

ORDINANCE

SUBJECT: CHAPTER 2 – GOVERNING BODY

COMMITTEE: EXECUTIVE

FIRST CONSIDERATION: February 17, 2022

FINAL CONSIDERATION: March 17, 2022

ORDINANCE # 194 – 3/22 PUBLICATION DATE March 26, 2022

The County Board of Supervisors of La Crosse County does ordain as follows:

**AN ORDINANCE TO AMEND CHAPTER 2 (“GOVERNING BODY”) OF
THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN**

ANALYSIS

The following is a summary of changes to Chapter 2:

- General reorganization and renumbering of entire Chapter for ease of reference.
- Information regarding committees, committee appointments and committee structures was moved from Ch. 1 into Ch. 2.
- New s. 2.05 provides for virtual meetings in emergency situations when approved by the Chair and Vice-Chairs.
- New s. 2.07 designates the La Crosse Tribune as the official newspaper.
- Section 2.10 updates public notice processes to be consistent with current practice.
- New in s. 2.11:
 - Addition of general definitions of “resolutions” and “ordinances” for guidance.
 - The County Clerk and/or Corporation Counsel are authorized to renumber, reformat and correct typographical errors.
- New language in s. 2.14 clarifies attendance requirements for supervisors including:
 - Requiring prior notice related to absences to be provided to the Chair and County Clerk.
 - Allowing virtual/phone appearance with prior approval of the Board Chair. A Supervisor appearing virtually or by phone will not be considered “present” and will not be allowed to vote.
 - Includes reference to s. 17.16, Wis. Stats., (removal for cause) as potential penalty for neglect of duty.
- New s. 2.15 provides that, unless otherwise noticed, there is no public comment at County Board meetings. Additional provides the following general rules when public comment is noticed on committee meeting agendas:
 - No formal action to be taken on matter raised in public comment periods unless properly noticed.
 - Unless otherwise determined by the chair, periods of public comment are limited to no more than 30 minutes and individual speakers are limited to no more than 3 minutes.
- New s. 2.16 clarifies how minutes are kept when closed session occur. This section also provides that no employee or official may disclose confidential information discussed in closed session.
- New language in s. 2.17 provides that individuals may address the Board if approved by unanimous consent.
- New s. 2.20 updates the procedure for budget adjustments and action on fiscal matters.
- New language in s. 2.21 related to motions for reconsideration:

- o If there is an evenly divided board, any Supervisor may make a motion for reconsideration.
- o If a motion for reconsideration is going to be made at the meeting following the original matter, notice of the motion for reconsideration must be provided to the County Clerk so that it is properly noticed.
- o When notice of intent to make a motion to reconsider is provided, all action on the matter shall be suspended.
- Code of Ethics – There are no substantive changes. The only changes are corrections to cross-references that are no longer accurate.

INFORMATION:

County Board Rules: Governing Body s. 2.02(8) states, in part: Ordinances are drafted by the Corporation Counsel. After the ordinance has been reviewed by a standing committee, each Supervisor will be given a copy of the ordinance showing the deleted language (grayed) and the new language (underlined) and an analysis of the intent of the ordinance. After introduction to the County Board, the ordinance shall be referred to the next monthly meeting unless waived by a 2/3 vote of the Supervisors present and a public hearing may be held if requested by a Supervisor. An amendment may be introduced and debated at either the original or the referred meeting. Copies of the ordinances of the County of La Crosse in their entirety are available with Corporation Counsel, County Clerk, or www.co.la-crosse.wi.us/code/.

(rev. 3/03)



ORDINANCE # 194 - 3/22

**AN ORDINANCE TO AMEND CHAPTER 2 ("GOVERNING BODY")
OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN**

The County Board of Supervisors of the County of La Crosse does hereby ordain as follows:

Section 1. Chapter 2, "Governing Body", is amended to read:

CHAPTER 2

GOVERNING BODY

The purpose of this chapter is to describe the organization, duties, general procedural rules, rules for conduct of meetings, and code of ethics for the County Board of Supervisors.

2.01 COUNTY BOARD ORGANIZATION

SUBCHAPTER I

COUNTY BOARD STRUCTURE AND RULES

- 2.02 COMMITTEES/BOARD/COMMISSIONS
- 2.03 ELECTION OF OFFICERS
- 2.04 DUTIES OF THE COUNTY BOARD OFFICERS
- 2.05 MEETINGS
- 2.06 ORDER OF BUSINESS
- 2.07 PUBLICATION OF PROCEEDINGS
- 2.08 AGENDA
- 2.09 OPEN MEETINGS LAW
- 2.10 NOTICE OF MEETINGS
- 2.11 REFERRAL TO COMMITTEE
- 2.12 RESOLUTIONS AND ORDINANCES
- 2.13 PARLIAMENTARY RULES.
- 2.14 ATTENDANCE.
- 2.15 PUBLIC COMMENT
- 2.16 CLOSED SESSION
- 2.17 ADDRESSING THE BOARD.
- 2.18 COUNTY BOARD CHAIR MAY VACATE THE CHAIR.
- 2.19 VOTING
- 2.20 BUDGET ADJUSTMENTS AND ACTION ON FISCAL MATTERS
- 2.21 MOTION TO RECONSIDER
- 2.22 SUSPENSION OF RULES

SUBCHAPTER II

CODE OF ETHICS

- 2.23 CODE OF ETHICS
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2.01 **COUNTY BOARD ORGANIZATION.**

- (1) **Governing Body.** The governing body of La Crosse County shall be known as the "La Crosse County Board of Supervisors". The County Board shall be composed of 30 Supervisors with 1 Supervisor to be elected from each of the 30 Supervisory districts.
- (2) **Self Organized.** Pursuant to s. 59.10(1), Wis. Stats., La Crosse County hereby elects to become a self-organized county as that term is used in law.
- (3) **Supervisory Districts.** The County Board adopts the "La Crosse County Final Supervisory District Plan" that creates 30 supervisory districts and is illustrated by a certified map of the same title that shall be permanently on file with the County Clerk. The Supervisory Districts of La Crosse County shall be numbered and bound as follows:

