

**TITLE 3****COUNTY ADMINISTRATION**

Chapter 15 Administrative Agencies.

Chapter 16 Records Control.

**CHAPTER 15****ADMINISTRATIVE AGENCIES**

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- 15.01 PURPOSE.** It is the purpose of this chapter to define the scope of authority and the nature of the diverse boards and commissions within the county governmental structure and to establish guidelines for the exercise of administrative authority. Boards or commissions are created by the county board, and all or some of the members are appointed by the county executive with the concurrence of the county board.  
**[History:** 15.01 am., Sub. 1 to 2017 OA-51, pub. 04/24/18.]
- 15.02 OPEN MEETINGS REQUIRED.** It is declared to be the express policy of this chapter to grant the public the fullest information regarding the affairs of county government. To implement this policy, all meetings of boards and commissions shall be publicly held and open to the public in conformance with the Wisconsin Open Meetings Law, Wis. Stat. Chap. 19, Subchapter V.  
**[History:** 15.02 am., Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**15.03 QUORUM REQUIRED.** No action of a board or commission shall have any force or effect unless such action was taken by a quorum of its members. Unless otherwise specified by law, a quorum shall mean the majority of the duly appointed and qualified membership of the board or commission present in-person at the meeting in which the action is considered. The fact that one or more members abstain from voting on a particular question shall not void an otherwise legitimate quorum.

[History: 15.03 am., Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**15.04 GENERAL PROVISIONS.**

(1) A board or commission may use information, conferences and consultations as a means of obtaining information and viewpoints and the advice of interested persons.

(2)(a) All subcommittees in existence as of the effective date of this ordinance shall be dissolved on December 31, 2017 unless continuation is approved by resolution adopted by the County Board and approved by the County Executive.

(b) Unless the resolution authorizing a subcommittee specifies a sunset date for the subcommittee, each subcommittee shall be dissolved unless reauthorized by resolution by December 31<sup>st</sup> of the year following its most recent authorization.

(3) Nothing in this section shall be construed to authorize the agencies to enter into consultation contracts involving the expenditure of funds without the approval of the county board.

(4) Unless otherwise authorized by law, the county executive shall appoint all members to commissions and boards. Commissions and boards shall comply with the procedural requirements specified in this ordinance.

(5) For all boards and commissions the terms of members shall be established as hereafter provided:

(a) Unless otherwise required by law, citizen members shall serve staggered three year terms which shall end on the third Tuesday in April or as soon thereafter as a successor is appointed and qualified.

(b) The terms of county supervisor members shall be:

1. Two (2) years in length and shall coincide with their term of election, thus ending on the third Tuesday in April, if the terms of citizen members on the particular board or commission are three (3) years or less in length; or

2. The same number of years in length as the term of citizen members if such citizen member terms are four (4) years or longer. In the event of a term of four years or longer for county supervisor members, the completion of the term of such county supervisor member shall be contingent upon remaining a duly elected county supervisor.

(c) Unless otherwise prohibited by law, the term of any member of a board or commission whose membership is based on his or her status as a county board supervisor, shall automatically terminate as of the date on which he or she no longer holds the office of county board supervisor. This provision is not subject to subsection (2) of this section.

(d) Unless otherwise prohibited by law, the term of any member of a board or commission whose membership is based on his or her status as an official of a city, village or town shall automatically terminate as of the date on which he or she no longer holds the referenced municipal office or position. This provision is not subject to subsection (2) of this section.

(e) In any event, the term of a board or commission member shall continue until a successor is duly appointed and qualified.

(f) All appointments to fill vacancies occurring within a term shall be for the remainder of the unexpired term.

(6) Members of a board or commission who fail to attend three consecutive meetings without good and sufficient reason, shall be removed at the discretion of the Dane County Executive. The board or commission chair shall notify the County Executive if a member is subject to removal under this subsection.

(7)(a) To the extent permitted by law, all non-supervisor members of boards or commissions organized under this chapter shall be compensated at the same per diem rate as is paid to county board supervisors for each day an agency meeting is attended, to a maximum of sixty (60) meetings per year for any one agency.

(8) Per diems shall not be authorized in the following instances:

(a) For any elected official of any city, village or town who serves on an administrative agency in an official capacity as a representative of his or her municipality;

(b) For county personnel, other than supervisors, except that the county employee member of the equal opportunity commission shall be compensated as are other commission members for attending meetings occurring at

times when the employee-member is not in pay status.

**(9)** Any member of a board or commission claiming meeting payments or expenses, or both, shall submit a completed claim form to the controller before payment is made. The controller is hereby authorized to return to any claimant any incomplete, inaccurate or illegible claim and no meeting payments or expenses shall be paid until the claim is completed according to the requirements of the claim form. Except no claim shall be paid without finance committee approval if submitted more than 45 days after the month in which the meeting occurred.

**(10)** Unless otherwise expressly provided, members of boards and commissions shall receive mileage reimbursement for attending meetings equal to that paid county officials and employees.

[History: 15.04 am., Sub. 1 to 2016 OA-73, pub. 06/28/17; (1) and (2) am., (4) – (10) cr., Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**15.05 PROCEDURAL RULES.** Unless otherwise required by statute, boards and commissions will follow county board procedural rules in Chapter 7. All questions not covered by county board rules shall be governed by the most recent edition of Robert's Rules of Order.

[History: 15.05 am., Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**15.06 JUDICIAL OR QUASI-JUDICIAL ADMINISTRATIVE PROCEEDINGS.** **(1)** This section applies in every case where the board or commission decision is required by law to be made on the record after notice and an opportunity for an agency hearing.

**(2)** All such interested persons, as determined by the board or commission itself (subject to any applicable law, court ruling or board order), shall be given notice and an opportunity to be heard in any judicial or quasi-judicial proceeding either in person or by an attorney of the person's choice.

**(a)** The notice, unless personal service is required by law, shall be served by certified mail and shall include:

1. A statement of the time, place and nature of the hearing;
2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
3. A reference to the particular sections of the statutes and ordinances involved; and

**4.** A short, plain statement of the matters asserted by the proponent of this action which is to be decided in the proceeding.

**(b)** Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

**(c)** Unless otherwise precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default.

**(d)** The record of a judicial or quasi-judicial proceeding shall contain:

1. All pleadings, motions and intermediate rulings;
2. All evidence received or considered by the board or commission;
3. A statement of any matters officially noticed;
4. All questions and offers of proof, objections and rulings thereon;
5. All proposed findings and exceptions;
6. All decisions, opinions and reports by the officer or board or commission presiding at the hearing;
7. All staff memoranda and data submitted to the hearing officer or members of the board or commission in connection with their consideration of the case.

**(e)** Oral proceedings or any part thereof shall be transcribed at the request of any interested person. The cost of transcription shall be borne equally among the parties involved in the proceedings.

**(f)** Findings of fact shall be based exclusively on the evidence presented at the proceedings and on matters officially noticed.

**(3)** In all judicial or quasi-judicial proceedings, the following rules of evidence shall apply:

- (a)** Irrelevant, immaterial or unduly repetitious evidence shall be excluded;
- (b)** Hearsay evidence shall not be accepted unless direct evidence is not available and the hearsay evidence is otherwise reliable;
- (c)** Rules of privilege recognized by law shall be respected;
- (d)** Documentary evidence may be received in the form of copies of excerpts if the original is not available; and
- (e)** Notice may be taken of officially cognizable facts.

**(4)** A final decision of an a board or commission shall be in writing or stated on the record. All final decisions shall include findings of fact and conclusions of law, separately stated. Interested parties shall be notified either personally or by certified mail of any

decision or order. Upon request such notification shall include a copy of the decision or order.

**(5)** In any contested judicial or quasi-judicial proceedings, members or employees of the board or commission to render the decision or to make findings of fact and conclusions of law shall not communicate directly or indirectly with any party to the proceedings on any matter relating to the proceedings except upon notice and opportunity for all parties to participate.

**(6)** Any interested person who has exhausted all administrative remedies available within a board or commission and who is aggrieved by a final decision in a contested case is entitled to judicial review of the agency's decision by filing a petition for a writ of certiorari in accordance with section 252.04 of the Wisconsin Statutes within 30 days after the decision has been served.

[History: (1), (2), (4) – (6) am., Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**15.07 FORMS.** Boards or commissions may prepare and utilize any forms which are necessary or desirable to the accomplishment of the objectives of the body and may require any person to utilize such forms as a prerequisite to initiating action by the body.

[History: 15.07 am., Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**15.08 MINUTES.** Minutes of all meetings of boards and commissions shall be kept by staff.

[History: 15.08 am., Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**15.09 POSTING OF SCHEDULED MEETINGS.**

**(1)** A copy of the agenda, including the time and place of the meeting and of the matters to be discussed, shall be given to the County Clerk by noon on the Friday prior to the week in which the meeting will occur for posting on the bulletin board in his or her office and such other place(s) in the City-County Building which provide prompt and sufficient notice to the public as soon as possible after scheduling. In the event that exceptional circumstances prevent a meeting from being posted by noon on Friday before the meeting is to occur, the agenda must be posted no less than 24 hours prior to the meeting and the County Clerk should be alerted immediately.

**(2)** No committee may take action on any item which has not been posted with the agenda as specified in subsection (6) hereof (24 hours notice) unless:

**(a)** A delay to comply with the provisions of subsection (6) hereof would result in needless

expense to Dane County, would endanger health or safety or would render any action of the committee meaningless, and

**(b)** There can be demonstrated a good faith effort to provide as much notice as possible to the public and the news media of the consideration of the item to be added to the agenda, and

**(c)** The special consideration is not an attempt to avoid the provisions of the Dane County Board rules, and

**(d)** Notice of the special consideration has been posted with the committee agenda for at least two hours as required by sec. 19.84(2), Wis. Stats.

**(3)** The minutes of any meeting during which an item receives such special consideration shall indicate that the consideration was an addition to the posted agenda and that the minimum posting requirements have been met.

**(4)** The procedures in this rule shall apply to meetings called under emergency situations insofar as practicable. In no case may an emergency meeting be held without at least a two hour notification and an attempt to inform the news media of the time, place and subject matter to be considered.

**(5)** Members constituting at least one less than a majority of the committee may call a meeting of the committee or place a particular item on the agenda if, after a request to do so, the chairperson fails or refuses to call a meeting or place any particular item on the agenda.

**(6)** In the event a scheduled meeting must be cancelled, the chairperson shall provide timely notification to the county clerk and other committee members and to the public. In the event a committee meeting is cancelled on the day of the scheduled meeting, the chair shall arrange for conspicuous written notice to be posted at the entrance of the location where the meeting was to be held, and on the county website.

**(7)** In order to encourage civic participation, meetings of County Board committees shall not be scheduled on holidays or on the day of any general election.

[History: (1) am., (2) – (7) cr., Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**15.10 OFFICERS.** **(1)** Unless otherwise specified, each board or commission shall elect from among its membership a chairperson and vice-chairperson and shall assign the duties of each.

(2) County board supervisors are eligible to serve as officers of administrative agencies, but the offices of chairperson and vice-chairperson may not both be held by supervisors unless by a unanimous vote of the administrative agency's members.

[History: 15.10 am., Sub. 1 to OA 33, 1995-96, pub. 07/17/96; (1) am., Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**15.11 SCOPE OF ADMINISTRATIVE POWERS.** Boards and commissions shall exercise all of those powers specified in this chapter or otherwise provided by law, those powers reasonably implied by those specified powers and those powers which are essential to the carrying out of the specified powers.

[History: 15.11 am., Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**15.115 BOARD OR COMMISSION WORK PLANS.** Every board or commission subject to this chapter, including subcommittees appointed pursuant to s. 15.04(2), shall submit an annual work plan to the County Board and the County Executive by September 1<sup>st</sup> of each year.

[History: 15.115 cr., Sub. 1 to 2016 OA-73, pub. 06/28/17; 15.115 am., Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**15.12 EQUAL OPPORTUNITY COMMISSION.**

(1) As used in this section:

(a) *Commission* means the equal opportunity commission.

(b) *Director* means the director of the office of equal opportunity or her or his designee.

(2) The commission shall consist of nine members. In making her or his appointments, the county executive shall give due consideration to a membership which reflects the gender, racial and ethnic characteristics of the Dane County community, including representatives of people with disabilities. At least two members shall be county supervisors. No more than one member shall be a Dane County employee.

