



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-5135/1  
MES/JK/KP:amn/klm/wlj/kjf

2017 BILL

1 AN ACT *to repeal* 59.17 (2) (bm) and (br), 59.42 (1) (b) and (c), 59.52 (31) and 59.79  
2 (8); *to renumber* 59.17 (2) (a) and 59.51 (1); *to renumber and amend* 59.42  
3 (1) (a) and 59.60 (12); *to amend* 43.17 (4), 43.58 (4), 46.21 (1m) (a), 46.21 (1m)  
4 (am), 59.06 (2), 59.10 (1) (a), 59.10 (3) (f), 59.10 (3) (i), 59.10 (5), 59.17 (2) (b)  
5 (intro.), 59.17 (2) (b) 1., 59.17 (2) (b) 3. (intro.), 59.17 (2) (b) 3. c., 59.17 (2) (b) 4.,  
6 59.17 (2) (b) 6., 59.17 (2) (c), 59.22 (1) (a) 1., 59.22 (1) (a) 2., 59.22 (2) (a), 59.22  
7 (2) (c) 1. (intro.), 59.22 (2) (c) 2., 59.22 (2) (d), 59.22 (2) (e), 59.22 (3), 59.22 (3a),  
8 59.255 (2) (a), 59.255 (2) (e), 59.38 (5), 59.42 (2) (a), 59.42 (2) (b) 5., 59.42 (3),  
9 59.44 (1) (b), 59.52 (1) (a), 59.52 (1) (b), 59.52 (2), 59.52 (8) (a), 59.52 (8) (b)  
10 (intro.), 59.52 (8) (c), 59.52 (9), 59.52 (19), 59.52 (21), 59.52 (24), 59.52 (29) (a),  
11 59.53 (25), 59.56 (3) (b), 59.56 (14) (e) 1., 59.57 (2) (e) 4., 59.57 (2) (f) 2., 59.58  
12 (1) (c), 59.58 (3) (intro.), 59.60 (1), 59.69 (2) (a) 2., 59.69 (2) (a) 3., 59.69 (10) (b)  
13 2., 59.70 (2) (intro.), 59.70 (18), 59.792 (3) (a) (intro.), 60.40 (2), 60.40 (3), 60.40  
14 (5), 63.02 (2), 68.14 (1), 83.01 (1) (b), 200.11 (8) and 289.33 (3) (d); and *to create*

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1           59.10 (2) (c) 5., 59.10 (3) (k), 59.17 (2) (b) 3m., 59.17 (2) (d), 59.17 (2) (e), 59.22  
2           (1) (a) 3., 59.51 (1) (b), 59.52 (3m), 59.52 (8) (d), 59.52 (29) (c), 59.60 (12) (b), 59.60  
3           (12) (c), 59.602, 59.61 (4), 59.84 (2) (d) 8. and 65.30 of the statutes; **relating to:**  
4           increasing the authority of a county executive and reducing the authority of a  
5           county board, budgeting procedures for populous counties, certain other  
6           counties, and cities, villages, and towns, and the method for establishing the  
7           compensation of county supervisors and county elective officers.

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*Analysis by the Legislative Reference Bureau*

*Powers and duties of a county executive*

This bill, generally, allows all county executives to exercise the powers and duties assigned under current law to a county executive of any county with a population of 750,000 or more (populous county). Generally, the bill provides that any power conferred to a county executive or county administrator must be broadly and liberally construed and limited only by express language. To the extent that a conflict exists between county board action and county executive or county administrator action, the bill provides that the action of the executive or administrator shall prevail, to the extent of the conflict. The bill also allows a county executive to exercise some of the authority that would otherwise be exercised by the county board for matters regarding property. Such authority includes providing public liability and property damage insurance, providing fire and casualty insurance for county property, examining and settling all accounts of the county and all claims, and purchasing publications. In addition, the bill gives the county executive sole authority to exercise the powers granted to the county board with regard to the form and keeping of public records, establishing parking areas, acceptance of donations, gifts, and grants, and transportation.

Current law allows a county executive of a populous county to hire and supervise the number of employees that the county executive reasonably believes are necessary for him or her to carry out the duties of the county executive's office. The bill allows all county executives to take such action. In addition, the bill provides that the county board may neither reduce nor eliminate the staff authorized by the county executive for operating the office of the county executive, nor reduce or eliminate the appropriations for the staff and operations of the office. The bill also gives the county executive sole authority to determine the compensation, fringe benefits, human resources, hiring, creation and elimination of positions, pay ranges, expense reimbursements, and classifications for county employees. If the county does not have a county executive, such authority remains with the board.

Under current law, the county executive of any county has the authority to coordinate and direct all administrative and management functions of the county

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that are not vested in other elected officers. This bill specifies that, with regard to any county executive, the executive has sole authority over administrative actions with regard to procurement, including an appeals process, contracting, administrative review of appeals regarding the denial of certain applications, and the actions taken under the administrative manual of operating procedures related to the authority and powers of a county executive. Under the bill, any such action taken by a county executive is not subject to submission to or approval by the county board.

***Civil service, employees, appointees***

Currently, the board may establish a civil service system that may be made applicable to all county personnel, except the members of the board, constitutional officers, and members of boards and commissions. The board may also suspend, demote, and discipline county law enforcement personnel based on its own investigation or charges filed by the sheriff or others, provided that the board determines there is just cause. Under the bill, authority in these areas is transferred to the county executive of any county that has a county executive. If there is no county executive, the authority remains with the board. Except as otherwise required by current law civil service statutes, the bill also authorizes the county executive to modify a civil service system.

Current law requires the creation of the office of corporation counsel for any county with a population of 500,000 or more. Under current law, a corporation counsel is appointed by the county executive with the concurrence of a majority of the county board. A counsel may be dismissed at any time by the county executive with the concurrence of the board or may be dismissed at any time by a majority vote of the board. The bill requires the creation of the office of corporation counsel for any county with a county executive or county administrator. Under the bill, a corporation counsel is appointed by the executive or administrator with the concurrence of a majority of the county board, unless the board enacts an ordinance that waives the board's confirmation. The bill provides that the corporation counsel is under the supervision of the county executive or county administrator and may be dismissed by the executive or administrator with the board's concurrence.

Generally, the bill changes the method of board confirmation of county executive appointees. Under the bill, an appointee confirmed by the board for a particular position does not need to be reconfirmed to continue in that position, and interim appointees do not require board confirmation. The bill also changes the current law provision requiring the comptroller to countersign all county contracts. Under the bill, the requirement applies only to contracts valued at more than \$250,000.

***Public contracts, bonding***

Generally under current law, subject to various bidding requirements, public contracts are let by the board. Also under current law, the board is authorized to enter into leases related to items including industrial development projects, solid waste management, land clearing and weed control, public transit, and leases for airport property. Generally under the bill, the authority to enter into public contracts and leases is transferred to the county executive, if the county has that office.

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Generally under current law, a county must let a public contract having an estimated cost of more than \$25,000 to the lowest responsible bidder. Under this bill, the amount above which a county must let a contract to the lowest responsible bidder is raised to \$50,000.

The bill creates a requirement that any county with an elective comptroller must create an Internet site, which may be part of the county's website, on which it posts a list of certain contracts to which the county is a party if the contract relates to the purchase of goods or services, or the lease, sale, or purchase of real property. This provision first applies approximately six months after the bill takes effect.

Under current law, if the payment of obligations is provided by revenue bonds, the governing body of a city, village, town, or county must, by ordinance or resolution, order the issuance and sale of bonds. The bill allows the county executive to order the issuance and sale of bonds in the case of county obligations.

***Biennial budget procedures***

This bill also authorizes counties with a population of 750,000 or more (populous counties), currently only Milwaukee County, as well as any other county, and any city, village, or town (municipalities) to adopt and use a biennial budgetary procedure.

Current law specifies an annual budgetary procedure applicable to counties with a population of 500,000 or more and certain counties that elect to follow the procedure. No later than July 15, each department of the county submits to the director of the county department of administration the respective department's estimated revenues and expenditures for the coming fiscal year, the estimated cost of any capital improvements pending or proposed for the coming fiscal year and for the next four fiscal years, and any other information that the director requests. No later than August 15, the director submits to the county executive or county administrator and to the county board all of the following: 1) the annual budget estimates of each department; 2) a statement of principal and interest becoming due on outstanding bonds and on other financial obligations; 3) an estimate of all other expenditures; 4) an estimate of anticipated issues of new bond obligations; 5) an estimate of funds required for contingencies; 6) an estimate of revenue from all other sources; and 7) a complete summary of all the budget estimates and a statement of the property tax levy required if funds were appropriated on the basis of these estimates.

After receiving the estimates, the county executive or county administrator reviews the estimates and holds public hearings. The county executive or county administrator then makes changes in the proposed budget and, no later than October 1, submits the amended proposed budget to the county board. The amended proposed budget of the county executive or administrator must include all of the following: 1) a simple, clear, general summary of the detailed contents of the budget; 2) a comparative statement by organization unit and principal object of expenditure showing the actual expenditures of the preceding fiscal year, the appropriations and estimated expenditures for the fiscal year currently ending, and the recommended appropriations for the fiscal year next succeeding; and 3) a comparative statement of the actual revenues from all sources, including property taxes, during the

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preceding fiscal year; the anticipated revenues and the estimated revenues for the fiscal year currently ending; and the anticipated revenues for the next succeeding fiscal year.

After receiving the amended proposed budget, the county board refers the budget to the finance committee and the finance committee holds a public hearing on the budget. After the public hearing, the finance committee submits to the county board its recommendations for amendments to the proposed amended budget. Finally, the county board adopts the budget with any changes it considers proper and advisable.

Similarly, current law specifies certain annual budgetary procedures for first class cities (presently only Milwaukee) and other cities that choose to follow these procedures. The procedures include the following requirements: 1) production of a general summary; 2) detailed estimates of all anticipated revenues applicable to proposed expenditures; 3) all proposed expenditures; 4) a compensation schedule; 5) the total amount of proposed expenditures for the current year, the proposed amount for the next year, and the percentage change between the two years; and 6) the current year and next year's proposed property tax levy, along with the percentage change.

Current law for cities also includes responsibilities for the board of estimates and detailed requirements for budget review and adoption procedures, public meetings, mayoral vetoes, and common council procedures to override such disapproval.

Generally under this bill, for fiscal years that begin after December 31, 2017, any county or municipality (political subdivision) may adopt a biennial budget using the following timeline:

1. All departments submit their budget requests to the director or municipal budget director.

2. No later than October 1 of an odd-numbered year, the chief executive of a municipality, the county executive, county administrator, or, in counties without an executive or administrator, the county's finance committee submits his or her or its proposed budget to the county board or municipality's governing body.

3. No later than November 1 of an odd-numbered year, the county board of a county with a county executive or a municipality's governing body approves the budget, engrossed with any amendments, and returns it to the county or chief executive. In any county or municipality, any amendment to the budget must be submitted to the comptroller or budget director at least seven business days before it may be considered by a political subdivision's governing body or by a committee of the governing body and must include an estimate, prepared by the comptroller, of the costs that will be incurred, and the staffing changes that will be required, to implement the amendment during the next five fiscal years. If the county or municipality does not have a comptroller, the estimate must be prepared by the county or municipal budget director.

4. No later than November 15 of an odd-numbered year, the county executive or the mayor may submit vetoes or changes to the county board or common council. The county board or common council may act on the vetoes or changes no earlier than

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upon receiving them or November 16, whichever occurs first, although the county board or common council must act on the changes or vetoes no later than November 19 of an odd-numbered year or the vetoes or changes are considered to be approved by the governing body.

5. After a biennial budget takes effect, if revenues received or expenses incurred by the political subdivision are different from the amounts anticipated, the county executive or municipality's chief executive may increase or decrease appropriation amounts as he or she determines is appropriate to account for the changed revenue or expense amounts that affect the political subdivision.