- 1. **FIRST SUPERVISORY DISTRICT**
City of La Crosse – Wards 1 and 2.
 - 2. **SECOND SUPERVISORY DISTRICT**
City of La Crosse – Wards 3 and 4.
 - 3. **THIRD SUPERVISORY DISTRICT**
City of La Crosse – Wards 5 and 6.
 - 4. **FOURTH SUPERVISORY DISTRICT**
City of La Crosse – Wards 7 and 8.
 - 5. **FIFTH SUPERVISORY DISTRICT**
City of La Crosse – Wards 9 and 10.
 - 6. **SIXTH SUPERVISORY DISTRICT**
City of La Crosse – Wards 11 and 12.
 - 7. **SEVENTH SUPERVISORY DISTRICT**
City of La Crosse – Wards 17 and 18.
 - 8. **EIGHTH SUPERVISORY DISTRICT**
City of La Crosse – Wards 15 and 16.
 - 9. **NINTH SUPERVISORY DISTRICT**
City of La Crosse – Wards 13 and 14.
 - 10. **TENTH SUPERVISORY DISTRICT**
City of La Crosse – Wards 19 and 20.
 - 11. **ELEVENTH SUPERVISORY DISTRICT**
City of La Crosse – Wards 21 and 22.
 - 12. **TWELFTH SUPERVISORY DISTRICT**
City of La Crosse – Wards 23 and 24.
 - 13. **THIRTEENTH SUPERVISORY DISTRICT**
City of La Crosse – Wards 25 and 26.
 - 14. **FOURTEENTH SUPERVISORY DISTRICT**
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- Town of Campbell – Wards 2, 3, 4, and 5.
15. FIFTEENTH SUPERVISORY DISTRICT
Town of Onalaska – Ward 5; and City of Onalaska –
Wards 1, 4, and 6.
 16. SIXTEENTH SUPERVISORY DISTRICT
City of Onalaska – Wards 5, 7, and 8.
 17. SEVENTEENTH SUPERVISORY DISTRICT
City of Onalaska – Wards 9, 10, and 11.
 18. EIGHTEENTH SUPERVISORY DISTRICT
City of Onalaska – Wards 12, 13, and 14; and Town
of Medary – Ward 1
 19. NINETEENTH SUPERVISORY DISTRICT
City of Onalaska – Wards 2, 3, and 15; and Town of
Onalaska – Ward 4.
 20. TWENTIETH SUPERVISORY DISTRICT
Village of Holmen – Wards 9, 10, and 11; and Town
of Onalaska – Ward 2 and 3.
 21. TWENTY-FIRST SUPERVISORY DISTRICT
Town of Campbell – Ward 1; and Village of Holmen –
Ward 12; and Town of Onalaska – Wards 6, 7, and 8;
and Town of Holland – Ward 1.
 22. TWENTY-SECOND SUPERVISORY DISTRICT
Village of Holmen – Wards 2, 3, 4, and 5.
 23. TWENTY-THIRD SUPERVISORY DISTRICT
Village of Holmen – Ward 1; and Town of Holland –
Wards 2, 3, and 4.
 24. TWENTY-FOURTH SUPERVISORY DISTRICT
Town of Onalaska – Ward 1; and Village of Holmen – Wards 6, 7,
and 8; and Town of Hamilton – Ward 1.
 25. TWENTY-FIFTH SUPERVISORY DISTRICT
Town of Farmington – Wards 1, 2, and 3; and Town of Holland –
Ward 5; and Town of Hamilton – Ward 3; and Town of Burns –
Ward 1.
 26. TWENTY-SIXTH SUPERVISORY DISTRICT
Village of West Salem – Wards 1, 2, 3, and 4.
 27. TWENTY-SEVENTH SUPERVISORY DISTRICT
Town of Bangor – Ward 1; and Town of Burns – Ward 2; and Town
of Hamilton – Ward 4; and Town of Washington – Ward 1; and
Village of Bangor – Wards 1 and 2; and Village of Rockland – Ward
1.
 28. TWENTY-EIGHTH SUPERVISORY DISTRICT
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Village of West Salem – Wards 5, 6, and 7; and Town of Barre – Ward 1; and Town of Hamilton – Wards 2 and 5; and Town of Medary – Wards 2 and 3.

29. TWENTY-NINTH SUPERVISORY DISTRICT
Town of Barre – Ward 2; and Town of Greenfield – Wards 1, 2, and 3; and Town of Shelby – Ward 4.
 30. THIRTIETH SUPERVISORY DISTRICT
Town of Shelby – Wards 1, 2, 3, 5, and 6.
- (4) **Orientation of Supervisors.** The County Clerk, County Administrator, Auditor/Finance Director, Human Resources Director, and Corporation Counsel shall conduct a program for all elected Supervisors prior to the April organizational meeting of the election year.
 - (5) **Compensation.** Compensation of Supervisors shall be as set forth in La Crosse County resolutions regulating such compensation.

SUBCHAPTER I
COUNTY BOARD STRUCTURE AND RULES

2.02 **COMMITTEES/BOARD/COMMISSIONS.**

- (1) **Standing Committees** are defined as those that provide policy and program oversight over County departments, offices, or agencies. Standing Committees of the County Board shall be:
 - (a) Executive Committee.
 - (b) Public Works and Infrastructure Committee.
 - (c) Judiciary and Law Committee.
 - (d) Veterans, Aging and Long Term Care Committee
 - (e) Planning, Resources and Development Committee
 - (f) Health and Human Services Board.
 - (2) **Special Committees, Boards and Commissions** are defined as creations of the County Board that do not have oversight or supervisory responsibilities over any particular County department, office or agency.
 - (3) Additional information about Standing Committees and other Committees, Boards and Commissions is located in Chapter 1 of this Code.
 - (4) **Appointments.**
 - (a) The County Board Chair is authorized to make new appointments or reappoint members to the standing committees except the Health and Human Services Board at or after the County Board April organizational meeting. The County Board Chair shall also have the power to select the chairs of the standing committees except where an alternate procedure is specified by State Statutes or this Code. Unless otherwise specified, appointments to Special Committees and other organizations shall be made by the County Board Chair with the approval of the County Board. There are no tenured appointments to any committee.
 - (b) The County Administrator shall appoint the members of all boards and commissions where state statutes provide that such appointment shall be made by the County Board or by the County Board Chair. All appointments to boards and commissions by the County Administrator shall be subject to the confirmation of the
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County Board. The County Administrator may delegate this appointment authority to the County Board Chair.