(3) Commission members shall serve staggered three year terms.

(4) *Transitional provision.* Notwithstanding sub. (3), the county executive shall designate the initial terms of appointees so that three terms expire in each of the first two years and three in the third year. Appointments for unexpired terms shall be for the balance of the term only.

(5) The director shall be responsible for the preparation and submission of recommendations for an effective affirmative action plan to the commission and ultimately to the county

board and county executive. The director shall provide the commission and its advisory committees with such staff assistance as may be required to carry out its functions.

(6) The commission shall advise the county executive and county board on ways in which county government can affirmatively create equal opportunity for the county's diverse citizenry, including county employees. This includes policy advice and oversight of the county's efforts to provide equal opportunity pursuant to chapter 19, which commits the county to take affirmative action to provide opportunities in employment and county contracting for groups that have been historically excluded from the county's workforce and contracting. The commission shall also advise and assist the county executive, county board, and county staff to promote full participation of traditionally under-represented populations in broader community life, including opportunities related to employment throughout the Dane County economy, housing, recreation, economic development, and the social and political life of the community. The commission may initiate special projects to enhance opportunities for traditionally excluded groups; collaborate with a wide range of individuals and organizations in the county to provide positive means of engaging the community in equal opportunities; and design initiatives and support existing efforts to increase cooperation and enhance understanding among diverse populations. The commission shall also serve as a resource for county government on matters pertaining to the county's diverse population.

[History: (4) am., OA 8, 1985-86, adopted 10/17/85; (1) am., OA 6, 1986-87, adopted 08/21/86; (1) and (5) am. and (6) cr., Sub. 1 to OA 46, 1993-94, pub. 05/16/94; (1) and (5) am., OA 36, 1995-96, pub. 01/16/96; 15.12 am., OA 17, 1999-2000, pub. 12/14/99; (7) rescinded, Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**15.13 AIRPORT COMMISSION.** (1) The airport commission shall consist of nine members. Five of the members shall be county board supervisors, three of whom shall be appointed from districts with the majority of their populations residing within the City of Madison and two of whom shall be appointed from districts with the majority of their populations residing outside the City of Madison. At least one of the city supervisors shall be appointed from District 2, 6, 12, 17, 18, 21 or 22. Four members shall be citizen members, one of whom shall reside in the City of Madison, east

of the Capitol, and one of whom shall reside in the City of Madison, west of the Capitol, one of whom shall be from eastern Dane County outside the City of Madison, and one of whom shall be from western Dane County outside the City of Madison.

(2) County supervisor members shall serve two-year concurrent terms ending on the third Tuesday in April of even-numbered years or as soon thereafter as successors are appointed and qualified. Citizen members shall serve three-year terms which shall expire on June 30 or as soon thereafter as a successor is appointed and qualified. To stagger the terms of citizen members, two such members shall be appointed in one year and one in each of the other two (2) years of the three-year term cycle.

(3) The members of the commission shall receive meeting payments in the amount set forth in section 6.03(2), and mileage payments at the rate set forth in section 6.05.

(4) The airport director and members of his or her staff shall provide information to the commission regarding the planning, development and operation of airport facilities. The commission may call upon the director to provide such staff assistance as may be required to carry out its functions.

(5) The commission shall advise the director, the executive and the county board with regard to planning, development and operation of the airport within budgetary guidelines and legal requirements. The director shall submit a quarterly report of all income and operating expenses to the county board, including a statement regarding the overall condition of airport properties. The director shall annually prepare a recommended operating budget for the airport and submit it to the county executive for his or her use in preparation of the county executive's budget.

(6) The commission may authorize such real property leases as it determines to be in the best interest of Dane County provided that further approval by the county board shall be required for all leases which are not exempt leases under s. 28.05(6).

[History: 15.13 am., Sub. 1 to OA 19, 1993-94, pub. 10/18/93; (7) cr., OA 36, 1997-98, pub. 06/16/98; (1) and (3) am., OA 34, 2002-03, pub. 04/23/03; (1) am., OA 9, 2012-13, pub. 07/03/12; (7) rescinded, 2017 OA-44, pub. 03/30/18; (1) am., Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**15.14 BOARD OF ADJUSTMENT.** (1) The board of adjustment shall consist of five members and two alternate members who shall reside in Dane County outside of the

incorporated areas, but not more than one member shall reside in the same town.

(2) The members shall serve staggered three-year terms which shall expire on June 30th or as soon thereafter as their successors are appointed and qualified. The alternate members shall serve staggered two-year terms which shall expire on June 30<sup>th</sup> or as soon thereafter as their successors are appointed and qualified. To stagger the terms of members, one member shall be appointed in one year and two members shall be appointed in each of the other two years of the three-year cycle. To stagger the terms of alternate members, one member shall be appointed each year of the two-year cycle.

(3) Annually, the county executive shall designate one of the alternate members as the first alternate and the other as the second alternate. The first alternate shall act, with full power, only when a member of the board of adjustment refuses to vote because of a conflict of interest or when a member is absent. The second alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the board of adjustment refuses to vote because of a conflict of interest or is absent.

(5) The board of adjustment may call upon the zoning administrator to provide such staff assistance as may be required to carry out its functions.

(6) The board of adjustment shall exercise the following powers and responsibilities:

(a) To hear and decide appeals where it is alleged that there has been an error in any order, requirement, decision or determination made by the zoning administrator in the enforcement of the zoning ordinance or section 59.97 of the Wisconsin Statutes;

(b) To hear and decide petitions for special exceptions to the terms of the zoning ordinance upon which the board is required to pass under the provisions of the zoning ordinance; and

(c) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and that the spirit of the ordinance shall be observed and substantial justice done.

[History: 15.14 am., OA 9, 2008-09, pub. 09/16/08; (4) rescinded, OA 45, 2012-13, pub. 05/14/13.]

**15.15 HUMAN SERVICES BOARD.** (1) The human services board shall consist of seven (7) to nine (9) members. Three (3) to four (4) of the board's members shall be county board supervisors. One supervisor member shall also be a member of the health and human needs committee and one shall also be a member of the public protection and judiciary committee. One member shall be a member of the area agency on aging board at the time of appointment to the human services board. At least one member shall be either an individual, or a family member of an individual, who receives or has received human services. The remainder of the board's members shall be consumers of services or citizens-at-large. Members shall be chosen on the basis of recognized ability and demonstrated interest in human services. No public or private provider of services may be appointed.

(2) Citizen members shall serve three-year terms ending on the third Tuesday in April or as soon thereafter as successors are appointed and qualified.

(4) The human services board shall confer with the director of the human services department and members of his or her staff and may call upon the director to provide such staff assistance as may be required to carry out its functions.

(5) The human services board shall exercise all the duties and powers specified in section 46.23(5m) of the Wisconsin Statutes, which include short and long range planning, budget advice and policy analysis. The human services board and its committees shall be advisory to the health & human needs committee of the county board on major issues and with respect to planning, budget, policy and program evaluation matters. The human services board, jointly with the health & human needs committee, shall commit to a long-range planning and strategic policy process that incorporates mechanisms to assure the broadest and most effective consumer and citizen involvement in determining priorities, policies and effective service.

(6) There is created the long term support committee which shall consist of 9 members. Five members must be consumers receiving long term community support services or a relative or guardian of such a consumer, each of whom represents one of the following groups: (a) frail elderly persons, (b) physically disabled persons, (c) developmentally disabled persons, (d) chronically mentally ill persons,

and (e) chemically dependent persons. At least one member shall be a member of the county board. One member shall be a member of the human services board and one member shall be a member of the commission on aging. Members shall be chosen on the basis of interest in providing long term support services for the frail elderly and disabled persons. The long term support committee shall review and approve the county's community options plan and meet the requirements for a long term support committee specified in s. 46.27(4), Stats. The committee shall also advise the health & human needs committee of the county board and the human services board on long term support, Badger Prairie Health Care Center and other program areas pertaining to the operation of the adult community services division of the Dane County Human Services Department in policy planning and budgetary matters.

[History: recr., Sub. 1 to OA 8, 1989-90, pub. 07/18/89; (9) cr., Sub. 1 to OA 11, 1990-91, pub. 10/12/90; (1), (5) and (6) am. and (7) rep., Sub. 2 to OA 2, 1994-95, pub. 07/26/94; (9) rep., OA 13, 1995-96, pub. 09/19/95; (6) am., OA 9, 1996-97, pub. 07/23/96; (1) am., OA 3, 1999-2000, pub. 08/03/99; (1) am., OA 55, 2007-08, pub. 06/19/08; (1) and (2) am., OA 37, 2012-13, pub. 01/22/13; (3) rescinded, OA 45, 2012-13, pub. 05/14/13; (1) and (2) am., (8) rescinded, Sub. 1 to 2017 OA-51, pub. 04/24/18; (1) am., 2018 OA-10, pub. 02/28/19.]

#### **15.16 RECLASSIFICATION APPEALS BOARD.**

(1) The reclassification appeals board shall consist of three members who shall elect a chairperson. The members shall have expertise in personnel management and not hold elected county office. In making appointments to the board, the county executive shall solicit names of prospective appointees from the county board's personnel and finance committee and appropriate community organizations.

(2) Members shall serve three-year staggered terms ending June 30 or as soon thereafter as a successor is appointed and qualified. Original appointments to the board shall be for staggered terms so that one term shall expire in 1996, one in 1997 and one in 1998, the county executive to designate the length of each appointee's term at the time of appointment. Appointments to fill vacancies after the original appointments shall be for terms of three years each. All appointments are subject to county board confirmation.

(3) The director of administration shall provide the board with such staff assistance as may be required to carry out its functions.

(4) The board shall have authority to hear appeals by employees of reclassification request denials made by the department of administration and to make recommendations on the disposition of such appeals to the county executive who shall make the final decision.

[History: cr., Sub. 1 to OA 12, 1995-96, pub. 10/17/95.]

[History: 15.165 rescinded, Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**15.17 CIVIL SERVICE COMMISSION. (1)**

The civil service commission shall consist of four members and a chairperson. The commissioners and chairperson shall be informed and supportive of the civil service merit system in public employment and at least two of the commissioners shall have experience in personnel administration. The chairperson shall be an attorney licensed to practice law in this state and familiar with the conduct of administrative proceedings. The commissioners and chairperson shall hold no other elected or appointed office in government or in a political party or labor organization.

(2) The chairperson and commissioners shall all serve three-year staggered terms ending June 30 or as soon thereafter as each of their respective successors is appointed and qualified. To stagger the terms of the five members, one commissioner shall be appointed in one year and two commissioners in each of the other two (2) years of the three-year term cycle.

(4) The director of the department of administration shall provide the commission with such staff assistance as may be required to carry out its functions.

(5) The commission shall have authority to hear all appeals by employees within the classified service from decisions by an appointing authority with respect to disciplinary action taken against an employee, refusal to grant a merit increase, refusal to credit overtime allegedly worked or refusal to rehire a former employee on a reemployment list. The commission shall have exclusive jurisdiction to hear all such appeals except that employees shall have the right, through the collective bargaining process, to establish other procedures to decide disputes based upon the interpretation or application of any collective bargaining agreement. If, however, an employee or a duly authorized union representative elects to appeal a decision of an appointing authority through the applicable

union grievance procedure, the commission shall have no jurisdiction to review the same decision.

(6) Considering its caseload at the time an appeal is pending, the commission chairperson may direct that any evidentiary hearing or hearings relative to any particular appeal be conducted by one of its members acting as a hearing officer for and on behalf of the commission. If no member is available to act under this subsection, the chairperson may appoint a duly licensed attorney to act as a hearing officer. A hearing officer appointed under this section shall preside at any adversarial proceeding, rule on evidentiary matters and on motions, and shall draft proposed findings of fact and a recommended order for the commission, which shall make the final determination.

(7) At hearings conducted by a hearing officer either party may request, or the commission may order, that the proceedings be videotaped. In the event videotaping is requested or ordered, the cost thereof shall be apportioned between the parties in the same manner as is the cost of court reporting services.

(8) Notwithstanding sub. (3) hereof, a person acting as a hearing officer under sub. (6) shall be paid at the rate of \$100 per day.

[History: (2) am. and (6), (7) and (8) cr., OA 36, 1994-95, pub. 04/17/95; (3) rescinded, OA 45, 2012-13, pub. 05/14/13.]