6. Outside of the budget process, a political subdivision's chief executive, a county administrator, or, in a county without a county executive or administrator, the finance committee may propose to the political subdivision's governing body an increase or decrease in any appropriation or revenue amount subject to the same budget amendment procedures described in item #3., above. A two-thirds majority vote of the governing body is required to approve such a proposal, which may not be amended, except that if such a proposal is made and voted on between October 1 and November 15 of an even-numbered year, it may be approved by a simple majority and may be amended on a limited basis.

This bill also provides certain restrictions on the county board's and municipality's governing body's actions related to the budget, including the following:

1. The budget must include all of the following items, and may include no others: a) the county or municipal tax levy; b) anticipated revenue amounts from all sources; and c) appropriations for all departments, and for any other obligations of the county or municipality.

2. The county board of a county with a county executive and a municipality's governing body may not issue municipal obligations in an amount that is higher than the amount initially proposed by the county or chief executive in his or her proposed budget for that biennium. During a biennium, however, a county executive or municipal chief executive may propose, outside of the budget process, the issuance of additional county or municipal obligations. The county board or municipal governing body may approve such a proposal, but may not increase the amount proposed.

3. A political subdivision's authority to transfer unencumbered appropriation balances is subject to certain limitations.

4. With regard to a populous county, and subject to some exceptions, the county board may not adopt a budget in which the total amount of budgeted expenditures related to the compensation of county board members, and to any other costs that are directly related to the operation and functioning of the county board or committees, including staff, is greater than 0.4 percent of the county portion of the tax levy for that year to which the budget applies. Some of the exceptions to this 0.4 percent cap include health care and pension benefits for retired county employees and officers, and salaries and benefits for any board member whose term begins before April 2018.

**BILL*****Accounting procedures***

This bill also requires populous counties to utilize fund accounting and authorizes any county to create proprietary funds, fiduciary funds, and other appropriate funds allowed by government accounting practice, provided that the county describes the sources of revenues that may be deposited into each fund and the types of expenditures that may be made from each fund. In counties without a county executive, such funds may be created by the county board. In counties with a county executive, such funds may be created only by executive order of the county executive. Counties that create proprietary, fiduciary, or other funds must develop policies and procedures that apply to each such fund, including setting a working cash flow target for each fund, publishing annual estimates of working cash flow balances, and descriptions of possible uses of balances in a fund that accumulate above the cash flow target.

***Compensation, certain elective officials***

This bill also makes the following changes to the method for establishing the compensation of county supervisors and county elective officers other than circuit judges:

1. Requires that a county board of supervisors may change the compensation of county supervisors only by enacting an ordinance for that purpose at least three months before, but not more than six months before, the next due date for filing nomination papers for the office of supervisor.

2. Provides that the county executive, county administrator, or administrative coordinator of each county may elect to appoint a commission, composed of five people who are not holding a federal, state, or local elective office, that must make recommendations to the county board concerning the compensation for each county elective officer other than supervisor and circuit judge. The bill requires the county board to enact an ordinance establishing that the compensation for county elective officers other than circuit judges and supervisors is identical to the compensation commission's recommendations.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 1           SECTION 1. 43.17 (4) of the statutes is amended to read:
- 2           43.17 (4) SYSTEM ADMINISTRATION. Notwithstanding ~~ss. 59.17 (2) (br) and s.~~
- 3           59.18 (2) (b), responsibility for administration of a public library system shall vest
- 4           in a head librarian who shall be appointed by and directly responsible to the public
- 5           library system board.

**BILL****SECTION 2**

1           **SECTION 2.** 43.58 (4) of the statutes is amended to read:

2           43.58 (4) Notwithstanding ~~ss. 59.17 (2) (br)~~ and s. 59.18 (2) (b), the library  
3 board shall supervise the administration of the public library and shall appoint a  
4 librarian, who shall appoint such other assistants and employees as the library board  
5 deems necessary, and prescribe their duties and compensation.

6           **SECTION 3.** 46.21 (1m) (a) of the statutes is amended to read:

7           46.21 (1m) (a) The county executive shall appoint under ss. 63.01 to 63.17 a  
8 director of the county department of human services. The appointment shall be  
9 made on the basis of recognized and demonstrated public interest in and knowledge  
10 of the problems of human services, and with due regard to training, experience,  
11 executive and administrative ability and efficiency, and general qualifications and  
12 fitness for performing the duties of the office. The director shall file an official oath  
13 and bond in the amount determined by the county board of supervisors. The county  
14 board of supervisors may create a position of deputy director of the county  
15 department of human services. The director shall be appointed by the county  
16 executive in the unclassified civil service ~~and is subject to confirmation by the county~~  
17 ~~board of supervisors under s. 59.17 (2) (bm).~~

18           **SECTION 4.** 46.21 (1m) (am) of the statutes is amended to read:

19           46.21 (1m) (am) The county executive shall appoint under ss. 63.01 to 63.17  
20 an administrator of the county hospital. The appointment shall be made on the basis  
21 of recognized and demonstrated public interest in and knowledge of the problems of  
22 delivery of medical care and treatment, and with due regard to training, experience,  
23 executive and administrative ability and efficiency, and general qualifications and  
24 fitness for performing the duties of the office. The administrator shall file an official  
25 oath and bond in the amount determined by the county board of supervisors. The



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1 county board of supervisors may create positions to assist the administrator. The  
2 administrator shall be appointed by the county executive in the unclassified civil  
3 service ~~and the appointment is subject to confirmation by the county board of~~  
4 ~~supervisors under s. 59.17 (2) (bm).~~

5 SECTION 5. 59.06 (2) of the statutes is amended to read:

6 59.06 (2) EFFECT OF TRANSFER. All deeds, contracts, and agreements made on  
7 behalf of the county under the directions of the board under s. 59.52 (6), or by a county  
8 executive acting under s. 59.17 (2) (b) 3., ~~when signed and acknowledged by the clerk~~  
9 ~~and the county seal is attached, are valid and binding on the county to the extent of~~  
10 ~~the terms of the instrument and the right, title, and interest which the county has~~  
11 ~~in the property, except that in the case of the sale or purchase of real property, the~~  
12 ~~instrument must also be signed by the clerk to be valid and binding on the county.~~

13 SECTION 6. 59.10 (1) (a) of the statutes is amended to read:

14 59.10 (1) (a) *Number of supervisors and apportionment of supervisory districts.*  
15 In each county with a population of at least 500,000, sub. (2) (a) ~~and (b), and (c) 5.~~  
16 applies. In counties with a population of less than 500,000 and more than one town,  
17 sub. (3) (a) to (c) ~~and (k)~~ applies. In counties with one town only, sub. (5) applies.

18 SECTION 7. 59.10 (2) (c) 5. of the statutes is created to read:

19 59.10 (2) (c) 5. The board may not change the salary specified in subd. 1., or as  
20 otherwise adjusted under this paragraph, unless the board enacts an ordinance for  
21 that purpose at least 3 months before, but not more than 6 months before, the next  
22 closing date for filing nomination papers for the office of supervisor.

23 SECTION 8. 59.10 (3) (f) of the statutes is amended to read:

24 59.10 (3) (f) *Compensation.* Each supervisor shall be paid a per diem by the  
25 county for each day that he or she attends a meeting of the board. Any board may,

**BILL****SECTION 8**

1 at ~~its annual~~ a meeting, by a two-thirds vote of all the members, fix the compensation  
2 of the board members to be next elected. Any board may also provide additional  
3 compensation for the chairperson.

4 **SECTION 9.** 59.10 (3) (i) of the statutes is amended to read:

5 59.10 (3) (i) *Alternative compensation.* As an alternative method of  
6 compensation, in counties having a population of less than 500,000, including  
7 counties containing only one town, the board may, at ~~its annual~~ a meeting, by a  
8 two-thirds vote of the members entitled to a seat, fix the compensation of the  
9 supervisors to be next elected at an annual salary for all services for the county  
10 including all committee services, except the per diem allowance for services in  
11 acquiring highway rights-of-way set forth in s. 84.09 (4). The board may, in like  
12 manner, allow additional salary for the members of the highway committee and for  
13 the chairperson of the board. In addition to the salary, the supervisors shall receive  
14 mileage as provided in par. (g) for each day's attendance at board meetings or for  
15 attendance at not to exceed 2 committee meetings in any one day.

16 **SECTION 10.** 59.10 (3) (k) of the statutes is created to read:

17 59.10 (3) (k) *Changing compensation.* The board may not change the  
18 compensation of supervisors unless the board enacts an ordinance for that purpose  
19 at least 3 months before, but not more than 6 months before, the next closing date  
20 for filing nomination papers for the office of supervisor.

21 **SECTION 11.** 59.10 (5) of the statutes is amended to read:

22 59.10 (5) **COUNTIES HAVING ONLY ONE TOWN.** In all counties containing one town  
23 only, the board shall consist of the members of the town board and one supervisor  
24 from every village. A supervisor from a village shall be elected at the time the other  
25 village officers are elected. A majority of the members shall constitute a quorum of

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1 the county board. ~~Each~~ Subject to sub. (3) (k), each supervisor shall receive  
2 compensation and mileage as provided in sub. (3) (f) and (g). The chairperson of the  
3 board elected under s. 59.12 (1) may be, but need not be, the same person who is  
4 elected chairperson of the town board under s. 60.21 (3) (a).

5 **SECTION 12.** 59.17 (2) (a) of the statutes is renumbered 59.17 (2) (b) 6m.

6 **SECTION 13.** 59.17 (2) (b) (intro.) of the statutes is amended to read:

7 59.17 (2) (b) (intro.) In any county ~~with a~~, regardless of population of 750,000  
8 ~~or more:~~

9 **SECTION 14.** 59.17 (2) (b) 1. of the statutes is amended to read:

10 59.17 (2) (b) 1. Appoint and supervise the heads of all departments except  
11 where the statutes provide that the appointment shall be made by a board or  
12 commission or by other elected officers. Notwithstanding any statutory provision  
13 that a board or commission or the county board or county board chairperson appoint  
14 a department head, except ss. 17.21 and 59.47 (3), the county executive shall appoint  
15 and supervise the department head. Except for a statutory provision which specifies  
16 that a board or commission or the county board shall supervise the administration  
17 of a department, the county executive shall administer, supervise, and direct all  
18 county departments, including any person who negotiates on behalf of the county,  
19 and the county board, other board, or commission shall perform any advisory or  
20 policy-making function authorized by statute. Any appointment by the county  
21 executive under this subdivision requires the confirmation of the county board  
22 unless the county board, by ordinance, elects to waive confirmation. An appointee  
23 who is confirmed by the board for a particular position does not need to be  
24 reconfirmed for that position for as long as he or she continues in uninterrupted  
25 service in that position. Any appointee who is appointed as an interim department

**BILL****SECTION 14**

1 head does not need county board confirmation. Any department head appointee of  
2 a county executive who has been confirmed by a county board, or whose confirmation  
3 has been waived by the board, on the effective date of this subdivision .... [LRB inserts  
4 date], does not need to be reconfirmed, or confirmed, by the board as long as the  
5 appointee continues in uninterrupted service in that position. In this subdivision,  
6 uninterrupted service includes a gap in service for an allowable leave of absence,  
7 such as medical leave. An appointee of the county executive may assume his or her  
8 duties immediately, pending board action which shall take place within 60 days after  
9 the county executive submits the appointment to the board for confirmation. Any  
10 department head appointed by a county executive under this subsection may be  
11 removed at the pleasure of the county executive. ~~The county executive shall comply~~  
12 ~~with hiring policies set by the board when making appointments under this~~  
13 ~~paragraph.~~

14 **SECTION 15.** 59.17 (2) (b) 3. (intro.) of the statutes is amended to read:

15 59.17 (2) (b) 3. (intro.) Exercise the authority under s. 59.52 (6) that would  
16 otherwise be exercised by a county board, except that the county board may continue  
17 to exercise the authority under s. 59.52 (6) only with regard to the sale, acquisition,  
18 or lease as landlord or tenant of land that is zoned as a park on or after July 14, 2015,  
19 other than land zoned as a park in the city of Milwaukee that is located within the  
20 area west of Lincoln Memorial Drive, south of E. Michigan Street, east of N. Van  
21 Buren Street, and north of E. Clybourn Avenue. With regard to the sale, acquisition,  
22 or lease as landlord or tenant of real property, other than certain park land as  
23 described in this subdivision, the county executive's action need not be consistent  
24 with established county board policy and may take effect without submission to or  
25 approval by the county board. The proceeds of the sale of real property as authorized

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1 under this subdivision shall first be applied to any debt attached to the property.  
2 Before the county executive's sale of county land may take effect, a majority of the  
3 following must sign a document, a copy of which will be attached to the bill of sale  
4 and a copy of which will be retained by the county, certifying that they believe the  
5 sale is in the best interests of the county:

6 **SECTION 16.** 59.17 (2) (b) 3. c. of the statutes is amended to read:

7 59.17 (2) (b) 3. c. An individual who is a resident of the city, village, or town  
8 where the real property is located, who shall be appointed, at least biennially, by the  
9 executive council, as defined in s. 59.794 (1) (d), or, in a county without an executive  
10 council, by the city mayor or administrator, village president, or town board  
11 chairperson of the municipality where the real property is located. The individual  
12 appointed under this subd. 3. c. may not be an elective official, and he or she must  
13 have demonstrable experience in real estate law or real estate sales or development.