- (5) **Vacancies.** The County Board Chair is authorized to fill vacancies and to make membership changes upon the request of a particular Supervisor wishing to change. In addition, the County Board Chair shall fill vacancies that are created by chronic absenteeism. Chronic absenteeism is defined as at least 3 unexcused absences from committee meetings during a calendar year. The chair of the committee, board or commission shall determine if the absence is excused.
- (6) No County Board Supervisor, excluding officers of the Board, shall serve as a permanent member on more than 2 Standing Committees.
- (7) **Term.** Unless otherwise specified, all committee appointments shall be for a term of 2 years. Other than appointments to standing committees, all appointments of Supervisors to committees, commissions and boards shall be for the length of the Supervisor's elected term.
- (8) **Ad Hoc Committees.** Ad-Hoc Committees may be created by motion or by resolution designating the membership and objective of the Committee. Membership shall be appointed by the County Board Chair unless otherwise ordered. Ad-Hoc Committees shall present their reports, recommendations, resolutions, or ordinances to a standing committee unless otherwise directed by the County Board. Upon completion of its objectives and submission of a final report to the County Board, Ad-Hoc Committees shall be automatically disbanded.

2.03 ELECTION OF OFFICERS.

The officers of the County Board shall be the County Board Chair, the First Vice Chair, and the Second Vice Chair, who shall be elected by the Supervisors at the first meeting of the County Board following the Spring Election, pursuant to s. 59.12, Wis. Stats. If no nominee receives a majority on the first ballot, the second ballot will include the 3 nominees receiving the most votes. If no nominee receives a majority on the second ballot, the third ballot shall include the 2 nominees with the most votes. When two candidates tie for a majority vote for an office, the balloting shall be repeated for that office as many times as necessary to obtain a majority vote for a single candidate. Voting shall be by secret ballot, except when only one nominee is put up for an office, the County Board may take a voice vote.

2.04 DUTIES OF THE COUNTY BOARD OFFICERS.

- (1) **Chair.** The County Board Chair shall exercise the powers and perform the duties described in these rules, those assigned by the County Board, those prescribed by parliamentary authority adopted herein, and shall include the following:
 - (a) Preside over the County Board and open each meeting of the County Board at the time and place publicly noticed and call the Supervisors to order;
 - (b) Receive and submit to standing committees for consideration all matters properly presented;
 - (c) Vote on the call of yes and no votes. The County Board Chair's vote shall be recorded with those of other Supervisors;
 - (d) Put to vote all questions properly moved and announce the results;
 - (e) Maintain the rules of order while Supervisors are engaged in debate;
 - (f) Lead the County Board on all occasions in the observance of order and decorum;
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- (g) Rule on any point of order or practice when necessary or when asked;
- (h) Represent the County Board, obey its commands and declare its will.

(2) **First Vice Chair.** The duties of the Vice Chair shall include:

- (a) Act as County Board Chair during the absence or disability of the County Board Chair;
- (b) When the County Board Chair wishes to temporarily vacate the chair during a County Board meeting, act as Chair when designated by the County Board Chair.

(3) **Second Vice Chair.** The Second Vice Chair shall assume the duties of the First Vice Chair in their absence.

2.05 MEETINGS

All meetings shall be held in the County Board Room at the La Crosse County Administrative Center unless otherwise ordered by the board. If, an emergency situation arises, in which in the opinion of the Chair and Vice Chairs collectively, it would be unsafe, or a threat to the health of members of the Board of Supervisors, or members of the public, to hold an in-person meeting, then on a temporary basis, any meeting may be conducted by electronic audio-visual means. All meetings, including any electronic meetings must be conducted in accordance with the Wisconsin Open Meetings Law and provide reasonable access to members of the public.

- (1) **Annual Meeting.** The annual meeting of the County Board shall commence on the Monday after the second Monday of November of each year pursuant to s. 59.11(1)(a), Wis. Stats. When the day of the meeting falls on November 11, the meeting shall be held on the next day.
 - (2) **Organizational Meeting.** The organizational meeting of the County Board shall be held on the third Tuesday in April pursuant to s. 59.11(1)(c), Wis. Stats.
 - (3) **Regular Meetings.** The County Board may transact the general business of the County at the following meetings:
 - (a) *Monthly meetings.* The regular monthly meeting of the County Board shall be held on the third Thursday of each month, except as otherwise provided.
 - (b) *Planning meetings.* County Board Planning Meetings shall be held on Monday of committee week which is the week before the regular monthly meeting, except as otherwise determined by the County Board or the Board Chair.
 - (4) **Special Meetings.** The County Board may, upon written request of a majority of the Supervisors, call special meetings pursuant to s. 59.11(2), Wis. Stats.
 - (5) **Emergency Meetings.** An emergency meeting is a meeting called to discuss a matter upon which immediate action might be necessary in order to protect the health, safety and welfare of the citizens of the County. Emergency meetings of the County Board may be called by the County Board Chair by making a written declaration of emergency and filing it with the County Clerk and by attempting to notify each Supervisor of the time and place of such emergency meeting as well as the purpose of such meeting. In addition, all
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news media who are routinely notified of regular meetings, shall be notified of the time, place and purpose of the emergency meeting. The emergency meeting shall take place not less than 2 hours after an attempt to contact all Supervisors and the media has occurred. In the absence of the County Board Chair, an emergency meeting may be called by the First Vice Chair or, in their absence, the Second Vice Chair.