**15.18 AREA AGENCY ON AGING BOARD.**

(1) The area agency on aging board shall consist of at least nine members, no more than 49% of whom shall be county board supervisors, and a majority of whom shall be over sixty years of age. All appointees shall have a recognized ability and demonstrated interest in services for older individuals. Membership should be representative of the diverse older population of Dane County. At least one member of the board shall be a county board supervisor serving on the county board's health & human needs committee.

(4) The board may call upon the older adults services coordinator to provide such staff assistance as may be required to carry out its functions.

(5) The board shall serve in an advisory capacity to the county executive and the health & human needs committee.

(6) The board is designated as the planning, policy and advocacy body of the Dane County Area Agency on Aging of Dane County. The board's powers and duties shall include the



following, subject to county executive and county board authorization to review program budgets and contracts:

- (a) develop and approve an area agency on aging plan in accordance with state and federal regulations;
- (b) consistent with federal and state laws, regulations and policies, establish policies and procedures for all programs of the AAA;
- (c) approve the annual budget for Older Americans Act funds and other revenues allocated to the area agency on aging by the State of Wisconsin;
- (d) monitor all programs and services for older adults which are either directly provided or purchased by Dane County;
- (e) investigate the needs of senior citizens and existing programs which serve those needs including, but not limited to, holding public hearings;
- (f) provide a public information and advocacy service for the senior citizens of Dane County; and
- (g) review the annual budget proposed by the department of human services and make recommendations to the county executive and the health & human needs committee regarding that budget.

**[History:** (1), (4), (6) and (7) am., Sub. 1 to OA 47, 1987-88, pub. 05/03/88; 15.18 rep. and recr., OA 13, 1990-91, pub. 10/12/90; (1) and (2) am., OA 29, 1993-94, pub. 12/10/93; (1), (5) and (6) am., OA 13, 1998-99, pub. 11/18/98; (1) am., OA 3, 1999-2000, pub. 08/03/99; 15.18 am., OA 26, 2003-04, pub. 02/02/04; (3) rescinded, OA 45, 2012-13, pub. 05/14/13; (2) rescinded, Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**15.185 AGING AND DISABILITY RESOURCE CENTER GOVERNING BOARD.**

**(1)** There shall be a governing board for the Dane County Aging and Disability Resource Center, otherwise known as the ADRC. The board will oversee the mission, goals, policies and procedures of the ADRC, including:

- (a) Annually gathering information from consumers and providers of long-term care services and other interested persons concerning the adequacy of long-term care services offered in the county.
- (b) Identifying any gaps in services, living arrangements and community resources needed by client groups served by the ADRC.
- (c) Identifying potential new sources of community resources and funding for needed services.

(d) Recommending strategies for building local capacity to serve client groups served by the ADRC.

(e) Reviewing the number and types of grievances and appeals concerning the long-term care system services by the ADRC to determine if a need exists for changes.

(f) Reporting findings and recommendations to the appropriate staff, committee, board or other political body.

**(2)** Members of the ADRC governing board shall be appointed by the County Executive and approved by the County Board of Supervisors, and shall serve staggered three-year terms. Initial appointments will vary between one and three years. Members may serve until a replacement has been confirmed. The ADRC governing board shall consist of 11 members who shall reflect the ethnic and economic diversity of Dane County. Composition of the board shall include:

(a) At least six members who belong to a client group served by the ADRC, their family members, guardians, or other advocates. At least three members of this group of representatives shall represent older adults, two shall represent developmentally disabled adults and one shall represent adults with physical disabilities. Per State requirements none of these members can be County Board Supervisors.

(b) At least one County Board Supervisor who is a member of Health & Human Needs Committee.

(3) No member of ADRC governing board may have a financial interest in or serve on the governing board of an organization that administers a program serving the client groups served by the ADRC, nor may any family member of such a person likewise serve on the board.

**[History:** cr., OA 2, 2012-13, pub. 05/30/12.]

**15.19 ELECTIONS COMMISSION.** **(1)** The elections commission shall consist of five members who shall elect a chairperson. The members shall be nonpartisan and shall not hold elected office or actively participate in any political campaign for county office or on a county referendum question while serving on the commission.

(a) As used in sub. (1) *actively participate* means to endorse a candidate, design, pay for or distribute campaign literature, serve on a campaign committee, advise a candidate for

office, or contribute more than \$20 toward a candidate for office or a referendum committee.

**(b)** Sub. (1) shall not be construed to prohibit a member from voting for a candidate or on a referendum question while serving on the commission.

**(2)** Members shall serve three-year staggered terms ending June 30 or as soon thereafter as a successor is appointed and qualified. Original appointments to the commission shall be for staggered terms so that one term shall expire in 2004, two in 2005 and two in 2006, the county executive to designate the length of each appointee's term at the time of appointment. Appointments to fill vacancies after the original appointments shall be for terms of three years each except that appointments to fill unexpired terms shall be for the balance of the term. All appointments are subject to county board confirmation by a two-thirds vote.

**(3)** The county clerk shall provide the commission with such staff assistance as may be required to carry out its functions.

**(4)** The commission shall provide a neutral forum to hear and promptly respond to complaints of election law violations. The commission shall identify frivolous charges and assemble information on charges that may be more substantial. The commission shall have authority to hold hearings, gather information and advise the county clerk whether there may be an election law violation to report to the district attorney. The county clerk shall make the final decision on referral to the district attorney; the clerk is not bound by the recommendations of the commission. The commission shall have no power to impose any penalty. This section shall not be construed to limit in any fashion the right of any person, either individually or as part of a group, to report to the county clerk or the district attorney any possible election law violations.

**(5)** The commission shall meet at the call of its chairperson.

**(6)** This section shall not be construed to limit in any fashion whatsoever the county clerk's authority to refer an apparent election law violation to the district attorney irrespective of the recommendations of the commission, nor shall it be construed to require the clerk to refer an apparent election law violation to the commission before referring it to the district attorney.

**[History:** cr., Sub. 1 to OA 5, 1998-99, pub. 12/29/98, eff. 12/30/98; commission ceased to exist as of 12/30/02, per non-code provision (see below); 15.19 recr., OA 15, 2003-04, pub. 09/12/03.]

**[History:** 15.195 rescinded, Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**[History:** 15.20 rescinded, Sub. 1 to 2017 OA-51, pub. 04/24/18.]

### **15.21 EMERGENCY MEDICAL SERVICES COMMISSION.**

**(1)** The emergency medical services commission shall consist of ten members, two of whom shall be members of the Dane County Board of Supervisors. Of the seven citizen members, one shall be the Dane County EMS Medical Director, one shall be the City of Madison Fire Department Medical Director, one shall be an emergency medical technician who has served or is serving in an administrative capacity with a local Dane County EMS District, one shall be an administrative representative of the Dane County hospital community and three shall be individuals with an interest in emergency medical services.

**(2)** A citizen member appointed in his or her capacity as a medical director shall continue to serve throughout the term of his or her contract as a medical director.

**(3)** The Dane County Department of Emergency Management shall provide such staff assistance as may be required to carry out the functions of the emergency medical services commission.

**(4)** The emergency medical services commission shall make recommendations and advise the Dane County Board of Supervisors and the Dane County Public Protection & Judiciary Committee on matters pertaining to a county-wide pre-hospital emergency medical services system including, but not limited to, the following:

**(a)** To provide quality assurance monitoring of pre-hospital emergency medical services system.

**(b)** To analyze, evaluate and make recommendations for improvements to the pre-hospital emergency medical services system.

**(c)** To analyze, evaluate and make recommendations on EMS issues related to public safety communications.

**(d)** To develop, implement and monitor training programs designed to meet the needs of the pre-hospital emergency medical services system.

**(e)** To provide assistance to Dane County area ambulance services.

**(f)** To assist in county coordination of emergency medical services disaster planning and response.

(g) To promote programs directed at prevention of injury and disease.

(h) To serve as a contact for the various federal, state and area EMS-related agencies, as well as EMS agencies in contiguous counties.

(8) The commission shall make recommendations and advise the Dane County Board of Supervisors, the board's designated standing committee and the public safety communications advisory board on matters pertaining to:

(a) the training of persons dispatching emergency medical services to county residents;

(b) procedures used by such persons in the course of performing those duties;

(c) quality assurance for emergency medical dispatching by the county's public safety communications center; and

(d) such other matters relating to emergency medical communications services as may be required to comply with statutory and licensing requirements and regulations of state and federal agencies.

**[History:** 15.21 am., OA 33, 1987-88, pub. 02/16/88; (4) am., (7)(c) cr. and (c)-(g) renum., OA 36, 1988-89, pub. 04/19/89; (1) am., OA 39, 1990-91, pub. 03/21/90; (1) am. and (8) cr., OA 29, 1989-90, pub. 05/16/90; (2) am., (2m) cr., and (3) rep., OA 29, 1989-90, pub. 05/16/90, eff. 01/01/91; 15.21 am. and renum., Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**15.22 ETHICS BOARD.** (1) The ethics board shall consist of five members, composed of persons who have not made any contribution to any campaign for county elective office or otherwise actively participated in such a campaign while serving on the ethics board or within the 12 month period immediately preceding appointment to the ethics board. Contributions to or participation in campaigns for judicial office or for district attorney are not campaigns for county elective office within the meaning of this subsection. All appointees shall be subject to county board confirmation. The chairperson shall be elected by the ethics board members. At least one member shall have demonstrated experience or training in the requirements of due process as applied in judicial or quasi-judicial proceedings. The members shall hold no elected or appointed office in government or in a political party. The corporation counsel shall provide legal assistance as the board may request in the conduct of its proceedings.

(2) Members shall serve two-year concurrent terms ending on the third Tuesday in April of even-numbered years.

(4) The ethics board may call upon the director of administration for such staff assistance as may be required to carry out its assigned functions.

(5) The board shall have the duties and responsibilities prescribed for it in chapter 9 and in addition shall bi-annually in October of odd-numbered years prepare a summary of chapter 9 provisions for distribution to the public.

(6) Consistent with section 19.59(2)(d), Wis. Stats., the board may issue subpoenas, administer oaths and investigate violations of chapter 9 on its own motion or upon complaint by any person.

[History: am., OA 33, 1987-88, pub. 02/16/88; am., OA 4, 1992-93, pub. 07/29/92; am., Sub. 1 to OA 12, 1994-95, pub. 03/29/96, eff. 05/28/96; (1) am., OA 35, 2008-09, pub. 02/19/09; (3) rescinded, OA 45, 2012-13, pub. 05/14/13.]

**15.23 COMMISSION ON SENSITIVE CRIMES.**

(1) The commission on sensitive crimes shall consist of sixteen members, appointed by the county executive and approved by the county board, as follows: one citizen member of the Madison Public Safety Review Board and one member each from the Public Protection & Judiciary committee, the Health & Human Needs committee, the District Attorney's office, the Sheriff's Department, the Madison Police Department, the Department of Human Services; four representatives of providers of service to victims of sensitive crimes each representing the disciplines of domestic violence, sexual assault, child abuse/neglect and elder abuse; one representative of an organization focusing on anti-racism work; three citizens who are informed about matters relating to the commission's areas of concern; and a designee of the University of Wisconsin Chancellor. The Chair (or designee) of each of the Community Coordinated Response (CCR) teams may serve as ex-officio, non-voting members of the Commission.

(2) The county supervisor members shall serve two-year terms ending on the third Tuesday of April of even-numbered years. All other members shall serve staggered, three-year terms ending on June 30.

(3) The commission shall concern itself with the activities of Dane County and associated agencies relating to sensitive crimes including, but not limited to, sexual assault, domestic/family violence, the abuse/exploitation

of children and elder abuse, with particular attention to the impact on and issues affecting members of traditionally underserved communities. Duties of the commission include, but are not limited to the following:

- (a) serve as a forum for the coordination of services related to sensitive crimes;
- (b) assist Dane County in developing and coordinating policies relating to the prevention, treatment, investigation and prosecution of sensitive crimes;
- (c) maintain resources (such as a website) for the collection and dissemination of information relating to sensitive crimes;
- (d) respond to issues identified by Dane County, including conducting studies and making recommendations;
- (e) propose and analyze legislation and administrative procedures relating to sensitive crimes; and
- (f) recommend procedures to gather, analyze and present statistical data concerning the incidence of sensitive crimes in Dane County.