14 **SECTION 17.** 59.17 (2) (b) 3m. of the statutes is created to read:

15 59.17 (2) (b) 3m. Exercise the authority under s. 59.52 (3), (4), (11), (12), (14),  
16 and (23) for matters regarding property that would otherwise be exercised by the  
17 county board.

18 **SECTION 18.** 59.17 (2) (b) 4. of the statutes is amended to read:

19 59.17 (2) (b) 4. Sign all contracts, conveyances, and evidences of indebtedness  
20 on behalf of the county, to the extent that no other county officer or employee is  
21 specifically required to sign such contracts, conveyances, and evidences of  
22 indebtedness, and countersign all other contracts, conveyances, and evidences of  
23 indebtedness. No contract with the county is valid unless it is signed or  
24 countersigned by the county executive and, as provided in ss. 59.255 (2) (e) and 59.42  
25 (2) (b) 5. for a county with an elective comptroller, by the comptroller and corporation

**BILL****SECTION 18**

1 counsel, except that the requirement for signatures by the comptroller and  
2 corporation counsel applies only to contracts the value of which exceeds \$250,000.

3 **SECTION 19.** 59.17 (2) (b) 6. of the statutes is amended to read:

4 59.17 (2) (b) 6. Hire and supervise the number of employees that the county  
5 executive reasonably believes are necessary for him or her to carry out the duties of  
6 the county executive's office, subject to board approval of the county executive  
7 department budget. For purposes of this subdivision, the board may neither reduce  
8 nor eliminate the staff authorized by the county executive for operating the office of  
9 the county executive, nor reduce or eliminate the appropriations for the staff and  
10 operations of the office of the county executive.

11 **SECTION 20.** 59.17 (2) (bm) and (br) of the statutes are repealed.

12 **SECTION 21.** 59.17 (2) (c) of the statutes is amended to read:

13 59.17 (2) (c) Appoint the members of all boards and commissions where  
14 appointments are required and where the statutes provide that the appointments  
15 are made by the county board or by the chairperson of the county board. All Subject  
16 to par. (b) 1., all appointments to boards and commissions by the county executive  
17 are subject to confirmation by the county board.

18 **SECTION 22.** 59.17 (2) (d) of the statutes is created to read:

19 59.17 (2) (d) In any county, exercise sole authority over the following  
20 administrative actions, which may take effect without any review or approval of the  
21 board:

22 1. Procurement, including an appeals process, requests for proposals or  
23 information, negotiation, approval, amendment, execution, administration, and  
24 payment.

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1           2. Contracting, including negotiation, requests for proposals or information,  
2 approval, amendment, execution, administration, and payment.

3           3. Administrative review of appeals under ch. 68, administrative review of any  
4 protest of a solicitation or award of a contract, the denial in whole or in part of a  
5 contract award, any appeal by an aggrieved party from an administrative  
6 determination by any county official regarding an initial permit, license, right,  
7 privilege, or authority, except an alcohol beverage license, for which a person applies  
8 through the county.

9           4. Creation of an administrative manual of operating procedures and taking  
10 actions under such a manual related to the authority and powers granted to a county  
11 executive under the statutes. If an action taken by the county board conflicts with  
12 an action taken by a county executive under this subdivision, the county executive's  
13 action shall prevail over the county board's action to the extent that the county  
14 executive's action and the county board's action conflict.

15           **SECTION 23.** 59.17 (2) (e) of the statutes is created to read:

16           59.17 (2) (e) 1. Notwithstanding s. 63.11 or any authority granted by law to the  
17 county board, exercise sole authority to determine all of the following for any county  
18 employee who is not an elected official:

19           a. Compensation, including compensation plan design, and fringe benefits,  
20 including retirement benefits.

21           b. Creation and elimination of positions.

22           c. Human resources matters, including hiring, training, job descriptions,  
23 classifications, pay ranges, pay range assignments, and number and type of  
24 full-time equivalent positions within each department.

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1           2. With regard to county employment, notwithstanding any authority granted  
2 by law to the county board, exercise sole authority to conduct employment  
3 bargaining or negotiation, approve labor contracts, or participate in arbitration. The  
4 county board may not enact an ordinance or adopt a resolution to limit the authority  
5 of the county executive under this paragraph.

6           **SECTION 24.** 59.22 (1) (a) 1. of the statutes is amended to read:

7           59.22 (1) (a) 1. The board shall, before the earliest time for filing nomination  
8 papers for any elective office to be voted on in the county, other than supervisors and  
9 circuit judges, which officer is paid in whole or part from the county treasury,  
10 establish the total annual compensation for services to be paid to the officer exclusive  
11 of reimbursements for expenses out-of-pocket provided for in sub. (3). If the county  
12 executive, county administrator, or administrative coordinator elects under subd. 3.  
13 a. that compensation is to be established by a county elective officer compensation  
14 commission, the board shall establish at least 3 months before the next closing date  
15 for filing nomination papers for any elective office to be voted on in the county other  
16 than supervisors and circuit judges that the compensation to be paid to each county  
17 elective officer other than supervisors and circuit judges is identical to the  
18 recommendation under subd. 3. d. of the county elective officer compensation  
19 commission. Except as provided in subd. 2., the annual compensation ~~may~~ shall be  
20 established by ~~resolution or ordinance~~, on a basis of straight salary, fees, or part  
21 salary and part fees, and if the compensation established is a salary, or part salary  
22 and part fees, it shall be in lieu of all fees, including per diem and other forms of  
23 compensation for services rendered, except those specifically reserved to the officer  
24 in the ~~resolution or ordinance~~. The compensation established shall not be increased  
25 nor diminished during the officer's term and shall remain for ensuing terms unless



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1 changed by the board. Court fees shall not be used for compensation for county  
2 officers.

3 **SECTION 25.** 59.22 (1) (a) 2. of the statutes is amended to read:

4 59.22 (1) (a) 2. The board shall establish the annual compensation of the sheriff  
5 as straight salary by enacting an ordinance. No portion of that salary may include  
6 or be based on retention of fees by the sheriff. No portion of that salary may be based  
7 on providing food to prisoners under s. 302.37 (1). This subdivision does not prohibit  
8 the reimbursement of a sheriff for actual and necessary expenses.

9 **SECTION 26.** 59.22 (1) (a) 3. of the statutes is created to read:

10 59.22 (1) (a) 3. a. The county executive, county administrator, or  
11 administrative coordinator may, within 3 months of taking office, elect that a county  
12 elective officer compensation commission should make recommendations to the  
13 board concerning the compensation for each county elective officer other than  
14 supervisor and circuit judge who is paid in whole or part from the county treasury.

15 b. If the county executive, county administrator, or administrative coordinator  
16 elects under subd. 3. a. that a county elective officer compensation commission  
17 should make recommendations to the board, within 60 days of that decision the  
18 county executive, county administrator, or administrative coordinator shall appoint  
19 2 members to the commission, and within 60 days of that decision the board shall  
20 appoint 2 members to the commission. The director of a county department having  
21 duties related to human resources and personnel shall also be a member of the  
22 commission. Notwithstanding s. 59.10 (4), a person who holds elective office in the  
23 federal government, state government, or the governing body of a political  
24 subdivision may not be a member of the commission during the person's term of

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1 office. The board shall provide the resources and information to the commission that  
2 is necessary for the commission to make its recommendations under subd. 3. d.

3 c. If the county has a county executive, the commission under subd. 3. b. shall  
4 terminate at the end of the county executive's term. If the county has a county  
5 administrator, the commission under subd. 3. b. shall terminate 4 years after the  
6 board appoints the county administrator. If the county has an administrative  
7 coordinator, the commission under subd. 3. b. shall terminate 4 years after the board  
8 designates the administrative coordinator.

9 d. At least 4 months before the next closing date for filing nomination papers  
10 for an elective office to be voted on in the county other than supervisors and circuit  
11 judges, the commission under subd. 3. b. shall by a vote of 4 members of the  
12 commission make a recommendation to the board concerning the compensation for  
13 each county elective officer other than supervisor and circuit judge who is paid in  
14 whole or part from the county treasury. Any 4 members of the commission under  
15 subd. 3. b. shall constitute a quorum.

16 **SECTION 27.** 59.22 (2) (a) of the statutes is amended to read:

17 59.22 (2) (a) Except for elective offices included under sub. (1), supervisors and  
18 circuit judges, and subject to ~~s.~~ ss. 59.602 (8) and 59.794 (3), the board of any county  
19 that does not have a county executive has the powers set forth in this subsection, sub.  
20 (3), and s. 59.03 (1) as to any office, department, board, commission, committee,  
21 position or employee in county service created under any statute, the salary or  
22 compensation for which is paid in whole or in part by the county, and the jurisdiction  
23 and duties of which lie within the county or any portion thereof and the powers  
24 conferred by this section shall be in addition to all other grants of power and shall  
25 be limited only by express language. In any county with a county executive, the

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1 county executive has the powers set forth in this subsection, sub. (3), and s. 59.03 (1),  
2 as described in this subsection.

3 **SECTION 28.** 59.22 (2) (c) 1. (intro.) of the statutes is amended to read:

4 59.22 (2) (c) 1. (intro.) Except as provided in subd. 2. and par. (d), the board of  
5 any county that does not have a county executive may, and in any county with a  
6 county executive, the county executive may, do any of the following:

7 **SECTION 29.** 59.22 (2) (c) 2. of the statutes is amended to read:

8 59.22 (2) (c) 2. No action of the board or of a county executive may be contrary  
9 to or in derogation of the rules of the department of children and families under s.  
10 49.78 (4) to (7) relating to employees administering old-age assistance, aid to  
11 families with dependent children, aid to the blind, or aid to totally and permanently  
12 disabled persons or ss. 63.01 to 63.17.

13 **SECTION 30.** 59.22 (2) (d) of the statutes is amended to read:

14 59.22 (2) (d) The county executive in any county that has a county executive,  
15 or the county board of any county that does not have a county executive, or any board,  
16 commission, committee or agency to which the board or statutes has delegated the  
17 authority to manage and control any institution or department of the county  
18 government may contract for the services of employees, setting up the hours, wages,  
19 duties and terms of employment for periods not to exceed 2 years.

