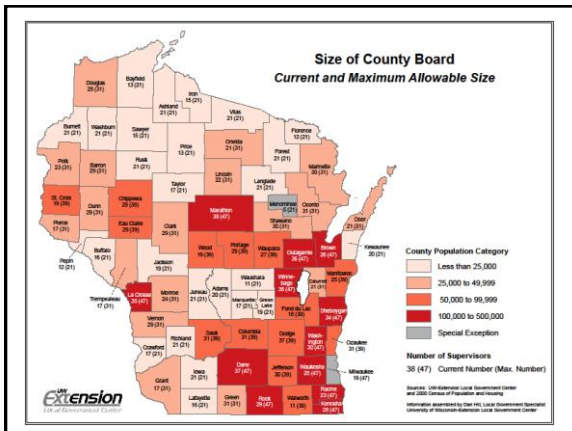
- An arm of state government
- Local unit of government responsive to local needs.
 - Parks
 - Trails
 - Land Use Regulations
 - County Extension
 - Soil Conservation

County Government

- Each county is a body corporate
- Authorized to sue and be sued
- Acquire and hold, lease, rent, or sell real and personal estate for public uses or purposes
 - Includes lands acquired by tax deed
 - Including leases or contracts with the state for conservation purposes
- "Such other acts as are necessary and proper to the exercise of the powers and privileges granted and the performance of the legal duties charged upon it."
 - Wis. Stat. §59.01

County Board

- Wisconsin counties are governed by elected county board of supervisors
- Range in size from 7 to 38 members representing different supervisory districts that include different towns and municipalities within the county



County Board

- Counties do not have “Home Rule” Authority
 - Only those powers granted by statute
 - For example, Public Protection and Safety under Wis. Stat. §59.54
- Levy taxes
- Administrative and management authority only to extent not otherwise provided to others by statute
 - Wis. Stat. §59.51



Basic County Board Functions

- Involve, represent and be accountable to the public
- Provide services
- Make budget and levy taxes
- Set policies
 - Overall mission and purpose
 - Vision
 - Long-term (ends)
 - Strategic, addressing key issues and opportunities





Basic County Board Functions

- Collaboratively oversee county operations
 - Set expectations (ends), delegate, evaluate progress
- Regulate
- Cooperate with other governments
- Focus on long-term rather than past or short-term





Supervisors

- Supervisor's authority is collective versus individual
- "Supervisor" is a historical, not a descriptive term



Supervisors

- Supervisors serve primarily a legislative function
 - (in contrast to the commission form of county government in some states)
- The legislative function is largely limited to policy making through law making, budgetary approval, and cooperative decision-making



Committee Functions

- Much preliminary work on policies before taken up by full board
- Collaborative policy oversight for departments and offices
- Review and make budget recommendations
- Draft ordinances and resolutions
- Focus on policy development



Committee Chair

- When appointed to a committee or commission chair position, have the responsibility for setting the agenda, preside at meetings and make reports and recommendations on its behalf





How the Board Makes Policy

- Plans
- Budgets
- Ordinances & Resolutions



Plans

- A Plan involves setting desired future conditions and steps to get there.
- Comprehensive Plan
 - State law in effect “required” adoption by 2010 & review every 10 years
- Other common plans
 - strategic plans
 - capital improvement plans (how money will be spent on infrastructure)
 - a parks plan
 - a transportation plan
 - etc.



Budgets

- Document through which the board determines what services will be provided, how they will be funded, and to what level they will be funded.
- The Budget is the single most important document in the board’s duty to provide services

Ordinances

- An ordinance is a local law
- Prescribes rules of conduct related to the corporate powers of the governmental body.
- Enforced by the officials of the governmental body, including court actions
- It is intended to be a permanent part of the governmental code.
- Ordinances can also be regulatory
 - Licensing
 - Zoning
 - Peace and Order

Resolutions

- Usually less permanent addressing deal with matters which are less permanent or temporary in character
- Used to grant special privileges, state policy, express opinions, or communicate with other governmental bodies.
- Resolution may be used to adopt a budget.