(4) The commission shall report at least annually to the Public Protection & Judiciary committee, which shall be the policy oversight committee for the commission and be advisory to the Health and Human Needs committee of the county board on major issues and with respect to budget and policy matters.

(6) In making her or his appointments, the County Executive shall give due consideration to a membership which reflects the gender, racial, sexual orientation, and ethnic characteristics of the Dane County community.

[History: cr., Sub. 1 to OA 21, 1986-87, pub. 11/14/86; (5) am., OA 6, 1987-88, pub. 07/09/87; (4) am., Sub. 1 to OA 47, 1987-88, pub. 05/03/88; (1) am., OA 8, 1990-91, pub. 07/18/90; (1) and (2) am., OA 27, 1991-92, pub. 03/03/92; (1) am., OA 35, 1995-96, pub. 01/02/96; 15.23 am., OA 33, 2011-12, pub. 12/29/11; (5) rescinded, OA 45, 2012-13, pub. 05/14/13; (1) am., 2018 OA-8, pub. 10/25/18.]

**15.24 BOARD OF HEALTH FOR MADISON AND DANE COUNTY.**

(1) *Creation of the Board of Health for Madison and Dane County.* The Board of Health for Madison and Dane County is created jointly by the City of Madison and Dane County to serve as the Board of Health for the City of Madison and Dane County during transition to a city-county health department.

(2) *Dissolution of the Dane County Board of Health.* The Dane County Board of Health is hereby dissolved effective upon appointment and qualification of the members of the Board

of Health for Madison and Dane County pursuant to this ordinance.

(3) *Composition.* The Board of Health for Madison and Dane County shall consist of eight (8) members. Appointees who are not elected officials shall have a demonstrated interest or competence in the field of public health or community health and shall reflect the diversity of the community. The members of the board shall consist of:

- (a) One alder of the City of Madison appointed by the Mayor and subject to confirmation by the Common Council.
- (b) One county supervisor who resides outside the City of Madison, appointed by the County Executive and subject to confirmation by the Board of Supervisors.

(c) Six (6) members shall be jointly appointed by the Mayor of the City of Madison and the County Executive. A good faith effort shall be made to appoint one (1) licensed physician, one (1) environmental health expert, and one (1) registered nurse. The physician shall be appointed from a list submitted by the Dane County Medical Society. The nurse shall have experience in community health practice. The appointments shall be made as follows:

- 1. Three (3) members shall be residents of the City of Madison and shall be subject to confirmation by the Common Council.
- 2. Three (3) members shall be residents of Dane County who reside outside the City of Madison and shall be subject to confirmation by the Board of Supervisors.

(4) *Term.* The terms of board members shall be as follows:

- (a) The term of the alder and supervisor shall be for two (2) years.
- (b) The term of four (4) of the board members appointed jointly by the Mayor and County Executive, two (2) confirmed by the Common Council and two (2) confirmed by the Board of Supervisors, shall be for three years.
- (c) The term of the remaining two (2) board members shall be for four (4) years.

(5) *Meeting attendance.* A board member's term shall terminate and a vacancy shall exist if a board member is absent from three (3) consecutive meetings.

(6) *Powers.* The Board of Health for Madison and Dane County shall govern the Department of Public Health for Madison and Dane County, provide supervision to the Joint Director of both agencies, and shall assure the enforcement of state and local public health laws and regulations. Subject to the approval of the

Common Council and Board of Supervisors, it may adopt rules necessary to protect or improve public health, not inconsistent with state law or with rules and regulations of the state department of health. It shall determine program service priorities and assign funding levels to those priorities, subject to approval of the Common Council and Board of Supervisors. The Board may approve and enter into contracts under \$50,000 for the provision of public health services. Contracts in excess of \$50,000 must be approved by the Common Council and Board of Supervisors. The Dane County Board of Supervisors shall determine the compensation of employees of the Dane County Division of Public Health.

**[History:** (1) and (2) am., and (5) and (6) rep., Sub. 1 to OA 47, 1987-88, pub. 05/03/88; (3m) cr., OA 16, 1988-89, pub. 10/19/88; (7) am., Sub. 1 to OA 8, 1989-90, pub. 07/18/89; (1) and (2) am., Sub. 1 to OA 15, 1994-95, pub. 12/01/94; rep. and recr., OA 30, 2004-05, pub. 03/10/05; (6) am., OA 9, 2012-13, pub. 07/03/12.]

#### **15.25 ENVIRONMENTAL COUNCIL.**

(1) There is hereby created the Dane County Environmental Council consisting of seven (7) members appointed by the county executive, one of whom shall be a county board supervisor.

(2) The supervisor member shall serve two year concurrent terms ending on the third Tuesday in April of even numbered years. Non-supervisor members shall serve staggered three-year terms which shall expire on January 31.

(3) The environmental council shall advise persons, groups, organizations, county departments and others when requested, on environmental matters and assist them to recognize and protect natural areas on private and public property; to assume an educational role in the protection of the environment and natural resources; and in general to promote awareness, conservation and preservation of Dane County's natural resources.

**[History:** (1) and (3) am., OA 5, 2008-09, pub. 08/18/08; (3) rescinded, OA 45, 2012-13, pub. 05/14/13; 15.25 am., Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**15.255 FOOD COUNCIL.** (1) The Dane County Food Council shall consist of 9 members with an interest in local food issues to be appointed as follows:

(a) Two county board supervisors appointed by the county executive.

(b) Seven citizen members appointed by the county board chair to represent urban agriculture, community food security, nutrition,

food grower/producer, food processing/waste, and food retail/distribution concerns.

(2) The Council shall:

(a) Explore issues and develop recommendations to create an economically, socially and environmentally sustainable local food system for the Dane County region.

(b) Develop strategies to increase the amount of locally produced food the County and other local governments purchase.

(c) Develop strategies to assist and empower local food producers in concert with other local entities such as the UW Center for Integrated Agriculture, Dane County - UW Extension and others.

(d) Work with and assist local municipalities to implement projects which promote local food, agriculture and economic development.

(e) Promote the use of local foods to improve the health and nutrition of its local residents.

(f) Develop long-term strategies and find opportunities to educate and inform a wide range of citizens about the Council's activities and seek citizen advice, comments and suggestions for building a better local food system.

(g) Seek grants and other supplemental funding from foundations, state and federal governments, institutions of higher education and other sources to carry out the Council's work.

(3) The Food Council shall make an annual report of findings and accomplishments to the Dane County Executive and Board of Supervisors.

(4) The Dane County UW Extension Department shall staff and support the Food Council.

**[History:** 15.255 cr., OA 15, 2007-08, pub. 08/29/07; (1), (2), and (5) am., OA 32, 2010-11, pub. 02/17/11; (1)(a) and (2) am., Sub. 1 to OA 2, 2011-12, pub. 06/03/11; (6) rescinded, OA 45, 2012-13, pub. 05/14/13; (1) am., (2), rescinded, 15.255 renum., Sub. 1 to 2017 OA-051.]

#### **15.26 HOUSING AUTHORITY.**

(1) The housing authority shall consist of five commissioners who are not connected in an official capacity with any political party. At least one commissioner, but not more than two, shall be a county board supervisor, and one shall be a member of the health and human needs committee.

(2) The commissioners shall serve staggered five-year terms ending on the third Tuesday in April or as soon thereafter as their successors are appointed and qualified. One commissioner shall be appointed each year.

(4) The authority may call upon the office of the corporation counsel for such legal services and the office of the county clerk for such audit and accounting services as it may require and may appoint, within the budgetary limitations established by the county board, such other staff assistance as may be required to carry out its assigned functions.

(5) The authority shall exercise the following powers in accordance with sections 66.40 - 66.404 of the Wisconsin Statutes. The authority may prepare, carry out, acquire, lease and operate housing projects approved by the county board. It may take over any housing project undertaken by other governmental bodies, when approved by the county board, by any means other than eminent domain. It may acquire privately owned property by any means, including eminent domain, with the approval of the county board and sell any or all of its interest in said property. It may contract for services, work or facilities in connection with a housing project and lease or rent property at the rents and charges the authority shall establish. It may investigate dwelling conditions within the county and the means of improving such conditions. It may invest any funds within its control and may issue bonds from time to time in its discretion, the principal and interest to be secured by its revenues or a part thereof.

(6) The authority shall be advisory to the health and human needs committee of the county board on major issues and with respect to budget and policy matters relating to housing issues.

[History: (1) am., and (6) cr., Sub. 1 to OA 47, 1987-88, pub. 05/03/88; (1) and (6) am., OA 9, 2012-13, pub. 07/03/12; (1) am., (3) rescinded; Sub. 1 to 2017 OA-51, pub. 04/24/18.]

[History: 15.261 cr., Sub. 1 to OA 37, 1990-91, pub. 04/19/91; 15.261 am., OA 18, 1998-99, pub. 02/02/99; 15.261 rep. as of 12/31/01, per s.15.261(5).]

[History: 15.263 cr., Sub. 1 to OA 43, 2000-01, pub. 05/29/01; title and (1) am., OA 32, 2001-02, pub. 02/21/02; 15.263 deleted, OA 9, 2012-13, pub. 07/03/12.]

#### **15.265 LAKES AND WATERSHED COMMISSION.**

(1) The board of commissioners of the lakes and watershed commission shall consist of the following persons, all of whom shall be residents of Dane County:

(a) the county executive or his or her designee;

(b) the mayor of the City of Madison or his or her designee;

(c) two (2) county board supervisors representing districts located entirely within the City of Madison;

(d) two (2) county board supervisors representing districts located entirely outside the City of Madison;

(e) one member of the Yahara Lakes Association;

(f) one member meeting the criteria set forth in s. 33.44(1)(e), Wis. Stats., and selected according to the procedures set forth in said statute;

(g) one member meeting the criteria set forth in s. 33.44(1)(f), Wis. Stats., and selected according to the procedures set forth in said statute; and

(h) one member meeting the criteria set forth in s. 33.44(1)(g), Wis. Stats., and selected according to the procedures set forth in said statute.

(1m) The county executive shall appoint the members listed under sub. (1)(c) to (h) subject to confirmation by the county board.

(1n) In making the appointments under sub. (1)(c) and (d), the county executive shall appoint persons who will represent the diverse interests of the urban and rural communities in improving the water quality and the scenic and environmental value of the county surface waters and groundwaters.

(2)(a) The term of a member appointed under sub. (1)(c) to (h) begins on the third Tuesday in April of the year in which the member is appointed and ends on the third Tuesday in April in the third year following the year in which the member is appointed.

(b) If a commissioner appointed under sub. (1)(c) or (d) is not reelected to the county board during his or her term on the commission, he or she may continue to serve on the commission until the position is filled as provided in par. (c).

(c) Vacancies occurring during the term of any commissioner appointed under sub. (1)(c) to (h) shall be filled within 90 days in the manner provided in s. 17.27(1n), Wis. Stats. A commissioner appointed to fill a vacancy may be reappointed for subsequent full terms.

(2h) Six commissioners shall constitute a quorum for the transaction of business.

(2j) The board of commissioners shall meet at least quarterly and at other times on the call of the chairperson or on the petition of any 5 members.

**(2n)** Any action by the board of commissioners shall require the affirmative vote of the majority of members present and voting.

**(3)** The commission shall be staffed by a lake management coordinator under the direct supervision of the county executive. The coordinator shall serve as the primary staffperson for information on watershed management, coordinate water resource activities in the various county departments and pursue public and private funding available to the county for watershed management activities.

**(4)** The board of commissioners shall elect a chairperson, vice-chairperson and secretary from its members each year at the first meeting occurring on or after the third Tuesday in April. Such officers shall have the duties assigned to them in s. 33.44(9), Wis. Stats.

**(5)** The chairperson shall appoint a technical advisory committee including, but not limited to, staff representatives of the land conservation, public works, environmental health, parks, extension, highway, land regulation and records and sheriff's departments, regional planning commission, Wisconsin Department of Natural Resources, US Geological Survey and USDA Soil Conservation Service. Members of the technical advisory committee shall not receive per diems.