20 **SECTION 31.** 59.22 (2) (e) of the statutes is amended to read:

21 59.22 (2) (e) The county executive in any county that has a county executive,  
22 or the board of any county that does not have a county executive, may provide and  
23 appropriate money for an employee awards program to encourage and to reward  
24 unusual and meritorious suggestions and accomplishments by county employees.

25 **SECTION 32.** 59.22 (3) of the statutes is amended to read:

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## SECTION 32

1           59.22 (3) REIMBURSEMENT FOR EXPENSE. The county executive in any county that  
2 has a county executive, or the board of any county that does not have a county  
3 executive, may provide for reimbursement to any elective officer, deputy officer,  
4 appointive officer or employee for any out-of-pocket expense incurred in the  
5 discharge of that person's duty in addition to that person's salary or compensation,  
6 including ~~without limitation because of enumeration,~~ traveling expenses, tuition  
7 costs incurred in attending courses of instruction clearly related to that person's  
8 employment, and the county executive or the board may establish standard  
9 allowances for mileage, room and meals, the purposes for which allowances may be  
10 made, and determine the reasonableness and necessity for such reimbursements,  
11 and also establish in advance a fair rate of compensation to be paid to the sheriff for  
12 the board and care of prisoners in the county jail at county expense. Any  
13 reimbursement paid under this subsection to an officer or employee of a county with  
14 a population of 750,000 or more is subject to the budget limitation described in s.  
15 59.60 (7e).

16           **SECTION 33.** 59.22 (3a) of the statutes is amended to read:

17           59.22 (3a) COMMISSION ON AGING. The county executive in any county that has  
18 a county executive, or the board of any county that does not have a county executive,  
19 may provide for the payment of expenses and a per diem to persons appointed to a  
20 county commission on aging under s. 59.53 (11).

21           **SECTION 34.** 59.255 (2) (a) of the statutes is amended to read:

22           59.255 (2) (a) The comptroller is the chief financial officer of the county, and  
23 the administrator of the county's financial affairs. The comptroller shall administer  
24 the county's accounts payable, payroll, and accounting. The comptroller shall  
25 develop rules and procedures to administer these functions to allow for the efficient

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1 processing of payments for contracts authorized under s. 59.17 (2) (d) 2. The  
2 comptroller shall oversee all of the county's debt.

3 **SECTION 35.** 59.255 (2) (e) of the statutes is amended to read:

4 59.255 (2) (e) The comptroller shall countersign all contracts with the county,  
5 the value of which exceeds \$250,000, if he or she determines that the county has, or  
6 will have, the necessary funds to pay the liability that the county may incur under  
7 the contract. No such contract is valid until so countersigned.

8 **SECTION 36.** 59.38 (5) of the statutes is amended to read:

9 59.38 (5) MEDICAL EXAMINER; APPOINTMENT IN POPULOUS COUNTIES. In a county  
10 with a population of 500,000 or more, the county executive shall appoint the medical  
11 examiner in the unclassified service, subject to confirmation by a majority of the  
12 board and the confirmation provisions under s. 59.17 (2) (b) 1. The medical examiner  
13 may be dismissed at any time by the county executive ~~with the concurrence of a~~  
14 ~~majority of the members elect of the board, or by a majority of the members elect~~  
15 ~~of the board with the concurrence of the county executive.~~ If the county executive  
16 ~~vetoes an action by the board to dismiss the medical examiner, the board may~~  
17 ~~override the veto by a two-thirds vote of the members elect of the board.~~

18 **SECTION 37.** 59.42 (1) (a) of the statutes is renumbered 59.42 (1) and amended  
19 to read:

20 59.42 (1) CORPORATION COUNSEL; CERTAIN COUNTIES. Except as provided under  
21 ~~par. (b), in counties not having a population of 500,000 or more sub. (2),~~ the board may  
22 employ a corporation counsel, and fix the salary of the corporation counsel. A  
23 corporation counsel appointed under this subsection shall have the duties described  
24 under sub. (2) (b). The corporation counsel appointed under this paragraph

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1 subsection may be terminated at any time by a majority vote of all the members of  
2 the board.

3 **SECTION 38.** 59.42 (1) (b) and (c) of the statutes are repealed.

4 **SECTION 39.** 59.42 (2) (a) of the statutes is amended to read:

5 59.42 (2) (a) In a county with a population of 500,000 or more county executive  
6 or county administrator there is created the office of corporation counsel, and such  
7 deputy corporation counsels, assistants, stenographers, and clerks at such salaries  
8 as are authorized by the board county executive under s. 59.17 (2) (e). The  
9 corporation counsel and deputy and assistant corporation counsels shall be  
10 attorneys at law licensed to practice in this state. All such offices and positions shall  
11 be in the classified civil service of the county except the corporation counsel, who is  
12 in the unclassified service. ~~The corporation counsel shall be appointed by the county~~  
13 ~~executive, with the concurrence of a majority of the board and shall not serve at the~~  
14 ~~pleasure of the county executive. Any incumbent corporation counsel serving on~~  
15 ~~August 1, 1990, shall retain that position and title until a new appointee is~~  
16 ~~confirmed by the board. The corporation counsel may be dismissed at any time by~~  
17 ~~the county executive with the concurrence of a majority of the members elect of the~~  
18 ~~board. The corporation counsel may also be dismissed at any time by a majority vote~~  
19 ~~of the board. If the county executive vetoes an action by the board to dismiss the~~  
20 ~~corporation counsel, the board may override the veto by a two-thirds vote of the~~  
21 ~~members elect of the board. The county executive or county administrator shall~~  
22 ~~appoint the corporation counsel with the concurrence of the majority of the board,~~  
23 ~~unless the board enacts an ordinance that waives the board's confirmation of the~~  
24 ~~corporation counsel. The county executive or county administrator shall supervise~~  
25 ~~the corporation counsel and may dismiss the corporation counsel with the~~

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1 concurrence of the majority of the board. The corporation counsel shall appoint  
2 deputies, assistants, and clerical and stenographic help. Deputy corporation  
3 counsels shall have, according to their rank and seniority, the powers and duties of  
4 the corporation counsel in his or her absence or disability. The corporation counsel  
5 and deputy corporation counsels shall take and file the constitutional oath of office.

6 **SECTION 40.** 59.42 (2) (b) 5. of the statutes is amended to read:

7 59.42 (2) (b) 5. Review, for proper form, and countersign all contracts ~~to verify~~  
8 ~~that the contracts comply with all statutes, rules, ordinances, and the county's ethics~~  
9 ~~policy. This subdivision applies only in a county with a population of 750,000 or more,~~  
10 the value of which exceeds \$250,000.

11 **SECTION 41.** 59.42 (3) of the statutes is amended to read:

12 59.42 (3) CORPORATION COUNSEL; ATTORNEY DESIGNEE. In lieu of employing a  
13 corporation counsel under sub. (1) or in addition to employing a corporation counsel  
14 under sub. (1) or (2) (a), a board ~~shall~~ under sub. (1) or a county executive or county  
15 administrator under sub. (2) may designate an attorney to perform the duties of a  
16 corporation counsel as the need arises. Two or more counties may jointly designate  
17 an attorney to perform the duties of a corporation counsel. If an attorney has been  
18 designated to perform the duties of a corporation counsel, that person may exercise  
19 any powers and perform any duties of the corporation counsel.

20 **SECTION 42.** 59.44 (1) (b) of the statutes is amended to read:

21 59.44 (1) (b) In any county with a county executive or a county administrator,  
22 if the county creates an abstract department under par. (a), the county executive or  
23 county administrator shall appoint and supervise the county abstractor. Such  
24 appointment shall be subject to confirmation by the board unless the board, by  
25 ordinance, elects to waive confirmation or unless the appointment is made under a

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1 civil service system competitive examination procedure established under s. 59.52  
2 (8) or ch. 63, and except that in the case of a county with a county executive, the  
3 appointment is subject to the confirmation provisions of s. 59.17 (2) (b) 1.

4 **SECTION 43.** 59.51 (1) of the statutes is renumbered 59.51 (1) (a).

5 **SECTION 44.** 59.51 (1) (b) of the statutes is created to read:

6 59.51 (1) (b) Any power conferred under this chapter to a county executive or  
7 county administrator shall be broadly and liberally construed and limited only by  
8 express language. To the extent that an action of the board conflicts with the powers  
9 of the county executive or the county administrator, the action of the executive or  
10 administrator, to the extent of the conflict, shall prevail.

11 **SECTION 45.** 59.52 (1) (a) of the statutes is amended to read:

12 59.52 (1) (a) In counties with a population of 500,000 or more, the county may  
13 create a department of administration, provide for the appointment by the county  
14 executive of a director of such department and assign such administrative functions  
15 to the department as it considers appropriate, subject to the limitations of this  
16 paragraph. No such function shall be assigned to the department where the  
17 performance of the same by some other county office, department, or commission is  
18 required by any provision of the constitution or statutes of this state, except that  
19 administrative functions under the jurisdiction of the county civil service  
20 commission or the county auditor may be so assigned notwithstanding sub. (8) and  
21 ss. 59.47, 59.60 and 63.01 to 63.17. Such director shall be appointed by the county  
22 executive in the unclassified civil service and is subject to the confirmation ~~by the~~  
23 ~~county board, as provided in s. 59.17 (2) (b).~~ provisions of s. 59.17 (2) (b) 1.

24 **SECTION 46.** 59.52 (1) (b) of the statutes is amended to read:



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1           59.52 (1) (b) Any county with a population of less than 500,000 may create a  
2 department of administration and assign any administrative function to the  
3 department as it considers appropriate, except that no administrative function may  
4 be assigned to the department if any other provision of state law requires the  
5 performance of the function by any other county office, department or commission  
6 unless the administrative function is under the jurisdiction of the county civil service  
7 commission or the county auditor, in which case, the function may be assigned to the  
8 department notwithstanding sub. (8) and ss. 59.47, 59.60 and 63.01 to 63.17. Except  
9 as provided under par. (a), in any county with a county executive or county  
10 administrator, the county executive or county administrator shall have the authority  
11 to appoint and supervise the head of a department of administration; and except as  
12 provided under par. (a), the appointment is subject to confirmation by the county  
13 board unless the appointment is made under a civil service system competitive  
14 examination procedure established under sub. (8) or ch. 63, and except that in the  
15 case of a county with a county executive, the appointment is subject to the  
16 confirmation provisions of s. 59.17 (2) (b) 1.

17           **SECTION 47.** 59.52 (2) of the statutes is amended to read:

18           59.52 (2) PUBLIC RECORDS. The ~~board~~ county executive may prescribe the form  
19 and manner of keeping the records in any county office and the accounts of county  
20 officers. The ~~board may enact an ordinance~~ county executive may issue a written  
21 directive designating legal custodians for the county. Unless prohibited by law, the  
22 ~~ordinance~~ directive may require the clerk or the clerk's designee to act as legal  
23 custodian for the county executive, board, and for any committees, commissions,  
24 boards or authorities created by ordinance or resolution of the board.

25           **SECTION 48.** 59.52 (3m) of the statutes is created to read:

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1           59.52 (3m) PUBLIC CONTRACTS. (a) In this subsection, "contract" means any  
2 agreement to which the county is a party that relates to at least one of these areas:

- 3           1. The purchase of services.
- 4           2. The purchase of supplies.
- 5           3. The sale or purchase of real property.
- 6           4. The lease as tenant or landlord of real property.
- 7           5. Construction and public works.

8           (b) In any county with an elective comptroller, the comptroller shall post,  
9 monthly, on a county Internet site a list of all contracts in excess of \$5,000. The  
10 county executive shall timely provide copies of all contracts to the comptroller. The  
11 site shall be readily accessible by any member of the public. The site may be part of  
12 the county's website.