- (6) **Quorum.** A majority of Supervisors elected shall constitute a quorum to transact business. Those Supervisors present, absent or excused shall be entered in the journal. All questions shall be determined by a majority of the Supervisors present, unless otherwise provided by statutes or rule of the County Board. In order to assure a quorum for a County Board committee meeting, the County Board Chair or committee chair, if the County Board Chair is not present, may appoint 1 or more Supervisors to serve as temporary replacements for those committees that provide for chair appointment. The County Board Chair shall serve as an ex-officio member of all committees, with voting privileges when a regular committee member is not present at the beginning of the meeting and the County Board Chair has been present throughout the meeting.
- (7) **Starting Time.** The starting time of the regular monthly meeting shall be determined at the first organizational meeting following election of the County Board for the ensuing term of office by a majority of the Supervisors who are present, except that the starting time may be changed for special occasions as determined by a majority of the County Board.

2.06 **ORDER OF BUSINESS.** The order of business at the regular meeting shall be generally as follows:

1. Roll Call
2. Pledge of Allegiance
3. Election of officers (April organizational meeting)
4. Communications, announcements and report
5. Appointments
6. Consent Agenda – approval of County Board minutes, financial statements, and claims list
7. Closed session
8. Presentation of resolutions, ordinances, motions and other business from Standing Committees
9. Items for future agenda
10. Adjournment

2.07 **PUBLICATION OF PROCEEDINGS.** Pursuant to Ch. 985, Wis. Stats, the La Crosse Tribune is designated as the official newspaper of La Crosse County.

2.08 **AGENDA.**

- (1) All resolutions or other business to be brought before the County Board shall be reported to the County Clerk no later than 10:00 A.M. on the Friday preceding the County Board meeting in order to be placed on the agenda and considered by the County Board unless added as an addendum at the discretion of the County Board Chair and not in violation of the Open Meetings Law.
 - (2) The County Clerk shall send each Supervisor an itemized agenda listing the title and item number of all resolutions, nominations, and other business to be
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considered by the County Board. The agenda shall be prepared by the County Clerk subject to the approval of the County Board Chair.

- (3) The County Clerk shall prepare a packet containing resolutions, ordinances, petitions, and standing committee minutes to be provided to Supervisors prior to each County Board meeting.
- (4) *Consent Agenda.* Approval of County Board minutes, financial statement, and claims list shall be placed on the consent agenda and disposed of with one vote, unless a Supervisor requests to withdraw and discuss any of the matters.
- (5) *Zoning Items.* The recommendations of the Planning, Resources and Development Committee on zoning items listed on the County Board agenda shall be considered individually.

2.09 **OPEN MEETINGS LAW.**

The Chair of each committee, subcommittee, special committee, standing committee, commission or board shall have the primary responsibility for complying with ss. 19.81-19.98, Wis. Stats., known as the "Open Meetings Law". The Chair or his/her designee shall notify the County Clerk as to how notices shall be conveyed to the news media. Those committees that desire notification to be made through the County Clerk's Office shall so designate in writing.

2.10 **NOTICE OF MEETINGS.**

All notices of meetings shall be provided to the County Clerk. Public notice shall be provided consistent with s. 19.84(1), Wis. Stats. at least 24 hours prior to the meeting unless the meeting is an emergency as defined above.

2.11 **RESOLUTIONS AND ORDINANCES.**

- (1) ***Resolutions.*** Resolution means an expression of the county board of supervisors concerning matters of administration, an expression of a temporary character or a provision for the disposition of a particular item of the administrative business of the county board of supervisors.
 - (a) All resolutions shall be drafted by the Corporation Counsel Office, the County Clerk, the Human Resources Director, the Auditor/Finance Director, the County Administrator, or the Associate County Administrator to assure uniformity of format and proper content. Upon completion, the resolution shall be forwarded to the County Administrator, Auditor/Finance Director, and County Board Chair for review.
 - (b) The County Administrator, the Auditor/Finance Director, the County Board Chair and Corporation Counsel shall review all resolutions prior to introduction to the County Board and shall indicate on each resolution one of the following: Recommended, Not Recommended, or Reviewed Only.
 - (c) Unless the County Board Chair authorizes the placement of a resolution directly on the County Board agenda, all resolutions shall be submitted to the appropriate Standing Committee prior to introduction to the County Board. If the County Board authorizes the placement of a resolution directly on the County Board agenda, a majority vote of the members present must vote to suspend the rules before the resolution placed on the agenda by the County Board Chair is discussed or voted on by the County Board. This does not apply to proclamations or resolutions which are honorary in

nature, for example, recognizing retirees, which may be considered by the Board without a suspension of rules.