**(6)** The commission is created for the purpose of:

**(a)** improving the water quality, recreational enjoyment and the economic, scenic and environmental values of all county watersheds;

**(b)** bringing about the coordination and integration of programs relating to water quality, recreational uses, fishing, safety and access, weed and algae control and other programs to ensure efficient and cost-effective management and the ability to compete for federal, state and private funds without reducing the present water quality efforts of the county and its municipalities; and

**(c)** reducing soil erosion and bringing cropland soil losses into conformity with s. 92.025, Stats.

**(7)** The commission shall provide leadership and coordination in management, maintenance and improvement of all of the county's water resources. In so acting, the commission shall:

**(a)** develop general ordinances to protect water resources and recommend the same to the county board and county executive for adoption;

**(b)** identify statutory obstacles to county assumption of full responsibility for matters

which relate to preservation and improvement of all watersheds in Dane County;

**(c)** assess existing methods of controlling unwanted vegetative growth in lakes and rivers and explore alternative methods;

**(d)** inventory water recreation opportunities and develop and recommend additional access sites;

**(e)** conduct feasibility studies regarding environmentally sound approaches to dredging as needed for maintaining recreational uses and access;

**(f)** create and distribute to the public information and educational programs on lake, watershed and shoreline management protection and management issues;

**(g)** develop plans for increased weed harvesting;

**(h)** publish a quarterly newsletter which gives updates on ongoing projects;

**(i)** set up monitoring sites, such as in Starkweather Creek and Pheasant Branch, in order to assess the effectiveness of its programs;

**(j)** seek, without delay, state funding for areas designated by the state as priority watershed improvement areas;

**(k)** when state enabling legislation is enacted, recommend to the county board zoning ordinance amendments wherever, within its jurisdiction, land use restrictions need to be adopted or modified; and

**(L)** implement matters of policy and procedure relating to countywide lake and watershed management minimum standards enacted by the county board pursuant to sec. 33.455(3), Wis. Stats., as provided in chapter 13 of the Dane County Code of Ordinances.

**(8)** The commission shall develop an implementation plan to achieve the goals of this section. The plan shall include the following:

**(a)** minimum standards for shoreland, floodplain and wetland zoning ordinances;

**(b)** storm drainage system plans which incorporate water quality protection measures to the maximum extent feasible;

**(c)** minimum standards in urban areas for street sweeping and lawn fertilization, salt usage reduction, shoreline maintenance and lawn waste collection programs;

**(d)** plans for bringing cropland soil loss into conformity with the standards set forth in sec. 92.025, Stats.;

**(e)** barnyard and feedlot runoff and waste management control plan;

(f) minimum standards for construction site erosion control ordinances; and

(g) standards for aquatic weed control, as appropriate.

**(8m)** The implementation plan may include recommendations for any of the following:

(a) dredging and maintenance of navigability of waterways;

(b) operation of navigation locks and control of water levels and flow;

(c) maintenance, protection and improvement of shorelines, banks and beds of navigable waters;

(d) access to shoreline recreational areas and facilities;

(e) water safety and boating regulations, including navigation and safety aids and regulations related to other recreation uses of waterways;

(f) creation of special assessment districts;

(g) research activities and feasibility studies; and

(h) investigate cost-sharing options for any of the above.

**(9)** The commission shall cooperate with the department of natural resources in assessments of the implementation plan in terms of its consistency with official areawide water quality management plans and policies, and its adequacy relative to achieving its goals.

**(10)** The commission shall cooperate with environmental performance audits, conducted by the State of Wisconsin or its agencies, of the implementation plan and any commission programs or policies.

**(11)** To the extent permitted by statute, including acts amendatory to existing statutes, the commission shall exercise its powers and duties in all areas of the county.

**(12)** The commission shall inform itself of and coordinate the activities of the various county departments and standing committees relative to water resources management; annually develop budget proposals to submit to the county executive by September 1 for continued watershed management activities; and recommend legislative positions relating to watershed management by the county, such positions to be presented to the Dane County Board for its consideration as an official county position.

**(13)** The purpose, powers and duties of the commission shall be construed by reference to the expression of purpose, duties and powers set forth in secs. 33.445 and 33.45, Wis. Stats. Where the statutes expressly expand upon the

commission's powers and duties, or where the statutes limit the county's authority to establish differing degrees or kinds of powers and duties, the powers and duties of the commission shall likewise be expanded or limited.

**[History:** 15.265 cr., Sub. 2 to OA 1, 1988-89, pub. 06/18/88; (1) am., (1m) and (1n) cr., (2) am., (2h), (2j), (2k) and (2n) created, (4) am. and (13) cr., OA 6, 1992-93, pub. 07/29/92; (7)(j) and (k) am. and (7)(L) cr., Sub. 1 to OA 22, 1993-94, pub. 09/30/94; (2k) rescinded, OA 45, 2012-13, pub. 05/14/13; (1), (2), and (2h) am., Sub. 1 to 2017 OA-51, pub. 04/24/18.]

## **15.27 LIBRARY BOARD.**

**(1)** The library board shall consist of seven members, one of whom shall be a school district administrator who may appoint a representative. At least one but no more than two members shall be county board supervisors. One of the supervisor members shall reside in a municipality which is subject to the county library tax and the other supervisor shall reside in a municipality which provides services to the county library service. The remaining members shall be citizen members. The board shall include representatives of existing library boards under s. 43.54, Wis. Stats., and persons residing in municipalities not served by libraries.

**(2)** The county supervisor members shall serve two-year concurrent terms ending on the third Tuesday in April of the even-numbered years, or as soon thereafter as successors are appointed and qualified. The citizen members shall serve staggered three-year terms which shall expire on January 31 or as soon thereafter as their successor is appointed and qualified. To stagger the terms of citizen members, two shall be appointed in each year of the three-year term cycle. The school district administrator shall serve a three year term.

**(4)** The board may call upon the county library coordinator for such staff assistance as may be required to carry out its assigned functions.

**(5)** The library board shall exercise its powers in accordance with sections 43.57-62 of the Wisconsin Statutes. The board shall have exclusive control of the expenditure of all funds collected, donated or appropriated for the library fund and of the purchase of a site and erection of a library when authorized by the county board. The board shall have exclusive jurisdiction of all property or money acquired or leased by the county for library purposes. The board shall audit and approve all vouchers for the expenditure of funds for library purposes and the county clerk shall draw an order to pay



the account. The board may employ competent persons to deliver lectures consistent with budgetary limitations established by the county board. The board shall annually report to the state division of library services and the county board of supervisors on the condition of the library board's trust and the various sums of money received including data concerning library materials, facilities, personnel and operations.

[**History:** (1) and (3) am., OA 17, 1986-87, adopted 09/11/86; (1) and (2) am., OA 10, 1997-98, pub. 10/31/97; (1) am. and (3) rescinded, Sub. 1 to 2017 OA-51, pub. 04/24/18.]

NOTE: Dane County operates a county library service pursuant to the authority of s. 43.57(3), Stats.; the library board is one formed under s. 43.57(4)(b), Stats.

[**History:** 15.275 rescinded, Sub. 1 to 2017 OA-51, pub. 04/24/18.]

### **15.28 METROPOLITAN SEWERAGE DISTRICT COMMISSION. (1)**

The metropolitan sewerage commission shall consist of five (5) members who are residents of the district. In the appointment of members of the metropolitan sewerage commission, serious consideration should be given to the appointment of a county board supervisor who is a resident of the district.

(2) The members shall serve staggered five-year terms ending on June 30 or as soon thereafter as their successors are appointed and qualified. One term shall expire each year.

(3) The members of the commission shall receive per diem and mileage as authorized by state law.

(4) The commission may employ such staff as may be required to carry out its assigned functions.

(5) The commission shall prepare and adopt plans and standards for all projects to be operated within the district which shall be consistent with the plans of the regional planning commission. The commission may plan and conduct scientific experiments. The commission may adopt rules for the protection, management and use of the system in accordance with section 66.24(1)(d) of the Wisconsin Statutes. The commission shall prepare an annual report of its transactions and expenses and all planned additions and major changes in facilities and services and shall file a copy of the report with the departments of natural resources and health services, the county clerk and the governing bodies of all municipalities having territory within the district.

The commission may acquire property by any method including eminent domain which may be required to meet the objectives of the commission, and property may be sold or otherwise transferred by the commission when not needed for such purposes. All powers of the commission shall be construed in accordance with section 66.24 of the Wisconsin Statutes.

[**History.** (5) am., OA 9, 2012-13, pub. 07/03/12; (3) am., OA 45, 2012-13, pub. 05/14/13.]

[15.29 reserved.]

[**History.** 15.29 cr., OA 6, 1988-89, pub. 06/23/88; am., Sub. 1 to OA 35, 1990-91, pub. 04/03/91; s. 15.29 rep., OA 17, 1999-2000, pub. 12/14/99.]

### **15.295 MONONA TERRACE CONVENTION AND COMMUNITY CENTER BOARD. (1)**

*Composition; terms.* The Monona Terrace Convention and Community Center Board, created pursuant to contract dated March 17, 1993 ("the agreement"), shall have twelve (12) members appointed to staggered three-year terms expiring as of May 1st. Six appointments shall be made by the mayor of the City of Madison, five by the county executive and one by the governor of the State of Wisconsin. All appointments shall expire as of May 1st of the third year after appointment except for transitional terms which may be of one, two or three year lengths. Once appointed, regardless of other limitations on continuing to serve, a member shall serve until his or her successor is appointed and is confirmed. Except for the gubernatorial appointment, appointees are subject to confirmation by the city or county, as appropriate.

(1m) *Alternates.* The mayor and county executive may each appoint one alternate member, for three-year terms ending on May 1st. The alternate appointed by the mayor shall be entitled to vote only when one or more of the other mayoral appointees is absent and the alternate appointed by the county executive shall be entitled to vote only when one or more of the other county executive appointees is absent. Alternates may serve on committees of the board and shall have full voting rights at all times in committee. An alternate may serve as an officer of a committee but may not serve as an officer of the board. Alternates shall be entitled to attend all board meetings and participate in all board discussions but shall not be included when determining whether a quorum of the board exists unless eligible to

vote at the meeting. An alternate shall continue to serve until his or her successor is appointed and confirmed.

**(2) Transitional provisions; city and county memberships.** Each appointing authority shall designate the terms of office for the original appointees in order to achieve staggered terms. The mayor shall designate 2 of the original city appointees for one-year terms each, 2 for two-year terms each and 2 for three-year terms each. The county executive shall designate 2 of the original county appointees for one-year terms each, 2 appointees for two-year terms each and 1 for a three-year term. The original appointment by the governor shall be for a three-year term. The original mayoral and executive appointments to the board shall be made no later than May 1, 1993.

**(3) Quorum defined.** A quorum of the board to conduct business shall consist of a majority of its members, excluding vacancies.

**(4) Officers; by-laws.** The members of the board shall create by-laws for the board which shall be subject to approval by city's common council except that the by-laws shall provide for election by board members of a chairperson, vice-chairperson and secretary for one year terms expiring May 1st. Matters not covered in the by-laws or in the agreement shall be decided by reference to the most recent edition of Robert's Rules of Order.

**(5) Duties of board; general authority.** The board shall have broad authority and latitude to make decisions to operate a successful convention and community center and shall establish all policies, rules and regulations governing Monona Terrace and oversee its operation, subject to the limitations set forth in the agreement.

**(6) Duties of board; mission statement.** The board shall develop a mission statement for Monona Terrace, subject to approval of city's common council.

**(7) Duties of board; annual budget.** The board shall review and approve the budget for Monona Terrace presented by the director and recommend the budget for Monona Terrace to city's common council. Following approval of the budget by city's mayor and common council, the board shall be authorized to determine the allocation of funds within the available city appropriations and other revenue. The budget will provide broad latitude for the board to oversee financial operations, including the authority to accept and expend operating

revenues and grants received by Monona Terrace during the fiscal year.

**(8) Duties of board; user rates, financial oversight.** The board shall establish all user rates and charges for Monona Terrace and oversee the financial performance of the facility consistent with city's accounting and financial reporting standards.

**(9) Duties of board; hiring of director.** The board shall constitute or appoint a search committee for the position of director of Monona Terrace ("the director") and shall recommend 3 to 5 candidates to city's mayor for his or her consideration for appointment as the director. City's mayor shall submit the names to an oral interview panel for recommendation of a final selection. The oral panel shall consist of the exposition center director, a member of the Monona Terrace Board and three persons to be named by city's mayor. Prior to making the final selection, city's mayor shall meet with the board to review the selection of the successful candidate. In addition, the board shall review and recommend approval to city's common council of any employment contract with the director. Board concurrence shall be required in any non-renewal or termination of the director's employment.