13           **SECTION 49.** 59.52 (8) (a) of the statutes is amended to read:

14           59.52 (8) (a) ~~The board~~ Except as otherwise required under ch. 63, the county  
15 executive may establish and modify a civil service system of selection, tenure and  
16 status, and the system may be made applicable to all county personnel, except the  
17 members of the board, constitutional officers and members of boards and  
18 commissions. The system may also include uniform provisions in respect to  
19 classification of positions and salary ranges, payroll certification, attendance,  
20 vacations, sick leave, competitive examinations, hours of work, tours of duty or  
21 assignments according to earned seniority, employee grievance procedure,  
22 disciplinary actions, layoffs and separations for just cause, as described in par. (b),  
23 subject to approval of a civil service commission or the ~~board~~ county executive. The  
24 ~~board~~ county executive may request the assistance of the department of  
25 administration and pay for such services, under s. 16.58.

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1           **SECTION 50.** 59.52 (8) (b) (intro.) of the statutes is amended to read:

2           59.52 (8) (b) (intro.) A law enforcement employee of the county may not be  
3 suspended, demoted, dismissed or suspended and demoted by the civil service  
4 commission or by the ~~board~~ county executive, based either on its own investigation  
5 or on charges filed by the sheriff, unless the commission or ~~board~~ county executive  
6 determines whether there is just cause, as described in this paragraph, to sustain the  
7 charges. In making its determination, the commission or the ~~board~~ county executive  
8 shall apply the following standards, to the extent applicable:

9           **SECTION 51.** 59.52 (8) (c) of the statutes is amended to read:

10          59.52 (8) (c) If a law enforcement employee of the county is dismissed, demoted,  
11 suspended or suspended and demoted by the civil service commission or the ~~board~~  
12 county executive under the system established under par. (a), the person dismissed,  
13 demoted, suspended or suspended and demoted may appeal from the order of the  
14 civil service commission or the ~~board~~ county executive to the circuit court by serving  
15 written notice of the appeal on the secretary of the commission or the ~~board~~ county  
16 executive within 10 days after the order is filed. Within 5 days after receiving written  
17 notice of the appeal, the commission or the ~~board~~ county executive shall certify to the  
18 clerk of the circuit court the record of the proceedings, including all documents,  
19 testimony and minutes. The action shall then be at issue and shall have precedence  
20 over any other cause of a different nature pending in the court, which shall always  
21 be open to the trial thereof. The court shall upon application of the accused or of the  
22 ~~board~~ county executive or the commission fix a date of trial which shall not be later  
23 than 15 days after the application except by agreement. The trial shall be by the  
24 court and upon the return of the ~~board~~ county executive or the commission, except  
25 that the court may require further return or the taking and return of further

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1 evidence by the board county executive or the commission. The question to be  
2 determined by the court shall be: Upon the evidence is there just cause, as described  
3 in par. (b), to sustain the charges against the employee? No cost shall be allowed  
4 either party and the clerk's fees shall be paid by the county. If the order of the board  
5 county executive or the commission is reversed, the accused shall be immediately  
6 reinstated and entitled to pay as though in continuous service. If the order of the  
7 board county executive or the commission is sustained, it shall be final and  
8 conclusive.

9 **SECTION 52.** 59.52 (8) (d) of the statutes is created to read:

10 59.52 (8) (d) If a county does not have a county executive, the board may  
11 exercise the powers granted to a county executive in this subsection.

12 **SECTION 53.** 59.52 (9) of the statutes is amended to read:

13 59.52 (9) PURCHASING AGENT. The board county executive may appoint a person  
14 or committee as county purchasing agent, and provide compensation for their  
15 services, except that if the county does not have a county executive, the board may  
16 perform this function. Any county officer or supervisor may be the agent or a  
17 committee member. The purchasing agent shall provide all ~~supplies and equipment~~  
18 procurement and contracting as provided under sub. (3m) and s. 59.17 (2) (d) for the  
19 various county offices and the board chairperson shall promptly sign orders in  
20 payment therefor. The board county executive may require that all purchases  
21 procurement and contracting be made in the manner determined by it ~~he or she~~  
22 determines, except that if the county does not have a county executive, the board may  
23 perform this function.

24 **SECTION 54.** 59.52 (19) of the statutes is amended to read:

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1           59.52 (19) DONATIONS, GIFTS AND GRANTS. The ~~board~~ county executive may  
2 accept donations, gifts or grants for any public governmental purpose within the  
3 powers of the county.

4           **SECTION 55.** 59.52 (21) of the statutes is amended to read:

5           59.52 (21) COUNTY COMMISSIONS. Except in counties having a population of  
6 500,000 or more, the ~~board~~ county executive may fix and pay the compensation of  
7 members of the county park commission and the county planning and zoning  
8 commission for attendance at meetings at a rate not to exceed the compensation  
9 permitted supervisors.

10          **SECTION 56.** 59.52 (24) of the statutes is amended to read:

11          59.52 (24) PARKING AREAS. ~~The board may enact ordinances establishing~~ county  
12 executive may establish by directive areas for parking of vehicles on lands owned or  
13 leased by the county; for regulating or prohibiting parking of vehicles on such areas  
14 or parts of such areas, including, but not limited to, provision for parking in such  
15 areas or parts thereof for only certain purposes or by only certain personnel; for  
16 forfeitures for violations thereof, but not to exceed \$50 for each offense; and for the  
17 enforcement of such ~~ordinances~~ directives. If the county does not have a county  
18 executive, the board may perform these functions by enacting ordinances.

19          **SECTION 57.** 59.52 (29) (a) of the statutes is amended to read:

20          59.52 (29) (a) All public work, including any contract for the construction,  
21 repair, remodeling or improvement of any public work, building, or furnishing of  
22 supplies or material of any kind where the estimated cost of such work will exceed  
23 ~~\$25,000~~ \$50,000 shall be let by contract to the lowest responsible bidder. Any public  
24 work, the estimated cost of which does not exceed ~~\$25,000~~ \$50,000, shall be let as the  
25 ~~board~~ county executive may direct. If the estimated cost of any public work is

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1 between \$5,000 and ~~\$25,000~~ \$50,000, the board county executive shall give a class  
2 1 notice under ch. 985 before ~~it~~ he or she contracts for the work or shall contract with  
3 a person qualified as a bidder under s. 66.0901 (2). A contract, the estimated cost of  
4 which exceeds \$25,000, shall be let and entered into under s. 66.0901, except that the  
5 board county executive may ~~by a three-fourths vote of all the members entitled to~~  
6 ~~a seat~~ provide that any class of public work or any part thereof may be done directly  
7 by the county without submitting the same for bids. This subsection does not apply  
8 to public construction if the materials for such a project are donated or if the labor  
9 for such a project is provided by volunteers. This subsection does not apply to  
10 highway contracts which the county highway committee or the county highway  
11 commissioner is authorized by law to let or make.

12 **SECTION 58.** 59.52 (29) (c) of the statutes is created to read:

13 59.52 (29) (c) If a county does not have a county executive, the board may  
14 perform the functions under par. (a), except that with regard to a contract the  
15 estimated cost of which exceeds \$50,000, the board may provide that any class of  
16 public work or any part thereof may be done directly by the county without  
17 submitting the same for bids only if the board approves such action by a  
18 three-fourths vote of all the members entitled to a seat.

19 **SECTION 59.** 59.52 (31) of the statutes is repealed.

20 **SECTION 60.** 59.53 (25) of the statutes is amended to read:

21 59.53 (25) MILWAUKEE COUNTY MENTAL HEALTH. The Milwaukee County board  
22 has no jurisdiction and may not take any actions, including under ss. 59.52 (6) ~~and~~  
23 ~~(31)~~, 66.0301, and 66.0607 (2), related to mental health functions, programs, and  
24 services.

25 **SECTION 61.** 59.56 (3) (b) of the statutes is amended to read:

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1           59.56 (3) (b) *Committee on agriculture and extension education.* If a board  
2 establishes a university extension program, it shall create a committee on  
3 agriculture and extension education. The board may select as a member of the  
4 committee any public school administrator resident in the county. The members of  
5 the committee shall receive such compensation and expenses as the board or county  
6 executive determines under s. 59.22 (2) (c) and (3). The committee shall meet at such  
7 intervals as are considered necessary to properly carry out its functions and  
8 responsibilities.

9           **SECTION 62.** 59.56 (14) (e) 1. of the statutes is amended to read:

10           59.56 (14) (e) 1. Acquire by deed or lease real estate and make improvements  
11 on such real estate.

12           **SECTION 63.** 59.57 (2) (e) 4. of the statutes is amended to read:

13           59.57 (2) (e) 4. The articles of incorporation shall provide for 2 classes of  
14 members who shall be designated as county members and public members and shall  
15 fix the number of each class, but the county members, at all times, shall constitute  
16 not less than a majority of the total authorized members. All members of each class  
17 shall be designated by the board and shall hold office at the pleasure of the board,  
18 except that in counties having a county executive, the members shall be designated  
19 by the county executive subject to confirmation by the board and subject to the  
20 confirmation provisions of s. 59.17 (2) (b) 1., and such members serve at the pleasure  
21 of the county executive. The agency shall be subject to dissolution and its corporate  
22 authority terminated upon resolution adopted by a majority of the board, or of the  
23 boards of each county where counties join in the formation of the agency whereupon  
24 the members shall proceed immediately to dissolve the agency, wind up its affairs  
25 and distribute its remaining assets as provided in this subsection.

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1           **SECTION 64.** 59.57 (2) (f) 2. of the statutes is amended to read:

2           59.57 (2) (f) 2. Within the boundaries of the county or the counties joining in  
3 the formation of the agency to acquire by purchase, lease or otherwise any real or  
4 personal property or any interest therein or mortgage or other lien thereon; to hold,  
5 improve, clear and redevelop any such property; to sell, assign, lease, subdivide and  
6 make the property available for industrial use and to mortgage or otherwise  
7 encumber the property, except that the authority to enter into a lease under this  
8 subdivision may be exercised only by the county executive, if the county has such an  
9 office.

10           **SECTION 65.** 59.58 (1) (c) of the statutes is amended to read:

11           59.58 (1) (c) Operate airport projects or lease such projects in their entirety or  
12 in part, and any project may include space designed for leasing to others if the space  
13 is incidental to the purposes of the project, except that the authority to enter into a  
14 lease under this paragraph may be exercised only by the county executive, if the  
15 county has such an office.

16           **SECTION 66.** 59.58 (3) (intro.) of the statutes is amended to read:

17           59.58 (3) PUBLIC TRANSIT IN COUNTIES. (intro.) A board may do any of the  
18 following, except that the authority to enter into a lease under this subsection may  
19 be exercised only by the county executive, if the county has such an office:

20           **SECTION 67.** 59.60 (1) of the statutes is amended to read:

21           59.60 (1) APPLICATION. The Except as provided in s. 59.602, the provisions of  
22 this section shall apply to all counties with a population of 500,000 750,000 or more.  
23 Except as provided in sub. (13), any Any county with a county executive or county  
24 administrator may elect to be subject to the provisions of this section.



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1           **SECTION 68.** 59.60 (12) of the statutes is renumbered 59.60 (12) (a) and  
2 amended to read:

3           59.60 (12) (a) ~~No Subject to par. (b), no payment may be authorized or made~~  
4 and no obligation incurred against the county unless the county has sufficient  
5 appropriations for payment. ~~No Subject to par. (b), no payment may be made or~~  
6 obligation incurred against an appropriation unless the director first certifies that  
7 a sufficient unencumbered balance is or will be available in the appropriation to  
8 make the payment or to meet the obligation when it becomes due and payable. An  
9 obligation incurred and an authorization of payment in violation of this subsection  
10 is void, except as provided in par. (b). A county officer who knowingly violates this  
11 subsection is jointly and severally liable to the county for the full amount paid. A  
12 county employee who knowingly violates this subsection may be removed for cause.  
13 This subsection does not prohibit contracting for capital improvements being  
14 financed wholly or partly by the issuance of bonds or prevent the making of a contract  
15 or lease providing for the payment of funds at a time beyond the end of the fiscal year  
16 in which the contract or lease is made. ~~The Subject to par. (b), the~~ board shall make  
17 or approve by resolution each contract, lease or other obligation requiring the  
18 payment of funds from the appropriations of a later fiscal year or of more than one  
19 fiscal year.

