

# Clark County, Wisconsin

## Title: Clark County Governing Bodies – Rules

<b>Title:</b> Clark County Governing Bodies – Rules	<b>Effective Date:</b> February 26, 2014
	<b>Adoption/Revision Date:</b> May 16, 2024
<b>Custodian:</b> County Clerk	<b>Approving Body:</b> Clark County Board of Supervisors

### 1. Authority

- a. Wis. Stat. 19, 59.02, 59.03, 59.13, and 59.51

### 2. References

- a. Adopting Resolution/Ordinance/Motion: Ordinance 229-11-19
- b. Other Resolution/Ordinance/Motion: See Revision History Table for historical action

### 3. Purpose

- a. To provide processes to protect the rights of participation of members of Clark County governing bodies, to ensure equal application of those rights, to maintain order, and to protect the interests of their constituents and Clark County (County).

### 4. Scope

- a. This policy applies to all Clark County boards, commissions, committees, councils, or any other governing bodies created by constitution, statute, ordinance, rule, or order.

### 5. Policy overview

- a. This policy defines the procedural rules that apply to Clark County's governing bodies.

### 6. Definitions

- a. The terms below shall have the following meanings:
  - i. Governing Body(ies) means a Clark County board, commission, or committee created by the constitution, statute, ordinance, rule, or order including the Clark County Board of Supervisors.
  - ii. Board means the Clark County Board of Supervisors.

### 7. General

- a. Unless otherwise stated in these rules, Governing Body meetings shall be subject to and conducted in accordance with Robert's Rules of Order.
- b. Past practice or action does not bind Governing Body unless codified in these rules.
- c. County may exercise any organizational or administrative power, subject only to the constitution and to any enactment of the legislature which is of statewide concern and which uniformly affects every county as set forth in Wis. Stat. 59.03 and 59.04.
- d. Corporation Counsel shall act as parliamentarian and attend all Board meetings unless excused by Board chairperson.
- e. County Clerk shall record minutes for all Board meetings unless excused by the Board chairperson.

### 8. Meetings.

- a. Board meetings shall commence at 7:00 PM unless otherwise noted on the meeting agenda.
- b. Board meetings shall be held at the Clark County Board Room, Room 501, 517 Court Street, Neillsville, WI 54456 unless otherwise noted on the meeting agenda.
- c. Board meetings shall be held on the third Thursday of each month unless the Board chairperson identifies a different date as stated on the meeting agenda.
- d. The Board annual meeting shall be held on the Tuesday after the second Monday of each November unless the Board takes action to hold the annual meeting at different date.
- e. The Board organizational meeting shall be held on the third Tuesday of each April unless the Board takes action to hold the organization meeting at different date.

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- f. A Governing Body may hold an emergency meeting upon at least two (2) hours advanced notice after consulting with Corporation Counsel.
  - i. A declaration of emergency must be stated as part of the meeting notice.
  - ii. Upon convening, the Governing Body shall ratify the existence of the emergency as a condition of proceeding further.
  - iii. For purposes of this rule, an emergency is deemed to exist if time is of the essence and a delay in meeting is likely to or will actually result in substantial damage, injury, or harm to the County, the public, and/or property.
- g. The Board may hold a special meeting pursuant to Wis. Stat. 59.11(2).
- h. The Board may appropriate funds and broadcast by radio, video, tape, or other electronic means any meeting and reasonable efforts shall be made to accommodate the recording of the meeting that does not interfere with rights of the participants or attendees.
- i. A Governing Body may request a joint meeting with another Governing Body to address matters of mutual concern. Each Governing Body shall act separately on matters at the joint meeting that are within the scope of the authority of each of the respective the Governing Bodies.
- j. Meetings shall be held in open session unless otherwise noted on the meeting agenda.
- k. The Board chairperson shall determine the seating arrangement for Board members.
- l. Governing Bodies, other than the Board, shall not meet during a Board meeting.
- m. The Governing Body chairperson may cancel a meeting.
- n. At the discretion of the Governing Body chairperson, a Governing Body may hold a meeting and exercise any responsibilities, authority, or duties remotely subject to available technology and all other applicable laws and rules.

#### **9. Board chairperson; Vice-chairperson**

- a. The Board chairperson shall preside at Board meetings and carry out any authority set forth in Wis. Stat. 59.12.
- b. The Board vice-chairperson shall preside at Board meetings in the absence of the Board chairperson.
- c. The Board may elect a temporary chairperson to preside at a Board meeting in the absence of the Board chairperson and Board vice-chairperson.
- d. At the organizational meeting, the Board chairperson shall preside at the Board meeting until a new Board chairperson is elected at such meeting.
- e. The Board chairperson shall create and present an annual Board budget and report detailing the total number of per diems, total mileage reimbursement, and total expenses for training and seminars for each Board member.
- f. The Board chairperson or Board vice-chairperson may act as an ex-officio member of Governing Body at a meeting, which means either, but not both, may be counted for quorum purposes and participate in discussion/action at the Governing Bodies' meeting.