**(10) Duties of board; contracting authority.** The board is empowered to enter into contracts to purchase or provide goods and services consistent with the mission of Monona Terrace, the approved budget and city's ordinances.

**(11) Duties of board; marketing.** The board shall cooperate with the common marketing agent selected by the city and county.

**(12) Duties of board; joint services with the Alliant Energy Center.** The board shall participate in joint services with county's Alliant Energy Center whenever and wherever it determines the same to be economically feasible and in the best interests of both parties, including utilization of those county services identified in paragraph 29 of the agreement. The board shall at least annually issue a report analyzing opportunities for increasing efficiency through joint services and operations, together with the board's decisions thereon.

**(13) Duties of board; community promotions.** The board shall assure that Monona Terrace marketing efforts, in conjunction with the joint marketing agent's efforts, actively promote 'hub & spoke' day trips (trips to various Dane County sites and communities) for Monona Terrace attendees and families.

**(14) Duties of board; community access.** The board shall establish a schedule of non-profit user rates to assure community access to the facility.

**(15) Duties of board; small business opportunities.** The board shall aggressively seek to involve small business enterprises in the operations and development of the facility and shall also promote employment opportunities for economically disadvantaged persons throughout Dane County in all aspects of Monona Terrace employment and contracting. Within six months of its creation, the board shall set goals in these areas and document plans to achieve the goals. The board shall provide subsequent performance reports and plan updates annually thereafter.

**[History:** cr., Sub. 2 to OA 35, 1992-93, pub. 04/14/93; (1m) cr., OA 11, 1995-96, pub. 09/19/95, eff. when similar ordinance adopted by City of Madison; (12) am., OA 9, 2012-13, pub. 07/03/12.]

**15.30 PARK COMMISSION. (1)** The park commission shall consist of seven (7) members, any number of whom shall be county board supervisors.

**(2)** The members shall serve four (4) year terms ending on July 1. The term of any commissioner who was appointed when a member of the county board shall terminate when county board membership expires unless reappointed at that time.

**(4)** The commission may call upon the parks director to provide such staff services as shall be necessary to carry out its assigned functions.

**(5)** The park commission shall exercise the powers of the rural planning committee as specified in section 27.015 of the Wisconsin Statutes. The commission may lay out, improve, maintain and govern all county parks and parkways. It may accept gifts of land and money, to be used for park purposes, in the name of the county. It may acquire by all means, including eminent domain, property it deems suitable for park purposes and land so acquired may not be disposed of without the consent of the park commission. The commission shall exercise its powers as provided in section 27.05 of the Wisconsin Statutes.

**(6) Greenspace duties. (a)** The commission shall have the duty and responsibility to review and approve plans which identify and define greenways, open space and corridors designed to protect environmentally sensitive areas and natural resources, consider the visual and

functional separation of municipalities and satisfy community outdoor recreation needs such as parks, playgrounds and trails.

**(b)** The commission shall also develop and evaluate proposals for the implementation of a green space preservation plan.

**(c)** In the course of carrying out the duties of this section, the commission may appoint a citizen advisory committee; consult with representatives of the Dane County Towns Association and mayors and village presidents of Dane County; hold public hearings on proposals and recommendations for the preservation of greenways, open spaces and corridors; report to the county board with proposals and recommendations; and have authority to request staff support and assistance from the planning and development department and the parks department as necessary from time to time.

**[History:** (6) cr., OA 2, 1998-99, pub. 09/01/98; (3) rescinded, OA 45, 2012-13, pub. 05/14/13.]

**[History:** 15.31 deleted, OA 9, 2012-13, pub. 07/03/12.]

**[History:** 15.32 rescinded, Sub. 1 to 2017 OA-51, pub. 04/24/18.]

*[15.31 – 15.32 reserved.]*

**15.33 ARTS AND CULTURAL AFFAIRS COMMISSION. (1)** The arts and cultural affairs commission shall consist of eleven (11) members, one (1) of whom shall be county board supervisors and ten (10) of whom shall be citizen members.

**(2)** It shall be the duty of the commission to:

**(a)** Assist in the planning, coordination and promotion of county and local programs with an historic, cultural or festival nature.

**(b)** Oversee the provision of county services and the allocation of county money to cultural programs, encouraging maximum service and accountability in return for tax dollars.

**(c)** Plan and execute the publication of information materials such as a promotional brochure on the county as a whole; instructional packets and slide/tape presentations for use in schools and by organizations; and assist in publishing the "Guide to Historic Dane County."

**(d)** Unify and publicize the many county information services, both to prevent duplication and to improve accessibility to county government while minimizing confusion.

**(e)** Create opportunities for cultural exchange and increased interdependence of

communities, especially for the purpose of sharing plays, histories, crafted materials, etc.

**[History:** (1) and (2) am., OA 46, 1987-88, pub. 04/27/88; (1) am., OA 24, 1992-93, pub. 02/03/93; (1) and (2) am., OA 10, 2008-09, pub. 07/30/08; (4) rescinded, OA 45, 2012-13, pub. 05/14/13; 15.33 am., Sub. 1 to 2017 OA-51, pub. 04/24/18; (1) am., 2018 OA-18, pub. 01/03/19.]

### **15.34 PUBLIC SAFETY COMMUNICATIONS ADVISORY COMMISSION.**

(1) *Definitions.* As used in this section, the following words shall have the meanings indicated:

(a) *City* mean the City of Madison.

(b) *Commission* means the Public Safety Communications Advisory Commission.

(c) *Department* means the Dane County Department of Public Safety Communications.

(d) *Director* means the director of the Dane County Department Public Safety Communications.

(e) *Dispatch center* means the dispatch center of the Dane County Department of Public Safety Communications.

(2) *Composition.* The commission shall consist of ten members, as follows: the sheriff or designee, the city's police chief or designee, a representative of the Dane County Police Chief's Association, selected by the Association, the city's fire chief or designee, a representative of the Dane County Fire Chief's Association, selected by the Association, city's Information Technology Director or designee, a representative of Dane County's EMS Association, selected by the Association, the technical services manager of Dane County's Division of Information Management or designee, the city's Radio Shop Manager or designee, and the Dane County Land Information Officer or designee.

(3) *Terms.* Members of the commission shall serve two-year terms ending in May of even-numbered years. The commission shall select its chairperson and vice chairperson to serve a two-year concurrent term no later than during the month of June of even-numbered years. Members of the commission shall serve until a successor is selected.

(4) *Duties.* The commission shall serve in an advisory capacity to the department on matters related to the operating practices of the dispatch center and technology issues and projects related to public safety communications. Director shall make every reasonable effort to inform the commission and solicit its feedback prior to any changes to the dispatch center's operating practices.

**[History:** cr., OA 36, 1991-92, pub. 04/22/92; (13) am., OA 14, 1992-93, pub. 10/14/92; (18) cr., OA 17, 1993-94, pub. 11/05/93; (9) am., OA 18, 1993-94, pub. 11/05/93; (13) am., OA 3, 1995-96, pub. 05/12/95; (2) and (12) am., Sub. 1 to OA 36, 2001-02, pub. 08/13/02; (1), (2), (12) and (14) - (17) am., and (13n) cr., O.A. 3, 2005-06, pub. 06/02/05; (2) am., Sub. 1 to OA 11, 2006-07, pub. 08/31/06; (5) rescinded, OA 45, 2012-13, pub. 05/14/13; (2) am., 2014 OA-046, pub. 08/27/14; 15.34 rescinded and recreated, Sub. 2 to 2014 OA-56, pub. 11/19/14.]

### **15.35 LAND INFORMATION COUNCIL.**

(1) The land information council shall consist of ten (10) members, including the register of deeds, the treasurer, the real property lister or their designee, the county surveyor, the director of land and water resources, the director of administration and four (4) members appointed by the county executive, as follows: a county board supervisor, a realtor employed within the county, a public safety or emergency communications representative employed within the county, and one additional member who resides in Dane County.

(2) The register of deeds, treasurer, property lister, county surveyor, director of land and water resources and the director of administration shall serve on the council concurrent with their term of office or term of employment. The county supervisor member shall serve two year concurrent terms ending on the third Tuesday in April of even-numbered years or as soon thereafter as a successor is appointed and qualified. The citizen members shall serve staggered three-year terms which shall expire on June 30 or as soon thereafter as their successors are appointed and qualified. To stagger the terms of the citizen members, the county executive shall designate one of the original citizen terms as a one-year term, one as a two-year term and one as a three-year term. All succeeding citizen member appointments shall be for three year terms.

(3) The land information council shall be an advisory body to review the priorities, needs, policies, and expenditures of the land information office, and advise the county board and county executive on matters affecting the land information office.

**[History:** cr., Sub. 1 to OA 30, 2010-11, pub. 12/30/10; (1) am., OA 9, 2012-13, pub. 07/03/12.]

### **15.36 COMMISSIONERS OF CONDEMNATION. (1) Hourly rate.**

Commissioners of condemnation shall be compensated for actual services rendered at the rate of \$40.00 per hour.

(2) *Mileage.* Commissioners of condemnation shall receive mileage at the same rate paid county board members for the necessary and direct round trip travel from their homes to the place where the condemnation commission conducts its hearings.

[History: (1) am., OA 27, 1990-91, pub. 01/03/91; (1) am., OA 23, 1995-96, pub. 10/17/95.]

**15.37 DANE COUNTY VETERANS' SERVICE COMMISSION.**

(1) The commission shall consist of five residents of Dane County who are also veterans. In addition, the chairperson of the health and human needs committee shall appoint one of its members as an ex-officio member of the commission unless that commission already has a voting member who is a member of the health and human needs committee.

(1m) *Transitional provision.* To implement the transition from 3 members to 5 members, the executive shall appoint 2 members, designating one for a one year term and designating the other for a 3 year term.

(2) Commissioners shall serve staggered three-year terms expiring on the second Monday in December.

(3) Each commissioner shall be bonded in accordance with Section 59.21(1) of the Wisconsin Statutes.

(4) The commission shall organize itself by electing one of its number as chairperson. The county veterans' service officer shall serve as executive secretary of the commission.

(5) The commission shall meet annually on or before the first Monday of January of each year at the courthouse. Other meetings shall be held at such times as are necessary.

(6) The commission may furnish aid to needy veterans, needy spouses, surviving spouses, minor and dependent children of such veterans and needy parents of such veterans if the right of such person to aid shall be established to its satisfaction. The commission shall create a list containing the name, place of residence and amount to be paid each such person, which shall be signed by the chairperson and secretary and deposited with the county clerk. Total disbursements made by the commission shall not exceed the amount collected from the tax levied. In lieu of furnished money, the commission may furnish aid in a different manner. The commission may request the county clerk to issue an order upon the county treasurer to a purveyor of services or commodities for the purchase of such services

or commodities or the commission may furnish such supplies as it deems best. The commission shall make a detailed report to the county board at each annual session thereof showing the amount expended.

(7) The health and human needs committee shall review and approve any budgets, resolutions or ordinance amendments prepared by or referred to the commission. The commission shall be advisory to the health and human needs committee of the county board on major issues and with respect to budget and policy matters.

[History: (1) and (2) am., (1m) cr., OA 34, 1993-94, pub. 03/03/94; (1) and (7) am., OA 9, 2012-13, pub. 07/03/12; (3) am., OA 10, 2012-13, pub. 09/18/12.]

**15.38 TREE BOARD.** (1) The tree board shall consist of nine members appointed by the county executive. The members shall be appointed to staggered three year terms. The membership shall include representatives of the private sector, area communities, citizens with interest in community forestry and environmental issues, and at least one member of the Dane County Board of Supervisors.

(2) The tree board is created to coordinate community forestry issues in Dane County; develop comprehensive forestry policies for Dane County; develop educational efforts on proper tree management; seek public and private funding for community forestry management; coordinate demonstration projects; integrate natural resource issues into local and regional planning efforts; and report annually to the county executive and the county board on strategies for managing Dane County's community forest ecosystem.

(3) Staff assistance to the tree board shall be provided by a staff team led by the Dane County Extension Agent.

[History: cr., OA 58, 1996-97, pub. 05/27/97.]