20           **SECTION 69.** 59.60 (12) (b) of the statutes is created to read:

21           59.60 (12) (b) With regard to payments and obligations, and multi-year  
22 contracts, described under par. (a) that would otherwise be prohibited, such  
23 contracts may be validly entered into if at least one of the following applies:

24           1. A contract requires funding from a future unbudgeted fiscal year and the  
25 contract contains a clause stating that the payment and performance obligation for

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1 a future fiscal year is subject to availability and appropriation of funds, and that if  
2 an appropriation is not available to fund the terms of the contract for the duration  
3 of the contract, the contract shall be null and void on the last day on which the  
4 appropriation to fund the contract is available. With regard to such a contract, board  
5 approval of a multi-year contract is not necessary for the contract to take effect if it  
6 is signed by the county executive.

7 2. The board approves a budget that is signed by the county executive and  
8 contains a continuing appropriation to fully fund a multi-year contract. The board  
9 need not approve the contract more than once for the contract to remain valid  
10 throughout the period during which it is fully funded by the continuing  
11 appropriation.

12 **SECTION 70.** 59.60 (12) (c) of the statutes is created to read:

13 59.60 (12) (c) The provisions of this subsection apply to budgets adopted under  
14 this section and s. 59.602.

15 **SECTION 71.** 59.602 of the statutes is created to read:

16 **59.602 Alternative budget process in certain counties. (1) APPLICATION.**

17 (a) Subject to par. (b), the provisions of this section may be used by any county,  
18 including a county with a population of 750,000 or more.

19 (b) To use the provisions of this section, a county must take one of the following  
20 actions:

21 1. If the county has a county executive or administrator, the county executive  
22 or administrator must issue a written proclamation stating that the county will use  
23 the provisions of this section. Once the proclamation is issued, it takes effect. No  
24 action by the county board is needed for the proclamation to take effect, and no  
25 county board action may stop or repeal the proclamation.

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1           2. In any other county, the board must adopt a resolution proclaiming that the  
2 county will use the provisions of this section.

3           (2) DEFINITIONS. In this section:

4           (a) "Budget director" means the officer or employee of a county, other than the  
5 county executive, county administrator, or county administrative coordinator, who  
6 is principally responsible for developing and coordinating a county's budget, except  
7 that if the county's executive, administrator, or administrative coordinator is  
8 principally responsible for developing and coordinating a county's budget, that  
9 individual is the budget director.

10           (b) "Department" includes all county departments, boards, commissions,  
11 institutions, offices, and other agencies of the county government for which funds  
12 may be legally appropriated.

13           (c) "Director" means the director of the county department of administration.

14           (3) FISCAL YEAR. The fiscal year in every county is the calendar year.

15           (4) ACCOUNTING AND BUDGETING PROCEDURE. Every accounting and budgeting  
16 procedure that is applied under this section shall comply with generally accepted  
17 accounting principles for government as promulgated by the governmental  
18 accounting standards board or its successor bodies or other authoritative sources.

19           (5) PUBLICATION OF BUDGET AND PUBLIC HEARING. The board shall refer the  
20 executive's or administrator's budget to the finance committee and such committee  
21 shall publish as a class 1 notice, under ch. 985, a summary of the executive's or  
22 administrator's budget and comparative figures together with a statement of the  
23 county's bonded indebtedness, and shall make available to the general public  
24 reprinted copies of the summary as published. The publication shall also state the  
25 date, hour, and place of the public hearing to be held by the board on such executive's

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1 or administrator's budget. The board shall, not less than 14 days after publication  
2 of the summary of the executive's or administrator's budget, and prior to the adoption  
3 of the property tax levy, hold a public hearing on such executive's or administrator's  
4 budget, at which time county residents may appear and express their opinions. After  
5 such public hearing, and on or before the annual meeting, the finance committee  
6 shall submit to the board its recommendations for amendments to the executive's or  
7 administrator's budget, if any, and the board shall adopt the budget with such  
8 changes as it considers proper and advisable. A request for an amendment to the  
9 budget must be submitted to the comptroller or budget director at least 7 business  
10 days before the amendment may be considered by the board or by a committee of the  
11 board, and the board or committee may not consider any amendment which is not  
12 submitted in conformity with this time frame. Any amendment to the budget shall  
13 include an estimate, prepared by the comptroller, of the costs that will be incurred,  
14 and the staffing changes that will be required, to implement the amendment during  
15 the next 5 fiscal years. If a county does not have a comptroller, the estimate shall be  
16 prepared by the county's budget director. The board shall make the amendment and  
17 the estimate available to the public, in an electronic format, at least 24 hours before  
18 the amendment may be considered by the board or by a committee of the board. The  
19 board shall have the budget resolution prepared as it was adopted by the board,  
20 incorporating any adopted amendments, before presenting the resolution to the  
21 executive. Subject to sub. (6), the board of a county with a population of at least  
22 750,000 may not adopt a budget in which the total amount of budgeted expenditures  
23 related to the compensation of county board members, and to any other costs that are  
24 directly related to the operation and functioning of the county board or committees  
25 of the board, including staff, is greater than 0.4 percent of the county portion of the

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1 tax levy for that year to which the budget applies. The board of a county with a  
2 population of at least 750,000 may not adopt a budget that alters any formula by  
3 which fringe benefits, interdepartmental charges for services, depreciation, or debt  
4 service are allocated in the executive's budget. An appropriation that is contingent  
5 upon additional approval by the board after the adoption of the budget is included  
6 in the 0.4 percent budget limitation described in this subsection. When so adopted,  
7 the sums provided shall, subject to the provisions of sub. (7), constitute legal  
8 appropriations and anticipated revenues for the ensuing year.

9 (6) MILWAUKEE COUNTY BUDGET CAP. The 0.4 percent budget limitation for a  
10 county with a population of at least 750,000 that is described in sub. (5) does not  
11 apply to any of the following elements of the county's budget:

12 (a) Any costs related to pension and health care payments for retired county  
13 officers, employees, and their families.

14 (b) The costs for the salary, health benefits, and pension benefits of county  
15 board supervisors and the county board chairperson for any term that begins before  
16 April 2018.

17 (c) Any costs associated with duties performed by the county clerk under s.  
18 59.23 (2).

19 (d) Any costs associated with a department created under s. 59.52 (32).

20 (e) Space rental that is attributable to the county board.

21 (7) TRANSFERS OF APPROPRIATIONS. (a) At the request of the head of any  
22 department, and after receiving the recommendation of the county executive or  
23 county administrator, the director shall, at any time during the fiscal year, transfer  
24 any unencumbered appropriation balance or portion thereof between principal  
25 objects of expenditures within a department; but no transfers shall be made of

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1 appropriations originating from bond funds unless the purpose for which the bonds  
2 were issued has been fulfilled or abandoned. If more than one department is under  
3 the jurisdiction of the same board or commission or under the same general  
4 management, the group of departments may be considered as though they were a  
5 single unit with respect to transfers of appropriations within the group.

6 (b) Upon the recommendation of the finance committee in a county without a  
7 county executive or county administrator, or upon the recommendation of the county  
8 executive or county administrator in other counties, and by resolution adopted by a  
9 majority of the members present and voting at any meeting, the board may transfer  
10 any unencumbered appropriation balance or portion thereof from one department or  
11 account to another.

12 (c) 1. Paragraph (b) does not apply to an appropriation which is irrepealable  
13 by law.

14 2. The board may not amend a recommendation under par. (b) to increase the  
15 amount to be transferred or to transfer funds to a department other than the  
16 department designated as the transferee in the recommendation.

17 3. No transfer may be made under this subsection unless the director certifies  
18 that sufficient unencumbered funds are available for transfer.

19 (8) BUDGETARY PROCEDURES, BEYOND 2017. (a) For fiscal years that begin after  
20 December 31, 2017, a county that chooses under sub. (1) (b) to operate under this  
21 section shall adopt a budget that contains the provisions specified in this section.

22 (b) Beginning in 2017, and in every odd-numbered year thereafter, a county  
23 shall adopt a biennial budget following the timeline specified in par. (c) that sets forth  
24 all of the following items, and no others, for the 2 fiscal years that immediately follow  
25 the year in which the budget is adopted:

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1           1. The county tax levy.

2           2. Anticipated revenue amounts from all sources.

3           3. Appropriations for all departments and for any other obligations of the  
4 county.

5           (c) 1. All departments shall submit their budget requests to the director.

6           2. The county executive, county administrator, or, in a county without a county  
7 executive or administrator, the finance committee, shall submit his or her, or its,  
8 proposed budget to the board, either electronically or in writing, not later than  
9 October 1 of an odd-numbered year.

10          3. In a county with a county executive, the board shall approve the budget,  
11 engrossed with any amendments, and return it to the county executive no later than  
12 November 1 of an odd-numbered year. Any amendment to the budget must be  
13 submitted to the comptroller or budget director at least 7 business days before the  
14 amendment may be considered by the board or by a committee of the board, and the  
15 board or committee may not consider any amendment that is not submitted in  
16 conformity with this time frame. An amendment shall also include an estimate,  
17 prepared by the comptroller, of the costs that will be incurred, and the staffing  
18 changes that will be required, to implement the amendment during the next 5 fiscal  
19 years. The board shall make the amendment and the estimate available to the  
20 public, in an electronic format, at least 24 hours before the amendment may be  
21 considered by the board or by a committee of the board. The board shall have the  
22 budget resolution prepared as it was adopted by the board, incorporating any  
23 adopted amendments, before presenting the resolution to the executive.

24          4. If a county executive wishes to veto any part of the budget under s. 59.17 (5)  
25 or (6), the county executive shall do so no later than November 15 of an

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1 odd-numbered year. The board may not schedule a meeting to act on the county  
2 executive's vetoes, as described in subd. 5., before it receives the vetoes or November  
3 16 of an odd-numbered year, whichever comes first.

4 5. The board may act on all of the county executive's vetoes or changes, as  
5 described in s. 59.17 (5) and (6), no later than November 19 of an odd-numbered year,  
6 or the vetoes or changes shall be considered to be approved by the board.

7 6. In a county without a county executive, the board shall approve the budget.

8 (d) A county that uses the provisions of this section shall utilize fund  
9 accounting. Section 59.60 (3m), as it applies to s. 59.60, applies to this section.

10 (e) After a biennial budget takes effect, if revenues received or expenses  
11 incurred by the county are different from the amounts anticipated, the county  
12 executive, county administrator, or, in a county without a county executive or  
13 administrator, the finance committee, may increase or decrease appropriation  
14 amounts as he or she determines is appropriate to account for the changed revenue  
15 or expense amounts that affect the county.

16 (f) Outside of the budget process, the county executive, county administrator,  
17 or, in a county without a county executive or administrator, the finance committee  
18 may propose to the board an increase or decrease in any appropriation or revenue  
19 amount, subject to the budget amendment procedures under par. (c) 3. To be  
20 approved, such a proposal requires the affirmative vote of two-thirds of the  
21 members-elect of the board and the proposal may not be amended by the board,  
22 except that when such a proposal is made and voted on by the board after September  
23 30 and before November 16 of any even-numbered year, such a proposal may be  
24 approved by a simple majority vote of the members-elect of the board and the board  
25 may amend the proposal.



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1 (g) With regard to every county department that has appropriations and  
2 expenses contained in a budget that is adopted under this section, the budget  
3 provisions that apply to such a department shall contain an appropriation account  
4 into which a gift or grant bestowed upon that department shall be deposited. If a  
5 department receives such a gift or grant, the department may spend the funds, with  
6 the consent of the county executive, county administrator, or, in a county without a  
7 county executive or administrator, the finance committee, but without county board  
8 approval, for the purposes for which the gift or grant was bestowed.