County Board Chair

- Presides over meetings of the county board of supervisors
- Administers oaths
- Countersigns all ordinances
- Commonly acts as spokesperson for the county board
 - Wis. Stat. §59.12



County Executive

- Wis. Stat. §59.17(1)(a) :
- Population of 500,000 or more, a county executive shall be elected for a 4-year term
- Wis. Stat. §59.17(1)(b):
- “Counties with a population of less than 500,000 may by resolution of the board or by petition and referendum create the office of county executive or abolish it by petition and referendum.”



County Executive

- County Executive is the chief executive officer
- “Coordinates and directs all administrative and management functions”
– Wis. Stat. §59.17



County Executive: Appointments and Budget

- Appoints and supervises department heads subject to county board confirmation
– unless confirmation waived or civil service
- Appoints members to boards and commissions, where statutes give this authority to county board or its chairperson
– subject to board confirmation
- Submits the annual budget
– Wis. Stat. §59.17(2)



County Executive: Veto

- Veto authority
 - Ordinances and resolutions
 - Appropriation in whole or part
 - County board can override with 2/3 vote
 - Wis. Stat. §59.17(6)



County Administrator

- Counties having a population of less than 500,000 may create the office of county administrator
 - By resolution of the board, or
 - by petition and referendum and
- Appointed by majority vote of the board.
 - Wis. Stat. §59.18(1)



County Administrator

- Chief administrative officer of the county
- Coordinate and direct all administrative and management functions of the county government
- Appoints and supervises department heads
 - subject to county board confirmation, unless confirmation waived or civil service
- Appoints members to boards and commissions, where statutes give this authority to county board or its chairperson
 - subject to board confirmation



County Administrator

- Answers to the county board of supervisors
- Submits annual budget
- “Appointed solely on merit”; no weight given to residence, political affiliation, etc.
 - Wis. Stat. §59.18



Administrative Coordinator

- Similar to county administrator but does not have appointment authority and “responsible for coordinating” rather than “coordinates and directs.”



Administrative Coordinator

- County must designate an Administrative Coordinator if it has neither an executive or administrator
- “The administrative coordinator shall be responsible for coordinating all administrative and management functions of the county government not otherwise vested by law in boards or commissions, or in other elected officers.”
 - Wis. Stat. §59.19

Administrative Coordinator

- An elected or appointed official shall be designated Administrative Coordinator
 - Wis. Stat. §59.19
- The positions of County Supervisor and Administrative Coordinator are legally incompatible
 - Attorney General Opinion, October 27, 2011

Constitutional Officers

- Provided for by Article VI of the Wisconsin Constitution
- Duties detailed in Chapter 59 of the Wisconsin Statutes

Constitutional Officers: Duties

- | | Wisconsin Statutes |
|---------------------|----------------------------------|
| • Sheriff | 59.27 (jail, law enforcement) |
| • Coroner | 59.34 (medical examiner) |
| • Clerk of Court | 59.40 (court records) |
| • Register of Deeds | 59.43 (record deeds, mortgages) |
| • Clerk | 59.23 (board & other records) |
| • Treasurer | 59.25 (collect & disperse funds) |
| • District Attorney | 978.05 (criminal actions) |
| • Surveyor | 59.45 (execute land surveys) |

Constitutional Officers

- County Board has very limited control over Constitutional officers
- Primarily restricted to budgetary control;
 - however must fund sufficiently to meet state mandates

Why is this so?

- The limitation on board control of constitutional officers provides a portion of the system of checks and balances in county government
- Executive versus Legislative Functions

State or County?

- While the Constitutional Officers are part of the County Government and works with (not for) the County Board of Supervisors, their powers and authority emanate from the state through the Constitution and statutes.