- (d) All resolutions appropriating or committing funds shall include a fiscal note. Any resolution that includes a non-budgeted item shall be reviewed and approved by the Executive Committee prior to introduction before the County Board
 - (e) Resolutions that contain bids or quotes shall include a summary of the names of the bidders and bids or quotes received.
 - (f) Resolutions submitted to a Standing Committee shall be reported to the County Board by that committee.
 - (g) At the Committee level, resolutions may only be amended by the originating Standing Committee or Standing Committees. After introduction to the County Board, any resolution may be amended by a Supervisor in accordance with Robert's Rules of Order. All amendments and motions of a significant matter shall be submitted in writing to the County Clerk before the adjournment of the County Board meeting in which it is presented.
 - (h) The Title, the "Resolved" portions of the resolution and the fiscal note shall be read for consideration at the County Board meeting, unless reading of the entire resolution is requested by a majority of the Supervisors present.
- (2) **Ordinances.** *Ordinance means an official legislative action of the county board of supervisors, which action is a regulation of a general and permanent nature and enforceable as a local law.*
- (a) All ordinances shall be drafted by the Corporation Counsel Office and shall have attached an analysis of the ordinance clarifying the intent of the legislation. Changes in the wording of ordinances shall be included on a copy of the ordinance showing the deleted language by shading through the words to be deleted and by underlining the words to be changed or added. Each Supervisor shall be presented with a copy of the analysis and the existing ordinance with the deleted and new language.
 - (b) A proposed ordinance shall be reviewed by the originating Standing Committee prior to introduction before the County Board. After review, the ordinance shall be placed on the agenda for the next County Board meeting if recommended by a majority of the committee or by a minority report. The originating Standing Committee shall report to the County Board its recommendations or comments on the proposed ordinance.
 - (c) For consideration of an ordinance, the ordinance title and subject matter shall be read, unless reading of the entire ordinance is requested by a majority of the Supervisors present.
 - (d) An ordinance shall be considered at two County Board meetings. After introduction to the County Board, the ordinance shall be referred to the next meeting of the County Board for consideration, unless this rule is waived by a 2/3 vote of the Supervisors present. The ordinance may be debated at either or both of the two readings.
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- (e) A public hearing on the proposed ordinance shall be held if required by statute or if requested by a Supervisor and approved by a majority vote of the Supervisors present. The date of the public hearing shall be prior to the County Board meeting where the ordinance is to be voted upon.
- (f) An amendment to a proposed ordinance may be introduced, debated, and voted on at the first consideration by the County Board or at subsequent considerations. A majority vote is required for passage of an amendment to an ordinance. If the amendment is approved and is substantial or major, the ordinance and amendment shall be referred to the next meeting of the County Board unless 2/3 of the Supervisors present vote to consider the ordinance as amended at the present meeting. If the County Board Chair determines that the amendment is dilatory or frivolous or finds the amendment to be minor or technical in nature, the ordinance and amendment shall not be referred to the next County Board meeting.
- (g) Following approval by the County Board, the Clerk shall publish the ordinance as required by law. Unless otherwise specified, the Ordinance shall not take effect until the day following official publication.
- (h) The Clerk and/or Corporation Counsel are authorized to renumber, reformat and correct obvious typographical errors in the Code of Ordinances without first submitting them to the County Board. Such rearranging, reformatting and editing shall not affect the validity of such ordinances or the provisions of this Code affected by such ordinances.

2.12 REFERRAL TO COMMITTEE.

- (1) Any resolution, ordinance, or motion introduced by a Supervisor and not on the agenda or not previously reviewed or studied by an appropriate committee shall, without motion, be referred by the County Board Chair to an appropriate committee unless this rule is waived by a 2/3 vote of the Supervisors present and such immediate consideration would not be a violation of the Open Meetings Law.
- (2) All matters referred to a committee shall be reported out to the full County Board within 90 days of its referral unless otherwise specified by the County Board.

2.13 PARLIAMENTARY RULES.

- (1) Roberts' Rules of Order Newly Revised, current edition, shall prevail regarding the parliamentary procedure when not in conflict with any Wisconsin Statute or rule of the County Board
 - (2) When a motion is under consideration, no other motion shall be entertained except
 - a. To adjourn
 - b. To recess
 - c. To lay on the table
 - d. To close debate (Move the previous question)
 - e. To postpone to a day certain
 - f. To refer to committee
 - g. To amend or to substitute
 - h. To postpone indefinitely
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These several motions shall take precedence in the order in which they stand in this rule. The motion to adjourn shall be in order if the Supervisor making it has the floor. The motions to adjourn, to recess, to lay on the table, and to close debate are not debatable.

- (3) Except as otherwise provided, meeting procedures pursuant to s. 59.11, Wis. Stats., shall apply.

2.14 **ATTENDANCE.**

It shall be the responsibility of each Supervisor and committee member to serve diligently. Consistent failure to attend the meetings of any Board or committee on a regular basis without cause shall constitute neglect of duty.

- (1) A Supervisor shall attend all County Board meetings. A Board member may, with prior permission of the Board Chair, take part in a County Board meeting by telephone or other electronic means. However, a Board member who takes part in a County Board meeting by telephone or other electronic means will not be considered to be present at the County Board meeting and will not be allowed to vote. However, the Board member will be allowed to participate in discussion that will take place at the meeting.
- (2) A Supervisor may be excused from a session of the County Board by giving prior notice to the County Board Chair and the County Clerk.
- (3) Failure to comply with this attendance requirement may subject the offender to the penalties pursuant to s. 59.11(4), Wis. Stats., including having the County Board Chair issue a warrant for attendance as set forth in said statute or to the instigation of removal for cause under s. 17.16, Wis. Stats.

2.15 **PUBLIC COMMENT.**

Unless otherwise required by law and noticed on the agenda, there is no public comment at County Board meetings. Committee meeting agendas may include public comment. When the public notice of a committee meeting provides for a period of public comment the committee may receive information from members of the public and may, to a limited extent, discuss any matter raised by the public. It is advisable to limit discussion (if any) of the subject and to defer any extensive deliberation to a later meeting for which more specific notice can be given. No formal action may be taken on a subject raised in the public comment period, unless that subject is also identified in the meeting notice.

- (1) Unless otherwise determined by the Chair, reasonable rules governing the conduct of a period of public comment, for County Board or its committees, includes the following:
 - (a) A public comment period is limited to no more than thirty (30) minutes.
 - (b) The maximum time allotted to each speaker is three (3) minutes.

2.16 **CLOSED SESSION.**

Whenever a committee meets in closed session pursuant to Wis. Stat. § 19.85, the clerk or recording clerk shall record all motions made, who initiated and seconded the motions, and how each member voted on all votes taken by such committee in separate closed meeting minutes in the same manner as the regular minutes. Closed session minutes shall be kept in

a secure location and no persons except members of the county board, the corporation counsel, the county clerk and the county administrator shall have access thereto. Prior to the end of each session year, the corporation counsel shall examine the closed session minutes and determine what portions, if any, should be made public. A county official or employee shall not disclose confidential information that has been acquired by being present at a closed session authorized by Wisconsin Statutes s. 19.85. For purposes of this section, "confidential information" means any communication in a closed session that is specifically related to the agenda item that is authorized to be considered in closed session.