#### **10. Governing Bodies' roles, structures, and responsibilities**

- a. The Clark County Governing Bodies - Roles and Structures sets forth roles, structures, and responsibilities of Governing Body as well as who is responsible to appoint a Governing Body chairperson or who shall act in such capacity.
  - i. Unless otherwise stated, the Governing Body shall appoint a chairperson.
- b. The Governing Body chairperson shall do the following:
  - i. Approve meeting agendas before posting
  - ii. Preside at Governing Body meetings
  - iii. Maintain order during meetings including, but not limited to, ensuring these

rules are followed

- iv. Discuss, debate, and vote on business unless these rules provide otherwise.

**11. Appointments; Removal; Vacancies**

- a. At the Board organizational meeting, the election/appointment of the following positions shall occur:
  - i. Board chairperson by nomination and secret ballot
  - ii. Board vice-chairperson by nomination and secret ballot
  - iii. Members of special and statutory committees by signed ballot
    - 1. For the election of such position, each position on the committee is voted for separately (i.e. after the first position on the committee is elected by the highest vote getter, the Board shall vote again to fill the remaining positions.)
  - iv. Members of standing and appointed governing bodies
    - 1. Unless the law or these rules provide otherwise, the Committee on Committees shall determine membership of such positions subject to Board approval.
- b. A Board member shall be appointed and/or elected to at least two (2) Governing Bodies (excluding the Board) unless the Board member expresses otherwise in writing.
- c. Pursuant to Wis. Stat. 17.09, a Board member may be removed from the Board, for cause, upon two-thirds vote of the Board.
  - i. If such cause is alleged, a written motion with specifics allegations shall be filed with the County Clerk and provided to Board members prior to action.
- d. Pursuant to Wis. Stat. 17.01, a Board member may resign by giving written notice of resignation to the Sheriff and the Sheriff filing such notice with the County Clerk.
- e. A member of any Governing Body (excluding the Board) may be removed from such body upon unsatisfactory service or violation of these rules upon majority vote of the Board.
  - i. If such unsatisfactory service or violation of these rules is alleged, a written motion with specifics allegations shall be filed with the County Clerk and provided to Board members prior to action.
- f. If a Board vacancy exists, the Board chairperson shall nominate a qualified elector and resident of the unrepresented district to fill the vacancy subject to appointment by majority vote of the Board.
  - i. Such appointed Board member shall remain until the end of the term.
  - ii. If the Board chairperson's nominee is not appointed, the Board shall consider other qualified nominees.
  - iii. In the alternative, the Board may order an election pursuant to Wis. Stat. 17.21.
- g. If a vacancy on a Governing Body (excluding the Board) exists, the Board chairperson shall nominate a replacement subject to appointment by majority vote of the Board.
  - i. If the Board chairperson determines an emergency situation exists requiring an immediate appointment, the Board chairperson may appoint a replacement allowing the replacement to serve of the Governing Body. Such replacement shall be appointed by majority vote of the Board.
- h. A Governing Body may create a subunit for a specific purpose and for a fixed duration.
  - i. The Governing Body shall appoint members and officers.

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- ii. The subunit shall be subject to these rules including Wis. Stat. 19.

#### **12. Agendas; Meeting packet**

- a. The Governing Body chairperson shall prepare the meeting agenda.
- b. An agenda shall consist of the following:
  - i. Name of the Governing Body scheduled to meet
  - ii. Date and time of meeting
  - iii. Location and address of meeting
  - iv. Subject matter to be discussed and/or acted upon by the Governing Body
  - v. Notice of quorum of other governing bodies that may be present
  - vi. Contact information for anyone that may need special accommodations
  - vii. Date the agenda is posted
- c. If a meeting is intended to be held remotely, the agenda shall include information about how the public can access the meeting.
- d. Completed agendas shall be forwarded to the County Clerk for posting. The County Clerk shall review the agendas for compliance.
- e. The County Clerk shall post notice of meetings on the County's website, at or near the County Clerk's office, and as required by law.
- f. The Governing Body chairperson shall determine the contents of the meeting packet.
- g. The Governing Body chairperson shall be responsible to ensure all Governing Body members are provided the meeting packet (i.e. agenda, reports) unless otherwise stated.
  - i. For Board meetings, the County Clerk shall provide Board members with the meeting packet (i.e. agenda, reports, resolution, ordinances) at least five days before the Board meeting is scheduled. For emergency meetings, the County Clerk shall provide the meeting packet as soon as practical.
- h. If documents were unavailable when the meeting packets were sent out, documents may be provided at the meeting with discussion and/or action at the Governing Body's discretion.
- i. No documents shall be distributed to Governing Body members at a meeting unless approved by the Governing Body chairperson.