ANNOT. - Article 4 of OA 58, 1996-97, reads: "Notwithstanding contrary provisions in Sub. 1 to Res. 87, 1993-1994, members of the tree board shall be eligible for meeting payments and mileage reimbursement as provided in s.15.72 of this chapter, provided that per diems shall not be paid for meetings occurring prior to January 1, 1998."

**15.39 COMMISSION ON ECONOMIC AND WORKFORCE DEVELOPMENT.**

(1) As used in this section:

(a) *Commission* means the Commission on Economic and Workforce Development.

(b) *Director* means the director of the office of Economic and Workforce Development or his or her designee.

**(2)** The commission shall consist of eleven (11) members appointed by the county executive.

**(a)** Five of the members shall be:

**1.** A representative of the Workforce Development Board of South Central Wisconsin;

**2.** A representative of the City of Madison's Division of Economic Development;

**3.** A municipal economic development director from outside the City of Madison; and

**4.** Two (2) county board supervisors.

**(b)** Additionally, six of the members shall be appointed with consideration of representatives of the following areas:

**1.** A representative of a clean/green energy industry;

**2.** A representative of an agricultural industry;

**3.** A representative of a small business;

**4.** A representative of a minority owned business;

**5.** A representative of a bio-tech manufacturing business;

**6.** A representative of a community development organization;

**7.** A representative of organized labor;

**8.** A representative of a woman-owned business.

**(3)** The county supervisor members shall serve two-year concurrent terms ending on the third Tuesday in April of the even-numbered years or as soon thereafter as successors are appointed and qualified. The citizen members shall serve staggered three-year terms which shall expire on June 30 or as soon thereafter as their successors are appointed and qualified.

**(4)** *Transitional provision.* Notwithstanding sub. (3), the county executive shall designate the initial terms of appointees so that three terms expire in each of the first two years and three in the third year. Appointments for unexpired terms shall be for the balance of the term only.

**(5)** The duties of the commission shall be to:

**(a)** Provide policy oversight to the Office of Economic and Workforce Development and provide advice to the director regarding coordination of the county's economic development efforts;

**(b)** Work with the Office of Economic and Workforce Development to coordinate existing economic development interests, business leaders, educators, investors, and local government officials to work to address identified challenges to job creation;

**(c)** Assist in promotion of the county's high quality of life and pursue opportunities for new job and business development; and

**(d)** Advise the county board and county executive on strategies that encourage economic growth and prosperity in Dane County.

[History: 15.39 cr., Sub. 1 to OA 24, 2011-12, pub. 12/12/11; 15.39 am., OA 21, 2012-13, pub. 10/31/12.]

#### **15.40 COMMUNITY DEVELOPMENT BLOCK GRANT COMMISSION.**

**(1)** The Community Development Block Grant (CDBG) Commission shall consist of 13 members appointed by the county executive, all of whom shall be residents of Dane County with interest and expertise in housing, economic development, and community services. The commission's membership shall consist of:

**(a)** Two county board supervisors, one of whom is a member of the Personnel & Finance Committee;

**(b)** Nine members who are residents of and who will serve as representatives of those towns, villages and cities which are participants in the housing & community development partnership; and

**(c)** Two at-large citizen members.

**(2)** **(a)** In making the appointments under sub. (1)(b) and (c), the county executive shall give consideration to local elected officials, persons with expertise in areas such as banking, real estate development, housing rentals or sales, general business, economic development and public services, as well as persons who directly represent the views of low and moderate income people whom the Community Development Block Grant Program and Home Investment Partnerships Program (HOME) are intended to serve.

**(b)** Additionally, in making the appointments under sub. (1)(b), the county executive shall identify the type of local government, whether a city, village or town, which each appointee represents and, as much as is practicable, shall appoint members in proportion to the program's population residing in each type of local government. The executive shall also give due consideration to persons nominated by the chief elected officials of participating towns, cities and villages.

**(3)** **(a)** The terms of commissioners appointed under sub. (1) shall begin on the third Tuesday in April of the year of appointment and shall expire two years thereafter at midnight of the day before the third Tuesday in April.

(b) If a commissioner appointed under sub. (1)(a) is not reelected to the county board during his or her term on the commission, he or she shall continue to serve on the commission until a successor is appointed and qualifies.

(4) The commission shall be staffed by a coordinator designated by the county executive. The coordinator shall serve as the primary staffperson for information on commission business and coordinate commission activities between the various county departments and local governments.

(5) The commissioners shall elect a chairperson and vice-chairperson from its members each year at the first meeting occurring on or after the third Tuesday in April.

(a) The chairperson shall preside at all meetings and all public hearings held by the commission.

(b) The vice-chairperson shall preside at any meeting or any public hearing held by the commission at which the chairperson is unable to preside.

(c) A designee of the chairperson shall keep minutes of all proceedings of the commission.

(6) The duties of the commission shall be to:

(a) Recommend to the county board and county executive plans, including amendments thereto, for use of federal housing and urban development funds, including CDBG and HOME funds, that are consistent with federal requirements, effectively address the needs of low and moderate income people, and consider the community and housing development goals of participating communities;

(b) Foster participation of citizens and local officials in making decisions on use of funds through the citizen participation plan, public hearings and other means;

(c) Oversee a process in which contracts for CDBG and HOME services are awarded on a competitive basis;

(d) Review proposals for financial assistance to determine if the proposals meet federal requirements, and are cost-effective projects that meet the goals and objectives of plans approved by the county board and county executive and the federal government;

(e) Recommend to the county board and county executive approval of contracts and contract revisions for funding priority;

(f) Evaluate performance of contractors performing funded activities, including obtaining such information as is reasonably necessary for such evaluation;

(g) Oversee cooperation agreements between Dane County and participating local jurisdictions; and

(h) Make other recommendations to the county board and county executive for policies, programs and administration to achieve CDBG and HOME purposes of providing housing, economic opportunity and community development and services benefiting low and moderate income people in participating communities.

[History: cr., OA 12, 1999-2000, pub. 10/06/99; (1)(intro.) am., OA 11, 2000-01, pub. 10/02/00; (1), (2), (3), (5) and (6) am., OA 14, 2002-03, pub. 11/19/02; (1)(a) am., Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**[Non-Code Provision:** The terms of all commissioners presently serving on the CDBG Commission have expired. Therefore, in order to provide for staggered terms and notwithstanding s. 15.40(3)(a) above, after the effective date of this amendment, seven of the initial appointments shall expire in April 2004 and six shall expire in April 2005. Thereafter, all commissioners shall serve two-year terms. OA 14, 2002-03, pub. 11/19/02.]

*[15.41 and 15.42 reserved.]*

[History: 15.42 rescinded, Sub. 1 to 2017 OA-51, pub. 04/24/18.]

### **15.43 CITY-COUNTY HOMELESS ISSUES COMMITTEE.**

(1) The City-County Homeless Issues Committee is created and shall be governed by this ordinance.

(2) The City-County Homeless Issues Committee shall consist of thirteen (13) members.

(a) City Members. Two (2) members shall be City of Madison Alders, one (1) member shall be a Madison Police Department officer, one (1) member shall be a representative of a downtown business or community organization, one (1) member shall be a current or former homeless person who has used homeless services, and one (1) member shall be from the Homeless Services Consortium or other persons experienced in homeless services or advocacy. All City members shall be appointed by the Mayor and confirmed by the Common Council. Alders shall have a term coextensive with their terms on the Common Council. Other members shall serve three-(3) year terms.

(b) County Members. Three (3) members shall be Dane County Board Supervisors, appointed by the County Board Chair, whose terms shall be coextensive with their terms on the County Board. Two (2) members shall be current or former homeless persons who have used homeless services, and two (2) persons shall

be from the Homeless Services Consortium or other persons experienced in homeless services or advocacy. The citizen members shall be appointed by the County Executive. All persons who are not elected shall serve three-(3) year terms.

(c) When the City-County Homeless Issues Committee is first constituted, the initial appointments for three year terms shall be staggered such that two (2) members have a one year term, three (3) members have a two year term, and three (3) members have a three year term.

(4) The Committee shall examine, report and make recommendations to the Madison Common Council and the Dane County Board of Supervisors on issues related to homelessness. This includes housing for the homeless, jobs and job training, availability of public toilets and showers, access to storage lockers, and the provision of mental health, drug and alcohol services. The Committee may adopt rules for the operation of the Committee.

(5) The Committee shall report at least annually, by August 1, to the Common Council and County Board.

(6) The Committee shall be assisted by the Dane County Human Services Department and the City of Madison Community Development Division.

**[NON-CODE PROVISION:** The City-County Homeless Issues Committee created by this amendment shall replace the committee created by Res. 20, 2012-2013, and that committee is dissolved when the initial appointments for this committee are qualified and approved.]

**[History:** 15.43 cr., Sub. 1 to 2014 OA 33, pub. 08/27/14.]

**15.44 DANE COUNTY YOUTH COMMISSION.** (1) The Dane County Youth Commission shall consist of eleven (11) members consisting of the following: Two county board supervisors, one of whom shall also be a member of the county board's Health and Human Needs Committee; one representative from the Madison Metropolitan School District; one representative from another school district within Dane County; one direct youth service provider; and six (6) citizen members, two of whom shall be under the age of twenty-five (25) at the time of appointment, to be appointed by the county executive, subject to the approval of the county board, for two-year terms.

(2) It shall be the function of the youth commission to encourage and promote youth participation and responsibility in planning and

decision-making which affects them; to conduct youth needs and services assessments and work with agency personnel and citizens including youth in establishing community priorities, planning and program development; to facilitate coordination of youth programs and services; to work with planning and funding agencies on development and allocation of funding in the youth service area; to work with local communities in identifying and planning to meet youth needs; to work with agencies in development and implementation of procedures designed to monitor the efficiency and effectiveness of youth service delivery throughout Dane County, and to submit appropriate reports and recommendations to the county board after consultation with a standing committee designated by the board.

(3) The health and human needs committee shall review and approve any budgets, resolutions or ordinance amendments prepared by or referred to the commission. The commission shall be advisory to the health and human needs committee of the county board on major issues and with respect to budget and policy matters.

**[History:** (1) and (4) am., Sub. 1 to OA 47, 1987-88, pub. 05/03/88; (1) am., OA 18, 2003-04, pub. 01/30/04; (1) am., Sub. 1 to OA 33, 2006-07, pub. 03/16/07; (4) am., OA 9, 2012-13, pub. 07/03/12; (1) am., OA 13, 2013-14, pub. 08/26/13; (3) rescinded, (4) renum., Sub. 1 to 2017 OA-51, pub. 04/24/18.]

#### **15.45 HENRY VILAS ZOO COMMISSION.**

(1) *Composition.* The Henry Vilas Zoo Commission shall consist of seven (7) voting members, to be appointed or assigned as provided for herein.

(2) *City appointments.* The Mayor of the City of Madison shall appoint two members to the Commission, both of whom shall be residents of the City of Madison. One member shall be the City of Madison Alderperson representing the aldermanic district that includes the Henry Vilas Zoo. If such Alderperson declines to accept the appointment, resigns or is removed from the Commission while still serving as Alderperson, another City of Madison alderperson identified by the Mayor. Any such member's term on the Commission shall terminate as of the end of his or her term as a City of Madison Alderperson, as of the end of the designated term of the member or as of his or her earlier resignation or removal from the Commission. The second member shall be appointed to fill any vacancy on the Commission resulting from the expiration of the term or the earlier resignation or removal



of a current member who was appointed by the Mayor. Such member shall serve for any unexpired portion of the term of the member being replaced, and for an additional three-year term and until his or her successor is appointed by the Mayor, unless a vacancy is created. Members appointed by the Mayor are subject to confirmation by the City, and may be removed according to city regulations.

**(3) County Appointments.** The County Executive shall appoint five members to the Commission. One member shall be the County Board Supervisor representing the district that includes the Henry Vilas Zoo or, if such Supervisor declines to serve, resigns or is removed from the Commission while still serving as Supervisor, another County Board Supervisor. Any such member's term on the Commission shall expire as of the end of his or her term as a County Board Supervisor, or as of his or her earlier resignation or removal from the Commission. The other four members shall be appointed to fill any vacancies on the Commission resulting from the expiration of the term, or the earlier resignation or removal of any current member being replaced, and for an additional three year term and until his or her successor is appointed by the County Executive unless a vacancy is created. If at any time fewer than two of the members of the Commission are residents of that part of Dane County located outside the corporate limits of the City of Madison, the County Executive shall appoint a resident of that part of Dane County located outside the corporate limits of the City of Madison to fill the next available vacancy to be filled under this section. Members appointed by the County Executive are subject to confirmation by the County Board and may be removed according to county regulations.