9 (h) During a biennium, a county board of a county with a county executive may  
10 not adopt a resolution to issue a municipal obligation, as defined in s. 67.01 (6), in  
11 an amount that is higher than the amount initially proposed by the county executive  
12 in his or her proposed budget for that biennium. During a biennium a county  
13 executive may propose, outside of the budget process, the issuance of additional  
14 municipal obligations, as defined under s. 67.01 (6). The board may approve the  
15 county executive's proposal, but may not increase the amount proposed.

16 (i) 1. Subject to subd. 2., the board of a county with a population of at least  
17 750,000 may not adopt a budget in which the total amount of budgeted expenditures  
18 related to the compensation of county board members, and to any other costs that are  
19 directly related to the operation and functioning of the county board or committees  
20 of the board, including staff, is greater than 0.4 percent of the county portion of the  
21 tax levy for that year to which the budget applies. The board may not alter any  
22 formula by which fringe benefits, interdepartmental charges for services,  
23 depreciation, or debt service are allocated in the recommended budget. An  
24 appropriation that is contingent upon additional approval by the board after the  
25 adoption of the budget is included in the 0.4 percent budget limitation described in

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1 this subdivision. When so adopted, the sums provided shall, subject to the provisions  
2 of sub. (7), constitute legal appropriations and anticipated revenues for the ensuing  
3 year.

4 2. The 0.4 percent budget limitation for a county with a population of at least  
5 750,000 that is described in subd. 1. does not apply to any of the following elements  
6 of the county's budget:

7 a. Any costs related to pension and health care payments for retired county  
8 officers, employees, and their families.

9 b. The costs for the salary, health benefits, and pension benefits of county board  
10 supervisors and the county board chairperson for any term that begins before April  
11 2018.

12 c. Any costs associated with duties performed by the county clerk under s. 59.23  
13 (2).

14 d. Any costs associated with a department created under s. 59.52 (32).

15 e. Space rental that is attributable to the county board.

16 **SECTION 72.** 59.61 (4) of the statutes is created to read:

17 59.61 (4) FUND ACCOUNTING. (a) A county that is subject to s. 59.60 shall utilize  
18 fund accounting. Section 59.60 (3m), as it applies to s. 59.60, applies to this  
19 subsection.

20 (b) In addition to a general fund, a county may create other governmental  
21 funds, proprietary funds, fiduciary funds, and other appropriate funds allowed by  
22 government accounting practice, provided that in creating each fund the county  
23 describes the sources of revenues that may be deposited into each fund and the types  
24 of expenditures that may be made from each fund. Counties may maintain  
25 reasonable balances in each such fund to provide the county with necessary working

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1 capital, based on sound business principles, to avoid cash flow interruptions and the  
2 need to engage in short-term borrowing to fund daily operations. In counties with  
3 no county executive, the board may create a fund described in this paragraph by  
4 ordinance. In counties with a county executive, only the county executive may create  
5 a fund described in this paragraph by executive order, and such an executive order  
6 may not be modified or otherwise affected by county board action.

7 (c) A county that creates governmental, proprietary, fiduciary, or other funds  
8 under this subsection shall develop policies and procedures that apply to each such  
9 fund, including all of the following:

10 1. Setting a working cash flow target for each fund.

11 2. Publishing annual estimates of working cash flow balances.

12 3. A description of possible uses of balances in a fund that accumulate above  
13 the cash flow target.

14 (d) Each governmental and proprietary fund created under this subsection  
15 shall serve as a fiscal and accounting entity with a self-balancing set of accounts.

16 **SECTION 73.** 59.69 (2) (a) 2. of the statutes is amended to read:

17 59.69 (2) (a) 2. If the board in a county with a county executive authorizes the  
18 creation of a county planning and zoning commission, designated the county zoning  
19 agency, the county executive shall appoint the commission, subject to confirmation  
20 by the board and to the confirmation provisions of s. 59.17 (2) (b) 1.

21 **SECTION 74.** 59.69 (2) (a) 3. of the statutes is amended to read:

22 59.69 (2) (a) 3. If a county planning and zoning commission is created under  
23 subd. 2., the county executive may appoint, for staggered 3-year terms, 2 alternate  
24 members of the commission, who are subject to confirmation by the board, and to the  
25 confirmation provisions of s. 59.17 (2) (b) 1. Annually, the county executive shall

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1 designate one of the alternate members as first alternate and the other as 2nd  
2 alternate. The first alternate shall act, with full power, only when a member of the  
3 commission refuses to vote because of a conflict of interest or when a member is  
4 absent. The 2nd alternate shall act only when the first alternate refuses to vote  
5 because of a conflict of interest or is absent, or if more than one member of the  
6 commission refuses to vote because of a conflict of interest or is absent.

7 **SECTION 75.** 59.69 (10) (b) 2. of the statutes is amended to read:

8 59.69 (10) (b) 2. Notwithstanding subd. 1. and s. 59.698, in a county with a  
9 county zoning agency and a county executive or county administrator, the county  
10 executive or county administrator shall appoint and supervise the head of the county  
11 zoning agency and the county building inspector, in separate or combined positions.  
12 The appointment is subject to confirmation by the board unless the board, by  
13 ordinance, elects to waive confirmation or unless the appointment is made under a  
14 civil service system competitive examination procedure established under s. 59.52  
15 (8) or ch. 63, and except that in the case of a county with a county executive, the  
16 appointment is subject to the confirmation provisions of s. 59.17 (2) (b) 1. The board,  
17 by resolution or ordinance, may provide that, notwithstanding s. 17.10 (6), the head  
18 of the county zoning agency and the county building inspector, whether serving in  
19 a separate or combined position, if appointed under this subdivision, may not be  
20 removed from his or her position except for cause.

21 **SECTION 76.** 59.70 (2) (intro.) of the statutes is amended to read:

22 59.70 (2) **SOLID WASTE MANAGEMENT.** (intro.) The board of any county may  
23 establish and operate a solid waste management system or participate in such  
24 system jointly with other counties or municipalities. Except in counties having a  
25 population of 500,000 or more, the board of a county or the boards of a combination

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1 of counties establishing a solid waste management system may create a solid waste  
2 management board to operate the system and such board, in a county that does not  
3 combine with another county, shall be composed of not less than 9 nor more than 15  
4 persons of recognized ability and demonstrated interest in the problems of solid  
5 waste management, but not more than 5 of the board members may be appointed  
6 from the county board of supervisors. In any combination of counties, the solid waste  
7 management board shall be composed of 11 members with 3 additional members for  
8 each combining county in excess of 2. Appointments shall be made by the county  
9 boards of supervisors of the combining counties in a manner acceptable to the  
10 combining counties, but each of the combining counties may appoint to the solid  
11 waste management board not more than 3 members from its county board of  
12 supervisors. The term of office of any member of the solid waste management board  
13 shall be 3 years, but of the members first appointed, at least one-third shall be  
14 appointed for one year; at least one-third for 2 years; and the remainder for 3 years.  
15 Vacancies shall be filled for the residue of the unexpired term in the manner that  
16 original appointments are made. Any solid waste management board member may  
17 be removed from office by a two-thirds vote of the appointing authority. The solid  
18 waste management board may employ a manager for the system. The manager shall  
19 be trained and experienced in solid waste management. For the purpose of operating  
20 the solid waste management system, the solid waste management board may  
21 exercise the following powers, except that the authority to enter into a lease under  
22 this subsection may be exercised only by the county executive, if the county has such  
23 an office:

24 SECTION 77. 59.70 (18) of the statutes is amended to read:

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1           59.70 (18) LAND CLEARING AND WEED CONTROL. The board may purchase or  
2 accept by gift or grant tractors, bulldozers and other equipment for clearing and  
3 draining land and controlling weeds on same, and for such purposes to operate or  
4 lease the same for work on private lands, except that the authority to enter into a  
5 lease under this subsection may be exercised only by the county executive, if the  
6 county has such an office. The board may charge fees for such service and for rental  
7 of such equipment on a cost basis.

8           SECTION 78. 59.79 (8) of the statutes is repealed.

9           SECTION 79. 59.792 (3) (a) (intro.) of the statutes is amended to read:

10           59.792 (3) (a) (intro.) The county's board may do any of the following, except  
11 that the authority to enter into a lease under this paragraph may be exercised only  
12 by the county executive, if the county has such an office:

13           SECTION 80. 59.84 (2) (d) 8. of the statutes is created to read:

14           59.84 (2) (d) 8. Notwithstanding the provisions of subds. 2. and 7., the authority  
15 to enter into a lease under this paragraph may be exercised only by the county  
16 executive, if the county has such an office.

17           SECTION 81. 60.40 (2) of the statutes is amended to read:

18           60.40 (2) PREPARATION. The town board is responsible for preparation of the  
19 proposed budget required under s. 65.90, unless the town board chair acts under s.  
20 65.30 (2) (b). In preparing the budget, the town board may provide for assistance by  
21 any person.

22           SECTION 82. 60.40 (3) of the statutes is amended to read:

23           60.40 (3) HEARING. The town board shall conduct the budget hearing required  
24 under s. 65.30 or 65.90.

25           SECTION 83. 60.40 (5) of the statutes is amended to read:

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1           60.40 (5) AMENDMENT. The town budget may be amended by the town board  
2 under s. 65.90 (5) or 65.30 (4) or (6).

3           **SECTION 84.** 63.02 (2) of the statutes is amended to read:

4           63.02 (2) The director of personnel shall cause the minutes of its proceedings  
5 to be taken and fully transcribed. The original transcribed copy shall be the official  
6 minutes of such proceedings and shall be open and available for public inspection.  
7 The director of personnel shall preserve all reports made to the commission, keep a  
8 record of all examinations held under its direction and perform such other duties as  
9 the commission may from time to time prescribe. The director of personnel shall be  
10 appointed by the county executive in the unclassified civil service and is subject to  
11 ~~confirmation by the county board, as provided in s. 59.17 (2) (bm).~~

12           **SECTION 85.** 65.30 of the statutes is created to read:

13           **65.30 Alternative budget procedure.** (1) DEFINITIONS. In this section:

14           (a) "Budget director" means the officer or employee of a municipality, other  
15 than the chief executive, who is principally responsible for developing and  
16 coordinating a municipality's budget, except that if the municipality's chief executive  
17 is principally responsible for developing and coordinating a municipality's budget,  
18 the chief executive is the budget director.

19           (b) "Chief executive" means a mayor or city manager, a village president, or a  
20 town board chairperson.

21           (c) Notwithstanding s. 65.02 (1), "department" means any department, board,  
22 commission, or other body under the control of a governing body which expends  
23 municipal funds or incurs obligations for a municipality, and unless otherwise  
24 expressed refers to the head of such department.

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1 (d) "Governing body" means the common council of a city, the village board of  
2 a village, or the town board of a town.

3 (e) "Municipality" means any city, village or town.

4 (2) APPLICATION. (a) Subject to par. (b), the provisions of this section may be  
5 used by any municipality, including a 1st class city.

6 (b) To use the provisions of this section, the municipality's chief executive must  
7 issue a written proclamation stating that the municipality will use the provisions of  
8 this section instead of the applicable provisions of s. 60.40 or the other provisions of  
9 this chapter. Once the proclamation is issued, it takes effect. No action by the  
10 governing body is needed for the proclamation to take effect, and no governing body  
11 action may stop or repeal the proclamation.

12 (3) ACCOUNTING AND BUDGETING PROCEDURE. Every accounting and budgeting  
13 procedure that is applied under this section shall comply with generally accepted  
14 accounting principles for government as promulgated by the governmental  
15 accounting standards board or its successor bodies or other authoritative sources.