#### **13. Motions, resolutions, ordinances, and reports**

- a. Resolutions and ordinances shall be presented to the Board in the format set forth in Exhibit A (Resolution/Ordinance Format), which is wholly incorporated by reference.
  - i. Exhibit A provides guidance as to what information is required in each field.
- b. Resolutions and ordinances may be presented to the Board after approval by a Governing Body (excluding the Board) or a Board member. The approving Governing Body or Board members shall be responsible for the content of the resolution or ordinance.
- c. Resolutions and ordinances shall be submitted to the County Clerk at least seven days before the scheduled Board meeting.
  - i. Upon receipt, County Clerk shall review the resolution or ordinance for completeness and formatting. County clerk shall forward the resolution or ordinance to the Corporation Counsel for legal review/approval and to the Comptroller for financial review/approval prior to presentation to the Board.
- d. The Board may deny consideration of a resolution or ordinance that is substantially similar in content and has been brought before the Board within the preceding last six months. Such denial requires a motion stating the reason for the denial and two-thirds vote of Board.
- e. Unless these rules or law provides otherwise, ordinances require two readings with

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final adoption after the second reading. At least 24 hours shall intervene between the first and second readings unless the Board suspends the rules. An ordinance shall become effective upon publication. An ordinance may be amended at the second reading.

- f. Unless the law provides otherwise, all motions require a second before discussion and/or action. A motion shall be reduced to writing prior to Governing Body vote upon demand of two (2) members.
- g. Department reports shall be reviewed and approved by the Governing Body having oversight of the department before presentation to the Board.
- h. County clerk shall create and maintain an annual log of Board proceedings.

#### **14. Quorum**

- a. More than one-half of Governing Body members attending a meeting constitute a quorum.
- b. Any business completed in the absence of a quorum, except to call a meeting to order, take action to obtain a quorum, schedule another meeting, and/or to adjourn, is null and void.
- c. Members of Governing Bodies may attend meetings of other Governing Bodies. Such attendance may create a quorum of other Governing Bodies. Unless the other Governing Body has posted appropriate notice, such quorum is unintended and the other Governing Body is not meeting for the purpose of and shall not exercise the responsibility, authority, power, or duties of any other Governing Body.

#### **15. Attendance; Conduct**

- a. Members of a Governing Body shall attend and remain at all meetings of the Governing Body.
- b. Remote attendance using available technology may be permitted at the discretion of the Governing Body Chairperson.
- c. If a member is expected to be absent from a meeting, the member shall contact the County Clerk and/or the Governing Body chairperson at least two (2) hours before the meeting is scheduled to begin.
  - i. The County Clerk shall report the expected absence to the Governing Body chairperson as soon as practical.
  - ii. The Governing Body chairperson shall determine whether to excuse a member's absence with the determination noted in the meeting minutes.
  - iii. Attendance for an unexcused member may be completed through a motion to Call of the House with a warrant signed by the Governing Body chairperson directing the Sheriff to arrest and bring the member to the Governing Body meeting. The expenses of the arrest shall be paid by the arrested member unless otherwise directed by the Governing Body.
- d. Governing Body members shall conduct themselves in an orderly and respectful manner.
- e. All electronic devices shall be placed on silent or vibrate and all calls shall be taken outside the meeting room.
- f. All communication between Governing Body members shall be verbal unless alternative communication is necessary to accommodate a disabled member.
- g. Members of a Governing Body are subject to Clark County Code of Ethics as adopted pursuant to Wis. Stat. 19.59.
- h. Failure to attend meetings or comply with these rules may subject the member to action as set forth in these rules.