2.17 ADDRESSING THE BOARD.

- (1) Unless noted on the agenda, no one other than a Supervisor or County staff when requested by a Supervisor will be allowed to speak except by the permission of the County Board by unanimous consent. If no Supervisor objects, the County Board Chair shall grant such privilege. If there is not unanimous consent Failing unanimous consent, a motion to suspend the rules may be accepted by the Chair. There shall be a 5-minute limit on presentations unless the Board allows more time. Members of the public shall not be permitted to address the Board on a zoning matter unless the meeting has been noticed as a public hearing.
- (2) No County Board member shall speak unless the supervisor addresses the Chairperson and is recognized by the Chairperson. As a general rule, the County Board Chair shall attempt to recognize a Supervisor who has not yet spoken on the issue before recognizing a Supervisor who has already spoken.

2.18 COUNTY BOARD CHAIR MAY VACATE THE CHAIR.

If the County Board Chair desires to enter into debate upon any matter before the County Board, they shall surrender the chair to the Vice Chair during such debate and shall have the privilege of the floor in exactly the same way as any other Supervisor, except that the Chair shall be recognized as the first speaker after vacating the chair. In the event that both Vice Chairs have spoken on the issue at hand, the Chair may designate another Supervisor to preside during that debate.

2.19 VOTING.

- (1) Although it is the duty of all Supervisors present to vote yes or no, a Supervisor may abstain, they cannot be compelled to vote.
- (2) The Chair may call for a voice vote or a show of hands unless a roll call vote is requested. If the vote is taken by a show of hands, the Chair shall announce the names of those Supervisors voting in the minority.
- (3) When a roll call vote is requested by the Chair or any Supervisor present, it shall be taken on the electronic voting system and a hard copy generated for the record unless the electronic voting system is not operational
- (4) No secret ballot may be utilized to determine any election or other decision of the County Board except the election of the County Board Chair and Vice Chairs.

2.20 BUDGET ADJUSTMENTS AND ACTION ON FISCAL MATTERS.

- (1) The county budget is a fiscal plan for La Crosse County developed in accord with the County Ordinance, County Finance Policy and Procedure, Uniform
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Accounting Manual for Wisconsin Counties and the Governmental Accounting Standards Board.

- (2) Appropriations contained in the annual budget are made at the department level. Departments are expected to operate within their authorized budgets to ensure operational accountability.
- (3) Budget Adjustments - Expenditures in excess of the amount appropriated for any department shall require either County Administrator, Executive Committee or County Board approval, in accordance with sec 65.90(5) Stats and as detailed in the Finance Policy and Procedure Manual.

2.21 MOTION TO RECONSIDER.

- (1) A motion for reconsideration may only be made by a Supervisor who voted on the prevailing side on such matter or, when the Board is evenly divided, by any member. A motion for reconsideration must be made on the same day, the following day if the meeting is more than 1 day, or prior to the next County Board or committee meeting.
- (2) A motion to reconsider made at the same meeting as the original motion may be seconded by any Supervisor regardless of how they voted when the original motion was decided.
- (3) In order to reconsider an action at a subsequent meeting of the committee or County Board, notice of the motion to reconsider, along with the number of the ordinance or resolution to be reconsidered, must be provided to the County Clerk so that it can be included on the agenda.
- (4) If notice of an intent to reconsider is given, all action upon the matter shall be suspended.
- (5) Any motion for reconsideration requires only a majority of the Supervisors present, regardless of the vote necessary to adopt the motion to be reconsidered. A motion to reconsider being made and lost shall not be renewed except by the unanimous consent of the Supervisors present.

2.22 SUSPENSION OF RULES.

Unless prohibited by Wisconsin Statutes, rules may be suspended at any meeting by a 2/3 vote of Supervisors present.

SUBCHAPTER II
CODE OF ETHICS.

2.23 **CODE OF ETHICS.**

- (1) **Declaration of Policy.** The proper operation of La Crosse County government demands that:
- (a) County officials and employees be independent, impartial and responsible to the general public
 - (b) Decisions be made according to proper administrative procedures,
 - (c) County offices shall not be used for personal or financial gain,
 - (d) County business shall be conducted in a manner that will instill public confidence.

In recognition of these fundamental principles, there is hereby created a Code of Ethics and a La Crosse County Ethics Board to establish ethical guidelines, to render confidential opinions regarding appropriate conduct and to redress violations under this code.

- (2) **Purpose.** The purpose of this code is to establish ethical standards of conduct for all La Crosse County officials and employees. La Crosse County officials and employees retain all rights as citizens to personal and economic interests. The standards of ethical conduct for county officials and employees must distinguish between minor and inconsequential conflicts that are unavoidable in a free society and those conflicts that are substantial and material.
- (a) La Crosse County officials and employees have a right to
 - 1. Engage in professional or business activities, other than official duties,
 - 2. Maintain investments or activities that do not conflict with specific provisions of this code.
 - (b) The provisions of this code, and such rules and regulations that may be established, are to be interpreted in the context of the above principles and are intended to be in the best interest of the public. It is the intent of the county that the operations of the Ethics Board shall protect, to the fullest possible extent, both the interests of the public and the rights of individuals affected.
- (3) **Responsibility of Public Office.** La Crosse County officials and employees are public servants and hold office to serve the public interest. They are required to uphold the Constitution of the United States and the Constitution of the State of Wisconsin, and to carry out efficiently and impartially all laws of the United States, the State of Wisconsin, and La Crosse County. They are required to adhere to the standards of ethics set forth in this code and to faithfully discharge the duties of their office.
- (4) **Coverage.** This code governs all La Crosse County officials, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions and all county employees.
- (5) **Exceptions.** Political contributions which are reported pursuant to Chapter 11, Wis. Stats., are exempt from the provisions of this code.
- (6) **Definitions.**
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- (a) *Person*. Any individual, corporation, partnership, joint venture, association or organization
- (b) *Financial Interest*. Any interest which yields directly or indirectly, a monetary or other material benefit to:
 - 1. A county official, employee, or his/her immediate family,
 - 2. Any person employing or retaining services of a county official or employee.
- (c) *Anything of Value*. Any money or property, favor, service, payment, loan, or promise of future payment or benefit. This DOES NOT INCLUDE such things as compensation and expenses paid by the state or county, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, notepads, calendars, informational or educational materials of unexceptional value, plaques, other advertising giveaways or any similar thing which is not likely to influence the judgment of individuals covered by this code.
- (d) *Privileged Information*. Any written or oral material related to county government which has not become public information and which is designated by statute, court decision, lawful orders, ordinances, resolution or custom as privileged.
- (e) *Official*. All county department heads or directors, county board supervisors, and all other county elected officers, except judges and district attorneys.
- (f) *Employee*. All persons employed by the county and all members of boards, committees, and commissions, except members of the La Crosse County Ethics Board and those individuals included in (e).
- (g) *Immediate Family*. Refer to Chapter 3, Personnel Administrative Rules, s. 3.26(3) of this Code.