16 (4) PUBLICATION OF BUDGET AND PUBLIC HEARING. (a) The governing body shall  
17 refer the chief executive's or budget director's budget to the finance committee, or  
18 similar committee, and such committee shall publish as a class 1 notice, under ch.  
19 985, a summary of the chief executive's or budget director's budget and comparative  
20 figures together with a statement of the municipality's bonded indebtedness, and  
21 shall make available to the general public reprinted copies of the summary as  
22 published. The publication shall also state the date, hour, and place of the public  
23 hearing to be held by the governing body on such chief executive's or budget director's  
24 budget. The governing body shall, not less than 14 days after publication of the  
25 summary of the chief executive's or budget director's budget, prior to the adoption



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1 of the property tax levy, hold a public hearing on such chief executive's or budget  
2 director's budget, at which time the municipality's residents may appear and express  
3 their opinions. After such public hearing, and on or before its next meeting on the  
4 budget, the finance committee, or similar committee, shall submit to the governing  
5 body its recommendations for amendments to the chief executive's or budget  
6 director's budget, if any, and the governing body shall adopt the budget with such  
7 changes as it considers proper and advisable.

8 (b) A request for an amendment to the budget must be submitted to the  
9 comptroller or budget director at least 7 business days before the amendment may  
10 be considered by the municipality's governing body or by a committee of the body, and  
11 the governing body or committee may not consider any amendment which is not  
12 submitted in conformity with this time frame. In any municipality, any amendment  
13 to the budget shall include an estimate, prepared by the comptroller, of the costs that  
14 will be incurred, and the staffing changes that will be required, to implement the  
15 amendment during the next 5 fiscal years. If a municipality does not have a  
16 comptroller, the estimate shall be prepared by the municipality's budget director.  
17 The common council shall make the amendment and the estimate available to the  
18 public, in an electronic format, at least 24 hours before the amendment may be  
19 considered by the common council or by a committee of the common council. The  
20 common council shall have the budget resolution prepared as it was adopted by the  
21 common council, incorporating any adopted amendments, before presenting the  
22 resolution to the mayor.

23 (5) TRANSFERS OF APPROPRIATIONS. (a) At the request of the head of any  
24 department, and after receiving the recommendation of the chief executive, the  
25 budget director shall, at any time during the fiscal year, transfer any unencumbered

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1 appropriation balance or portion thereof between principal objects of expenditures  
2 within a department; but no transfers shall be made of appropriations originating  
3 from bond funds unless the purpose for which the bonds were issued has been  
4 fulfilled or abandoned. If more than one department is under the jurisdiction of the  
5 same board or commission or under the same general management, the group of  
6 departments may be considered as though they were a single unit with respect to  
7 transfers of appropriations within the group.

8 (b) Upon the recommendation of the chief executive, and by resolution adopted  
9 by a majority of the members present and voting at any meeting, the governing body  
10 may transfer any unencumbered appropriation balance or portion thereof from one  
11 department or account to another.

12 (c) 1. Paragraph (b) does not apply to an appropriation which is irrepealable  
13 by law.

14 2. The governing body may not amend a recommendation under par. (b) to  
15 increase the amount to be transferred or to transfer funds to a department other than  
16 the department designated as the transferee in the recommendation.

17 3. No transfer may be made under this subsection unless the budget director  
18 certifies that sufficient unencumbered funds are available for transfer.

19 (6) BUDGETARY PROCEDURES, BEYOND 2017. (a) For fiscal years that begin after  
20 December 31, 2017, a municipality which chooses under sub. (1) (b) to operate under  
21 this section shall adopt a budget that contains the provisions specified in this section.

22 (b) Beginning in 2017, and in every odd-numbered year thereafter, a  
23 municipality shall adopt a biennial budget following the timeline specified in par. (c)  
24 that sets forth all of the following items, and no others, for the 2 fiscal years that  
25 immediately follow the year in which the budget is adopted:

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- 1           1. The municipal tax levy.
- 2           2. Anticipated revenue amounts from all sources.
- 3           3. Appropriations for all departments and for any other obligations of the
- 4           municipality.

5           (c) 1. All departments shall submit their budget requests to the budget director.

6           2. The chief executive shall submit his or her proposed budget to the governing

7           body, either electronically or in writing, not later than October 1 of an odd-numbered

8           year.

9           3. The governing body shall approve the budget, engrossed with any

10          amendments, and return it to the chief executive no later than November 1 of an

11          odd-numbered year. Any amendment to the budget adopted by the common council

12          of a 1st class city must be submitted to the comptroller at least 7 business days before

13          the amendment may be considered by the governing body or by a committee of the

14          body, and the governing body or committee may not consider any amendment that

15          is not submitted in conformity with this time frame. An amendment shall also

16          include an estimate, prepared by the comptroller, of the costs that will be incurred,

17          and the staffing changes that will be required, to implement the amendment during

18          the next 5 fiscal years. A governing body shall make the amendment and, if required,

19          the estimate, available to the public, in an electronic format, at least 24 hours before

20          the amendment may be considered by the governing body or by a committee of the

21          governing body. The governing body shall have the budget resolution prepared as

22          it was adopted by the governing body, incorporating any adopted amendments,

23          before presenting the resolution to the chief executive.

24          4. If a mayor wishes to veto any part of the budget under s. 62.09 (8) (c), the

25          mayor shall do so no later than November 15 of an odd-numbered year. The common

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1 council may not schedule a meeting to act on the mayor's vetoes, as described in subd.  
2 5., before it receives the vetoes or November 16 of an odd-numbered year, whichever  
3 comes first.

4 5. The common council may act on all of the mayor's vetoes or changes, as  
5 described in s. 62.09 (8) (c), no later than November 19 of an odd-numbered year, or  
6 the vetoes or changes shall be considered to be approved by the common council.

7 (d) After a biennial budget takes effect, if revenues received or expenses  
8 incurred by the municipality are different from the amounts anticipated, the chief  
9 executive may increase or decrease appropriation amounts as he or she determines  
10 is appropriate to account for the changed revenue or expense amounts that affect the  
11 municipality.

12 (e) Outside of the budget process, the chief executive may propose to the  
13 governing body an increase or decrease in any appropriation or revenue amount,  
14 subject to the budget amendment procedures under par. (c) 3. To be approved, such  
15 a proposal requires the affirmative vote of two-thirds of the members-elect of the  
16 governing body, as defined in s. 66.10015 (1) (bs), and the proposal may not be  
17 amended by the governing body, except that when such a proposal is made and voted  
18 on by the governing body after September 30 and before November 16 of any  
19 even-numbered year, such a proposal may be approved by a simple majority vote of  
20 the members-elect of the governing body and the governing body may amend the  
21 proposal.

22 (f) With regard to every municipal department that has appropriations and  
23 expenses contained in a municipality's budget that is adopted under this section, the  
24 budget provisions that apply to such a department shall contain an appropriation  
25 account into which a gift or grant bestowed upon that department shall be deposited.

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1 If a department receives such a gift or grant, the department may spend the funds,  
2 with the consent of the chief executive, but without the approval of the governing  
3 body, for the purposes for which the gift or grant was bestowed.

4 (g) During a biennium, a governing body may not adopt a resolution to issue  
5 a municipal obligation, as defined in s. 67.01 (6), in an amount that is higher than  
6 the amount initially proposed by the chief executive in his or her proposed budget for  
7 that biennium. During a biennium a chief executive may propose, outside of the  
8 budget process, the issuance of additional municipal obligations, as defined under  
9 s. 67.01 (6). The governing body may approve the chief executive's proposal, but may  
10 not increase the amount proposed.

11 **SECTION 86.** 68.14 (1) of the statutes is amended to read:

12 68.14 (1) The seeking of a review pursuant to s. 68.10 or 68.13 does not preclude  
13 a person aggrieved from seeking relief from the governing body of the municipality  
14 or any of its boards, commissions, committees, or agencies ~~which that~~ may have  
15 jurisdiction, except that the authority under this section of a county board is subject  
16 to the limitations in s. 59.17 (2) (d).

17 **SECTION 87.** 83.01 (1) (b) of the statutes is amended to read:

18 83.01 (1) (b) In counties having a population of 500,000 or more, the county  
19 highway commissioner shall also be the director of public works. The person holding  
20 the position of county highway commissioner and director of public works, under the  
21 classified service, on June 16, 1974, shall continue in that capacity under civil  
22 service status until death, resignation, or removal from such position. Thereafter the  
23 county executive shall appoint as successor a director of transportation who shall  
24 assume the duties of county highway commissioner and director of public works and  
25 ~~is subject to confirmation by the county board, as provided in s. 59.17 (2) (bm).~~

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1           **SECTION 88.** 200.11 (8) of the statutes is amended to read:

2           200.11 (8) **SOLID WASTE MANAGEMENT.** The district may engage in solid waste  
3 management and shall for such purposes have all powers granted to county  
4 executives or county boards under s. 59.70 (2), except acquisition of land by eminent  
5 domain, if each county board having jurisdiction over areas to be served by the  
6 district has adopted a resolution requesting or approving the involvement of the  
7 district in solid waste management. County board approval shall not be required for  
8 the management by the district of such solid wastes as are contained within the  
9 sewage or storm water transmitted or treated by the district or as are produced as  
10 a by-product of sewerage treatment activities.

11           **SECTION 89.** 289.33 (3) (d) of the statutes is amended to read:

12           289.33 (3) (d) "Local approval" includes any requirement for a permit, license,  
13 authorization, approval, variance or exception or any restriction, condition of  
14 approval or other restriction, regulation, requirement or prohibition imposed by a  
15 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by  
16 a town, city, village, county or special purpose district, including without limitation  
17 because of enumeration any ordinance, resolution or regulation adopted under s.  
18 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2),  
19 (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24),  
20 (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19),  
21 (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10),  
22 (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4),  
23 (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57  
24 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1),  
25 (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), (7), ~~(8)~~, and

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1 (10), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35,  
2 61.351, 61.353, 61.354, 62.11, 62.23, 62.231, 62.233, 62.234, 66.0101, 66.0415, 87.30,  
3 196.58, 200.11 (8), 236.45, 281.43 or 349.16, subch. VIII of ch. 60, or subch. III of ch.  
4 91.

**SECTION 90. Nonstatutory provisions.**

5 (1) COUNTY EXECUTIVE STAFF. Notwithstanding the provisions of section 59.17  
6 (2) (b) 6. of the statutes, if a county board reduced or eliminated the staff authorized  
7 by the county executive for operating the office of the county executive, or reduced  
8 or eliminated the appropriations for the staff and operations of the office of the  
9 county executive at any time after March 31, 2016, the county board shall restore the  
10 staff levels and appropriation levels to their levels as of April 1, 2016.

11 (2) CONFIRMED APPOINTEES. Any department head appointee of a county  
12 executive who has been confirmed by a county board, or whose confirmation has been  
13 waived by the board, on the effective date of this subsection does not need to be  
14 reconfirmed, or confirmed, by the board as long as the appointee continues in  
15 uninterrupted service in that position.

**SECTION 91. Initial applicability.**

16 (1) INTERNET SITE FOR PUBLIC CONTRACTS. The treatment of section 59.52 (3m)  
17 of the statutes first applies to a contract that is entered into on the first day of the  
18 7th month beginning after the effective date of this subsection.

19 (2) PUBLIC WORKS CONTRACTS. The treatment of section 59.52 (29) (a) of the  
20 statutes first applies to public contracts that are let on the effective date of this  
21 subsection.

22 (3) COMPENSATION FOR CERTAIN COUNTY ELECTIVE OFFICERS. The treatment of  
23 sections 59.10 (1) (a), (2) (c) 5., (3) (f), (i), and (k), and (5) and 59.22 (1) (a) 1., 2., and  
24 25

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**SECTION 91**

1 3. of the statutes first applies to the establishment of the salary or compensation of  
2 supervisors and the establishment of the compensation of county elective officers  
3 other than supervisors and circuit judges for the terms of office beginning after the  
4 spring election in 2020.

5 (END)