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#### **16. Closed session**

- a. A Governing Body may convene in closed session only if closed session is permitted under Wis. Stat. 19.85 and the Governing Body's agenda provided notice of closed session.
  - i. The Governing Body chairperson shall consult with Corporation Counsel before convening in closed session.
- b. Information presented and/or obtained during closed session shall remain confidential and not be disclosed. A member shall not record, in any way, any closed session proceedings.
- c. Remote or virtual attendance shall not be permitted during closed session of any Governing Body.
- d. Once the reason for closed session has passed, information presented and/or obtained during closed session may be disclosed subject to applicable laws.
- e. Pursuant to Wis. Stat. 19.89, a Board member shall not be excluded from a closed session at a Board meeting.
- f. A Board member may be excluded from a closed session at a Governing Body meeting (excluding the Board) by motion stating the reason for exclusion and majority vote.
  - i. A Board member may only be excluded if the closed session adversely concerns the Board member, a member of the Board member's immediate family, or someone maintaining a close personal relationship with the Board member.

#### **17. Order of business**

- a. The Governing Body chairperson shall determine the order of business and may deviate from the order of business stated on the agenda.
- b. The recommended order of business for Governing Body meetings is as follows:
  - i. Call to order
  - ii. Roll call
  - iii. Approval of [previous meeting date(s)] meeting minutes
  - iv. Public Comment per Clark County Governing Bodies – Rules

#### **18. Voting**

- a. Governing Body members are expected to express opinions on subject matters through voting.
  - i. Governing Body members cannot be compelled to vote and may abstain from voting, at the member's discretion, without stating a reason.
- b. Unless otherwise stated in these rules or by law, majority vote shall be required to approve the subject matter at issue, which is more than half of the votes cast by members legally entitled to vote at a meeting. Absent members and abstentions will not be counted.
- c. Governing Bodies may vote by electronic tabulation and voice vote. Vote by ballot is permitted as set forth in these rules and by law. Upon request of any Governing Body member, a roll call vote shall be taken.
- d. If a Governing Body member intends to abstain from voting and/or discussion on a meeting topic, the member shall inform the Governing Body chairperson.
- e. A Governing Body shall vote in open session unless the Governing Body chairperson has consulted with Corporation Counsel to vote in closed session.

#### **19. Public comment; Public hearing**

- a. A Governing Body chairperson may permit public comment during a meeting if noticed on the agenda.

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- i. Public comment is an opportunity for the public, not Governing Body members, to provide information to the Governing Body.
- b. Public comment is limited to three minutes per commenter and may include comments for topics not on the agenda but the topic shall be within the scope of responsibility of the Governing Body.
  - i. The Governing Body chairperson shall maintain decorum and order during public comment.
  - ii. A commenter's time may be extended at the discretion of the Governing Body chairperson unless a Governing Body member objects. Upon such objection, the commenter's time may be extended upon a motion and majority vote of the Governing Body.
- c. Public comment shall be directed to the Governing Body chairperson with no debate or question/answer between Governing Body members, commenter, and the public.
- d. Governing Body members shall not discuss or take action on the information acquired through public comment unless the topic has been appropriately noticed on an agenda.
- e. During debate on a motion, a Governing Body member may yield the floor to the public for public comment. Such comments are governed by this rule except any comments shall be limited to topics on the agenda.
- f. Rules governing public comment also apply to public comments during public hearings.
- g. For public hearings, any commenter must register or state their name with the Governing Body chairperson before speaking.
- h. A Governing Body chairperson may call upon department personnel to speak on any agenda item that is related to the department and that is properly before the meeting. Such personnel shall not be subject to the above rules pertaining to public comment.

#### **20. Debate**

- a. Debate shall not commence until a motion and second has been made to bring the question.
- b. Debate shall be limited to the question on the floor and the Governing Body chairperson is not required to step down from the chair when participating in debate.
- c. After being recognized by the Governing Body chairperson, a Governing Body member is limited to two speeches of five minutes each during a debate on a specific question.
- d. A motion to close debate is out of order if a Governing Body member still wishes to speak about the question on the floor subject to these rules.

#### **21. Closed Sessions.**

- a. Wisconsin law authorizes closed sessions when necessary to protect the public interest and when holding an open session would be incompatible with the proper conduct of government affairs.
- b. Every meeting must be initially convened in open session. The meeting may subsequently convene in closed session only if a closed session is permitted under Wis. Stat. 19.85(1) and the meeting notice provides for a closed session.
- c. Closed sessions should be held sparingly and a meeting should remain in open session if there is any doubt about whether a closed session is permitted. All discussion during closed session must be limited to the business specified in the meeting notice for the closed session.
- d. Discussions held, information presented or obtained, and actions taken during closed sessions are deemed to be confidential information and must not be disclosed without

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- the proper legal authorization. Punitive action may be taken for improper disclosure.
- e. When the reason for holding a closed session has passed, any information presented or obtained during the closed session becomes available for public inspection.