(7) **Fair and Equal Treatment.**

- (a) *Use of Public Property*. An official or employee shall not use or knowingly permit the use of county services or county-owned vehicles, equipment, materials for unauthorized non-governmental purposes or for unauthorized personal convenience or for profit, unless such services or use are available to the general public and are consistent with practices and policies of the county.
- (b) *Obligations to Citizens*. An official or employee shall not grant or receive any special consideration, treatment or advantage beyond that which is available to every other citizen

(8) **Conflict of Interest.**

- (a) *Receipt of Gifts, Gratuities, and Preferential Treatment Prohibited*. An official or employee shall not solicit or accept anything of value whether in the form of a gift, service, loan or promise from any person which may impair independence of judgment or action in the performance of official duties. Nor shall an official or employee accept from any person or organization, directly or indirectly, preferential treatment or any thing of value without full payment, if it could reasonably be expected to influence a vote, a contract, or could reasonably be considered as a reward for any governmental action or inaction.
 - (b) *Exception*. It is not a conflict of interest for an official or employee to receive:
 - 1. An unsolicited gift or gratuity of insignificant value, or
 - 2. Anything given to him or her independent of his or her position as an official or employee.
 - (c) *Business Interest*. An official or employee shall not engage in any financial transaction which:
 - 1. Is incompatible with the proper discharge of official duties for the benefit of the public,
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2. Is contrary to the provisions of this code, or
3. May impair independence of judgment or action in the performance of official duties

- (d) *Employment.* An official or employee shall not engage in or accept any private employment or render any service for a private interest when such employment or service is incompatible with the proper discharge of official duties or which may impair independence of judgment or action in the performance of official duties unless otherwise permitted by law or unless disclosure is made as hereinafter provided
- (e) *Contracting.* An official or employee or a business in which an official or employee holds a 10% or greater interest, may not enter into a contract with the county involving a payment or payments of more than \$2,000 within a 12 month period unless the official or employee has made a written disclosure of the nature and extent of such relationship or interest to the County Clerk and reported such interest to the County Board. Further, pursuant to s. 946.13, Wis. Stats., an official or employee is prohibited from participating in the formation of a contract(s) with La Crosse County involving the receipts or disbursement of more than \$15,000 in any year, per State Statutes.
- (f) *Financial Interest in Legislation.* An official or employee who has a financial interest in any proposed action before the County Board shall disclose the nature and extent of such interest to the County Clerk and the County Board prior to or during the initial discussion of such action. Prior to giving an official opinion or recommendation to the County Board, such official or employee shall first disclose the nature and extent of such interest to the County Board. An official or employee who has a financial interest in any proposed action shall abstain from speaking to the issue and from voting on that action. If there is a question to this regard, the official or employee may seek an opinion from Corporation Counsel.
- (g) *Disclosure of Privileged Information.* An official or employee shall not knowingly disclose or permit the disclosure of privileged information to any person not lawfully authorized to receive such information. An official or employee shall not use privileged information to advance personal financial interest of himself or herself or his or her immediate family or any other person.
- (h) *Indirect Actions or Benefits.* No county official or employee shall directly or indirectly initiate any action by another county official or employee that would constitute a violation of this Code.

(9) **Compliance with State Statutes**

- (a) *Statutes Incorporated by Reference.* The following sections of the Wisconsin Statutes are hereby incorporated by reference and made a part of this Code of Ethics:
 1. S. 19.01 - Oaths and Bonds
 2. S. 19.21 - Custody and Delivery of Official Property and Record
 3. SS. 19.81-89 - Open Meetings of Governmental Bodies
 4. S. 19.59 - Codes of Ethics for Local Government Officials, Employees and Candidates
- (b) *Violation of Incorporated Statutes.* Officials shall comply with the sections of the Wisconsin Statutes incorporated in this code and failure to do so shall constitute a breach of this Code of Ethics.

(10) **Ethics Board.**

- (a) *Creation and Composition of the Ethics Board.* Refer to Chapter 1, General Government, s. 1.20 of this Code.
 1. The Ethics Board shall elect its own Chair and Vice Chair.
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2. The Corporation Counsel shall furnish the Ethics Board whatever legal assistance, which may be necessary. The Ethics Board may determine the need for private counsel.