Statutory Protections

- Wis. Stat. 59.22(1) protects a Officials from the board arbitrarily reducing salary or refusing to pay unless recalled or removed by the Governor.
- County board of supervisors MUST fund the sufficiently to meet state mandates and provide law enforcement





Other County Departments

- Human/Social Services
- University Extension
- Aging
- Highway
- Planning & Zoning
- Finance
- Personnel
- Land Conservation
- Veterans Affairs
- Corporation Counsel
- Parks/Recreation
- Waste Management
- Others





County Board Role Offices/Depts.

- While the county board has overall budget authority, its relation to the county offices and departments must be consistent with the statutes and constitution
- In general, the county board has less authority over elected and constitutional offices/department





Governance

- Effective board operations are based on mutual understanding and respect for each other's position and viewpoint
- Leadership responsibility can easily become confused and controversial



Staff

- County board supervisors and department heads/staff have vastly different responsibilities
- Board supervisors serve in a primarily legislative role
- Officials, Dept. Heads and Staff serve in an operational and advisory role



Courts: Boards vs. Administrative

- County board's function is primarily as a policy making and legislative and the county executive is administrator and manager
 - Schuette v. Van De Hey, 205 Wis 2d 475, 556 NW2d 127 (Ct App. 1996), approving of the Attorney General Opinion at 68 Wis. Op. Att'y Gen. 92 (1979) (OAG 32- 79).



Courts: Board vs. Administrative

- County Boards have only such powers as are conferred upon them by statute, expressly or by clear implication.
 - Maier v. Racine County, 1 Wis 2d 384(1957).
- Board limited in ability to change salaries.
 - Schultz v. Milwaukee County, 250 Wis 18,(1947), and State ex rel. Conway v. Elvod, 70 Wis 2d 448(1975).





Policy vs. Admin/Ops

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





Policy vs. Admin/Ops

- **Policy**
 - “What” – Will the county establish a trail system?
 - “Why” – Is it a necessary service to our citizens?
- **Admin/Ops**
 - “How” – How will build and maintain trails?
 - “When” – What is the timeline for development?
 - “Where” -- Where will trails be located?



Attorney General

- The decision to enter into a public works contract is policy, but
- The administration of the contract terms is a manager function.
 - 80 Wis. Op Att’y Gen. 49 (1991).

Private Business Analogy

- Corporate Board sets Policy for the business
- CEO and other Executives manage the company

Policy (Board)

- Related to overall mission and purpose
- Requires vision
- Longer term
- Addresses key issues
- Strategy development



Operations (Departments & Staff)

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



Staff vs. Board

- | | |
|--|---|
| <ul style="list-style-type: none"> • Staff <ul style="list-style-type: none"> – Education – Experience – Background checked – Bonded – Professionally current – Professional associations | <ul style="list-style-type: none"> • Board <ul style="list-style-type: none"> – Elected by people – Local connection |
|--|---|



Leadership Roles

- (Non-elected) department heads have the leadership role in their departments within the guidelines of the policies and procedures set by the county executive, administrator, and/or the board of supervisors
- Individual supervisors have no management or leadership role outside of committees and commissions; their authority is collective as a member of the board



Staff Roles and Responsibilities

- Staff (non-elected departments heads and other key staff) has an obligation to carry out their duties in a manner consistent with the policy direction of the board and executive/administrator
- Staff makes recommendations and give professional advice. They generally do NOT make policy other than internal department policies as authorized



Administrative Roles and Responsibilities

- Staff's primary duty during meetings is to be prepared to answer professional questions and present professional reports to enable elected officials to make informed decisions
- Staff should be prepared to offer alternatives and recommendations as needed



Administrative Roles and Responsibilities

- A key to staff success is to remain "politically savvy while politically neutral"



Staff Roles and Responsibilities

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



Summary Ends and Means

- Policy making = Ends
- Administration = Means



Resources

- *Boards that Make a Difference*, John Carver
 - *The Leadership Challenge*, James M. Kouzes and Barry Z. Posner
 - *Leadership without Easy Answers*, Ronald A Heifetz
 - *Wisconsin Statutes, Chapter 59*
 - *Wisconsin County Officials Handbook*, Wisconsin Counties Association
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