#### **22. Minutes**

- a. The Governing Body chairperson shall ensure minutes are created for open and closed sessions for each meeting.
- b. Meeting minutes shall consist of the following items in addition to any other items determined by the Governing Body:
  - i. Name of the Governing Body
  - ii. Date of the meeting
  - iii. Location of the meeting
  - iv. Name of the person drafting the minutes
  - v. Members who were present and absent
  - vi. Motions and voting
  - vii. Time of adjournment
- c. Meeting minutes shall be reviewed/acted upon at the Governing Body's next meeting.
- d. Approved meeting minutes shall be forwarded to the County Clerk within one week of approval. Unless otherwise noted and as required by law, the County Clerk shall preserve and post the meeting minutes for public access (i.e. publication on County's website).
  - i. For closed session, meeting minutes shall be sealed in an envelope and labelled with: 1) the name of the Governing Body; 2) meeting date; and 3) "Closed Session Meeting Minutes".
  - ii. Closed session meeting minutes shall remain closed until the reason for closed session has ended.

#### **23. Expense reimbursement**

- a. Governing Body members shall receive a per diem and mileage reimbursement for meetings attended that they are a member of (excluding ex-officio member) and for meetings attended that they are requested to attend by the Governing Body chairperson.
  - i. Mileage reimbursement shall be paid for one trip to and from the member's residence to the meeting location.
- b. Governing Body members shall be reimbursed for meals, lodging, registration fees, and any other reasonable and necessary travel expense for county business attended outside Clark County within the scope of the member's duty.
  - i. Official county business includes, but is not limited to, meetings, educational programs, professional associations, public hearings, and training.
- c. Governing Body members who voluntarily attend a meeting without being requested to attend shall not be eligible for a per diem, mileage, or any other type of reimbursement.
- d. Subject to Wis. Stat. 59.10 and 59.22, the Board shall determine rates for per diem, mileage, meals, and conditions of payment.
- e. Claims for per diem and reimbursement shall be submitted to the County Clerk for review, approval, and processing of payment.
  - i. Claims shall be itemized along with itemized receipts.
  - ii. Any disputes as to eligibility for reimbursement shall be forwarded to the Board chairperson for resolution.

#### **24. Budget**

- a. The Board shall adopt an annual budget pursuant to Wis. Stat. 65.90. The Board may

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amend an adopted budget pursuant to Wis. Stat. 65.90(5)(a).

- b. Subject to Wis. Stat. 65.90(5)(b) and with approval of the Governing Body having oversight of the department, the Finance Committee may authorize the transfer from the contingency fund.

### 25. Real property transactions

- a. The Board shall approve all transfers of rights in real property owned by Clark County and all purchase of real property pursuant to the Clark County Contract Policy.
  - i. All transfers shall be by quit claim deed unless the Board approves otherwise.

### 26. Department reports

- a. Each department shall submit an annual report covering the previous fiscal year to the oversight Governing Body for review and approval by August 1 of each year.
  - i. Such report shall contain the following information from the previous calendar year:
    1. Finances (budgeted and actual revenue and expenses)
    2. Personnel
    3. Mandated and non-mandated programs and services
    4. Major accomplishments
    5. Future opportunities/plans
- b. Upon approval, annual reports shall be submitted to the County Clerk within 30 days for retention and such reports shall be presented to the Board at Board chairperson's discretion.

### 27. Miscellaneous

- a. These rules may be amended by two-thirds vote of the entire Board membership.
- b. These rules may be suspended by two-thirds vote of the entire Board membership.
- c. These rules are severable if deemed invalid, void, unenforceable, or in conflict with law with the remainder of the rules remaining in full force and effect.
- d. These rules are effective immediately upon adoption and all previously adopted rules are rescinded upon the adoption of amended rules.

### 28. Attachments

- a. Exhibit A – Resolution/Ordinance Format

<b>Revision History</b>			
<b>Adoption/Revision Date</b>	<b>Overview of Action</b>	<b>Section(s) Impacted</b>	<b>Action Reference</b>
February 26, 2014	Initial adoption	All	Ordinance 206-12-13
March 18, 2014	Amended the ordinance review/adoption process	13	Resolution 11-3-14
February 21, 2020	Reformat and streamlined rules; updated removal/vacancy process; updated attendance/conduct standards; updated exclusion from closed session and meeting minutes; added departmental report section; added resolution/ordinance format per Resolution 2-1-19	All	Ordinance 229-11-19
July 16, 2020	Amendments related to remote governing body meetings	8, 12	Ordinance 233-7-20
May 16, 2024	Replace reference to "County Attorney" to "Corporation Counsel"; update remote attendance options during closed session; update meeting time.	7, 8, 9, 15, 16, 18	Ordinance 246-5-24