**(4) Fundraising Partner.** A representative of the zoo's fundraising partner appointed by the County Executive shall be a non-voting member of the Commission and shall not be counted for purposes of establishing a quorum for the Commission.

**(5) Duties of Commission.** The Commission shall act as the policy-making and budgetary oversight body with respect to the operation of the Henry Vilas Zoo. The Commission shall annually supervise the preparation of a budget for operation of the zoo. The budget shall be submitted to the County Executive for approval. The Commission shall not assign, convey, lease, sell, devise or otherwise alienate any real property at the zoo or any personal property

assigned thereto except that the commission, directly or by written delegation to the director, may sell, lease, trade or purchase personal property in accordance with regulations of the City of Madison or the County of Dane as appropriate. The Zoo Commission shall determine the hours the zoo shall be open to the public, subject to the requirements that it be open at reasonable hours and that no charge be made for admission to the zoo.

**(6) Commission to conform to city and county regulations.** The Zoo Commission shall operate in conformity with policies, procedures, rules and regulations of the County of Dane. Proposed and adopted bylaws, rules and regulations of the Commission shall be subject to review, amendment and rescission at any time by the County Board's Public Protection and Judiciary Committee.

[History: (4) and (5) am., Sub. 1 to O.A. 7, 2004-05, pub. 05/19/05; 15.45 am., Sub. 1 to OA 36, 2010-11, pub. 06/28/11; (1) and (4) am., 2019 OA-1, pub. 07/22/19.]

#### **15.46 CRIMINAL JUSTICE COUNCIL.**

**(1) Composition.**

**(a)** The Criminal Justice Council shall consist of six voting members:

1. the county executive;
2. the county board chair;
3. the sheriff;
4. the district attorney;
5. the presiding judge of the circuit court;
6. the clerk of courts.

**(b)** There shall be six non-voting members of the Criminal Justice Council:

1. a representative of the state public defender's office;
2. the City of Madison chief of police;
3. a police chief from a jurisdiction outside the City of Madison appointed by the Dane County Police Chief's Association;
4. a representative of the Wisconsin Department of Corrections;
5. a representative of Dane County municipal judges;
6. a representative of the Public Protection and Judiciary Committee, appointed by the committee chair.

**(c)** Non-voting members will not be counted for purposes of establishing a quorum.

**(2) Officers.** The Council shall elect a chairperson, and vice-chairperson from its voting members each year at the first meeting occurring on or after the third Tuesday in April.

**(3) Duties.** The Council shall:

**(a)** Provide an on-going forum for collaboration and coordinated leadership among criminal justice agencies.

**(b)** Facilitate the implementation of effective, data-driven criminal justice policies and practices that maximize justice and the safety of the public.

**(c)** Monitor and ensure accountability of the criminal justice system.

**(d)** Provide program oversight for certain criminal justice initiatives.

**[History:** 15.46 cr. 2015 OA-11, pub. 09/01/15]

### **15.47 REDISTRICTING COMMISSION.**

**(1) Composition.** The Redistricting Commission shall consist of eleven (11) citizen members who are residents of Dane County and are appointed as provided herein.

**(a)** Appointments shall be made through an application process structured to recruit candidates from broad and diverse sections of the Dane County electorate.

**(b)** From those individuals who apply, the County Board Chair shall appoint an individual who is a resident of the City of Madison, a resident of a town in Dane County, and a resident of a city or village other than the City of Madison. Prior to making these appointments, the Chair shall confer with the City of Madison, the Dane County Towns Association, and the Dane County Cities and Villages Association regarding the appointment.

**(c)** The County Board Chair and the County Clerk shall each appoint four (4) additional citizen members from the pool of applicants that meet the eligibility criteria.

**(d)** Members of the Commission shall serve from the time of appointment until completion of the redistricting process following the decennial census. A vacancy occurring during the redistricting process shall be filled consistent with this section.

**(2) Eligibility Criteria.** All members of the Commission shall be residents of Dane County and meet the following criteria:

**(a)** May not be a member of the Dane County Board, an employee of Dane County or a contract consultant;

**(b)** May not be a lobbyist registered with the Dane County Board;

**(c)** May not hold or have held an official position with a political party or partisan organization within the year prior to appointment;

**(d)** May not have participated in the State of Wisconsin 2011 partisan redistricting process;

**(e)** Must be impartial, which includes refraining from engaging in any political party activity or supporting the election or defeat of any candidate or referendum during their tenure on the commission, and at the time of appointment no intent to seek election to the office of county board supervisor in the spring primary and general election immediately following redistricting;

**(f)** Have a familiarity with maps;

**(g)** Disclose any potential conflict of interest in conformance with s. 9.60.

**(3)** The county clerk and the Planning & Development Department shall provide the commission with such staff assistance as may be required to carry out its functions.

**(4)** The commission shall use the following criteria and procedure to develop a proposed redistricting plan for consideration by the county board.

**(a)** Within 30 days after the population count by census block becomes available in printed form from the federal government or is published by a state agency, but no later than May 15<sup>th</sup> following the year of each decennial census, the commission shall propose a tentative county supervisory district plan and map. In preparing the tentative plan and map and in making any adjustments to the tentative plan, the commission shall be guided by the criteria set forth in Wis. Stat. s. 59.10(3)(b) and sub. (b).

**(b)** The mapping process shall include opportunities for the public to submit map proposals for consideration.

**(c)** The commission shall develop up to three maps for consideration by the county board that divide the county into the number of districts determined by the county board. In the preparation of its plan for dividing the county into districts for the election of county board supervisors, the commission shall apply applicable state and federal law, which shall control in the event of any conflict with this ordinance. The commission shall also apply the criteria set forth in the following paragraphs to the maximum extent practicable. The following paragraphs shall be applied and given priority in the order in which they are listed.

**1.** Each district should represent the same population size, in accordance with the U.S. Constitution and state statutory requirements that districts be substantially equal in population, contiguous and compact. If

difference in population are necessary to complete the maps, any such differences in population must be justified by the other criteria set forth in this section.

2. The map shall minimize the number of municipal boundaries crossed in each of the county districts.

3. Such districting plan shall be established in a manner that ensures the fair and effective representation of the diverse ethnic and racial populations in Dane County which are protected by the Federal Voting Rights Act.

4. The map shall take into consideration geography and natural boundaries such as rivers and lakes.

5. District lines shall keep intact neighborhoods and communities with established ties of common interest and association, whether historical, racial, economic, ethnic, religious, or other.

6. Districts shall be drawn without regard to incumbency.

(d) If none of the maps submitted by the Commission are adopted by the county board, the maps shall be re-referred to the commission which shall have the opportunity to submit an amended map to the county board for reconsideration within the time frame set by state statute.

[History: 15.47 cr. 2016 OA-32, pub. 10/03/16.]

#### **15.48 EMPLOYEE-MANAGEMENT INSURANCE ADVISORY COMMISSION.**

(1) The Employee-Management Insurance Advisory Commission shall consist of 18 members consisting of the following: two (2) county board supervisors who are both members of the Personnel and Finance Committee; one (1) elected department head selected by the elected department heads; one (1) member from each of the recognized labor organizations or employee groups, except that EGI 720 may select two (2) members; two (2) retired employee representatives; and (2) additional employees to represent the balance of county employees not represented by the above.

(2) The Employee-Management Insurance Advisory Commission shall meet from time to time as the need arises, at the call of the Chair, to discuss employee benefits related to health insurance, dental insurance, life insurance, disability insurance, deferred compensation, hardship withdrawal requests and other employee benefit programs which may be in

effect or proposed as a fringe benefit for County elected officials and employees.

(3) The Commission shall meet with the County Executive or their designee and the Personnel and Finance Committee to discuss existing or proposed changes to employee insurance benefits.

[History: 15.48 cr., Sub. 1 to 2017 OA-51, pub. 04/24/18.]

*[15.49 - 15.68 reserved.]*

**15.69 INACTIVE BOARDS AND COMMISSIONS.** Unless otherwise prohibited by law, any commission or board existing under this Chapter that is inactive and does not meet for two years or more shall be automatically dissolved by operation of this section.

[History: 15.69 cr. 2014 OA-66, pub. 05/21/15.]

**15.70 SPECIAL PURPOSE COMMITTEES, COMMISSIONS AND BOARDS.** Unless otherwise specified by the county board, the county executive shall appoint all members to special purpose committees, commissions and boards, except special committees of the county board consisting only of county board members, which shall be appointed by the county board chairperson. Special purpose committees, commissions and boards shall comply with the procedural requirements specified in this ordinance except that committees of the county board consisting solely of board supervisors shall comply with the procedural requirements specified in the county board rules. All members appointed by the county executive and approved by the county board to administrative agencies and special purpose committees, commissions and boards shall receive the same mileage as is paid to county board supervisors for their attendance at meetings of said bodies. For persons receiving mileage reimbursement only, payment shall be made on a quarterly basis.

[History: 15.71 rescinded, Sub. 1 to 2017 OA-51, pub. 04/24/18.]

[History: 15.72 rescinded, Sub. 1 to 2017 OA-51, pub. 04/24/18.]

*[15.71 and 15.72 reserved.]*

[History: 15.725 rescinded, Sub. 1 to 2017 OA-51, pub. 04/24/18.]

**15.73 COUNTY AFFILIATED AGENCIES.** A county affiliated agency is an agency which is not created by county board action but to which

the county executive appoints some, but not all, of the board or commission members. Unless otherwise specified in the statutes, ordinances, resolutions, articles of incorporation or bylaws creating the county affiliated agency or regulating its operations, appointments to these agencies shall be subject to confirmation by the county board. County affiliated agencies shall be governed by the statutes, ordinances, resolutions, articles of incorporation or bylaws which created them and which regulate their operations.

**15.74 TIME OF APPOINTMENT.** All appointments to administrative agencies shall be made promptly and submitted to the county board of supervisors not later than the Monday prior to the next regular county board meeting when the appointments are scheduled for confirmation.

**15.75 APPOINTMENT IN THE CIVIL SERVICE.** No member of an administrative agency shall be eligible to apply for a position in the classified civil service so long as he or she remains a member of a county agency.

**15.76 EFFECT OF ORDINANCE ON EXISTING APPOINTMENTS.** This chapter shall not invalidate any appointments to a county agency or special purpose committee, commission or board existing on the effective date of this chapter. All new appointments shall be made in conformity with this chapter.

**15.77 LOBBYING REGULATED. (1)** This section regulates lobbying activities before state and federal legislative bodies and before state and federal administrative agencies engaged in rulemaking activities.

**(2)** As used in this section the term *lobby* means to take a position for or against a legislative proposal or a proposed administrative rule. Lobbying, as used herein, does not include the exchange of information where no position for or against the legislative proposal or rule is taken.

**(3)** An appointee to an agency named in this chapter who desires to be reimbursed a per

diem or expenses for lobbying activities, or who desires to present his or her position as an official county position on pending legislation or administrative rules, shall first have the position approved by the county board, or in the case of emergency situations, by the committee designated by the county board to act on such matters.

**(4)** In the absence of prior county board or committee approval, as appropriate, an appointee shall not represent his or her position on pending legislation or administrative rules as an official county position.

**(5)** An appointee presenting a position, other than one which has been duly adopted as an official county position, before a legislative or administrative body or bodies shall not be entitled to a per diem or payment of expenses.

**(6)** An appointee, who is presenting a position not adopted by the county and whose membership on a county administrative agency is disclosed to or known by the legislative or administrative body, shall first make either a written or oral disclaimer to the legislative or administrative body.

**(7)** If the position is presented in writing, the disclaimer shall also be in writing and shall appear boxed on the first page of the document. If a verbal position is taken, the disclaimer must precede the discussion.

**(8)** The disclaimer shall be substantially in the following form: "This position is not the official position of the County of Dane. It is the personal position of the speaker (or author, as appropriate)."

**(9)** The regulations established herein with respect to appearances before legislative and administrative bodies apply with equal force to personal contacts of any kind with individual members of such bodies when the purpose or one purpose of such contact is to present a position on pending legislation or administrative rules.

[15.78 - 15.99 reserved.]

**END OF CHAPTER**