(b) *Duties and Powers.*

1. Advisory Opinions. Any person governed by this code may apply in writing to the Ethics Board for an advisory opinion and shall be guided by any opinion rendered. Applicants shall present their interpretation of the facts at issue and of the applicability of the provisions of this code before the advisory opinion is rendered. All opinions shall be in writing and adopted by the Ethics Board by resolution. The Ethics board's deliberations and action upon such applications shall be in meetings not open to the public, but notice of such meetings shall be given pursuant to s. 19.84, Wis. Stats. Records of the Ethics Board's opinions, opinion requests and investigations of violations may be closed to public inspection, as permitted by Chapter 19, Wis. Stats. The Ethics Board, however, may make such records public with the consent of the applicant.
 2. Complaints
 - a. The County Clerk shall accept from any person a signed, original complaint that states the name of the official or employee alleged to have violated this code and that sets forth the material facts involved in the allegation. The County Clerk shall forward the original complaint to the Ethics Board Chair within 3 working days.
 - b. Time Limitations. No action may be taken on any complaint that is filed more than 1 year after a violation of the Ethics Code is alleged to have occurred.
 3. Ethics Board Procedures. Following the receipt of a complaint:
 1. The Ethics Board shall notify the accused within 5 calendar days.
 2. The Ethics Board shall convene within 45 calendar days but no earlier than 30 days from the date the accused receives the complaint.
 3. The Ethics Board may make preliminary investigations with respect to alleged violation of this code. A preliminary investigation shall not be initiated unless the accused official or employee is notified in writing within 10 calendar days from the initial meeting. The notice shall state the purpose of the investigation and the individual's specific action or activities to be investigated.
 4. The Ethics Board shall make every effort to conclude within 120 calendar days.
 4. Hearings. If the Ethics Board finds that probable cause exists for believing the allegations of the complaint, the Ethics Board may issue an order setting a date for a hearing. If the Ethics Board elects to hold a hearing, the Ethics Board shall give the accused at least 20 calendar days notice of the hearing date. Such hearing shall be conducted pursuant to the contested case hearing requirements of Chapter 227 Wis. Stats., at open session unless the accused petitions for a hearing closed to the public and good cause to close the hearing is shown.
 5. Right to Representation. During all stages of an investigation or proceeding conducted under this section, the accused or any person whose activities are under investigation is entitled to be represented by counsel of personal choice and at personal expense.
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6. Due Process. The accused or his/her representative shall have an adequate opportunity to:
 - a. Examine all documents and records to be used at the hearing within a reasonable time before the date of the hearing as well as during the hearing,
 - b. Bring witnesses,
 - c. Establish all pertinent facts and circumstances, and
 - d. Question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.
 7. Power to Subpoena and Administer Oaths. The Ethics Board shall have the power to administer oaths and compel the attendance of witnesses by issuing subpoenas as granted other Boards and Commissions pursuant to s. 885.01(3) Wis. Stats.
 8. Vote of the Ethics Board. The majority vote of the Ethics Board shall be required for any action taken by the Ethics Board.
 9. Evidentiary Standard. If the recommendation is that a violation of the ethics code has occurred, the Ethics Board must be convinced by clear and convincing evidence that such violation occurred.
 10. Violations.
 - a. If the Ethics Board finds that a violation of the ethics code has occurred, the Ethics Board shall report their findings in writing to the County Board, complainant, and accused, through the County Clerk, within 10 working days after reaching a conclusion.
 - b. If the Ethics Board determines that an official or employee has violated any provision of this code, the Ethics Board may, as part of its report to the County Board, make any of the following recommendations:
 1. In the case of an official who is an elected county board supervisor, that the County Board consider sanctioning, censuring or removing the person;
 2. In the case of a citizen member, or other elected or appointed county officer, that the County Board, County Administrator or other appointing authority consider removing the person from the committee, board or office;
 3. In the case of an employee, that the employee's appointing authority consider discipline up to and including discharge of the employee.
 4. That the County Board consider imposing a civil forfeiture in an amount not exceeding \$1,000 for each offense.
 - c. If the Ethics Board finds that no violation has occurred, the Ethics Board shall notify the complainant, the accused, and the County Clerk in writing within 5 working days.
 11. Costs upon frivolous complaints.
 - a. If the Ethics Board finds, at any time during the proceeding, that an ethics complaint commenced or continued by a party is frivolous, the Ethics Board may award the successful party the costs and reasonable attorney fees that are directly attributable to responding to the frivolous complaint.
 - b. If the costs and fees awarded under sub. a. are awarded against the party, those costs may be assessed fully
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against either the party or the attorney representing the party or may be assessed so that the party and the attorney each pay a portion of the costs and fees.

- c. To find an ethics complaint to be frivolous under sub. a., the Ethics Board must find at least one of the following:
 - 1. That the complaint was commenced, used, or continued in bad faith, solely for purposes of harassing or maliciously injuring another; and/or
 - 2. that the party or the party's attorney knew, or should have known, that the complaint was without any reasonable basis in law or equity and could not be supported by a good faith argument for an extension, modification, or reversal of existing law.
- d. How sanctions are initiated.
 - 1. By motion. A motion for sanctions under this rule shall be made separately from other motions or requests and shall describe the specific conduct alleged to violate sub. a. The motion shall be served as provided in Wis. Stat. s. 801.14, but shall not be filed with or presented to the Ethics Board unless, within 21 days after service of the motion or such other period as the Ethics Board may prescribe, the challenged paper, complaint, claim, contention or allegation is not withdrawn or appropriately corrected. If warranted, the Ethics Board may award to the party prevailing on the motion reasonable expenses and attorney fees incurred in presenting or opposing the motion
 - 2. On Ethics Board Initiative. On its own initiative, the Ethic Board may enter an order describing the specific conduct that appears to violate sub. a. and directing an attorney, law firm, or party to show cause why it has not violated sub. a. with the specific conduct described in the order.
- e. Nature of sanction. A sanction imposed for violation of this rule may be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated. The sanction may consist of, or include, directives of a nonmonetary nature and/or an order directing payment to the movant of some or all of the reasonable attorney fees and other expenses incurred as a direct result of the violation. Monetary sanctions may not be awarded on the Ethics Board initiative unless the Ethics Board issues its order to show cause before a voluntary dismissal or settlement of the claims made by or against the party that is, or whose attorneys are, to be sanctioned.
- f. Order. If the Ethics Board elects to impose sanctions, the Ethics Board shall in a written order describe the conduct determined to constitute a violation of this rule and explain the basis for the sanction and the amount of the sanction imposed.

(11) **Penalties.**

- (a) If the Ethics Board files a report with the County Board finding that an official or employee has violated the Ethics Code, such report shall be referred to the Executive Committee for a report. The Executive
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Committee may recommend to the County Board a penalty for the violation and/or recommend that a hearing be held on the issue of the penalty. If a hearing is recommended by the Executive Committee, then the County Board Chair shall schedule a hearing before the County Board and cause notice to be mailed to the interested parties including the person or persons accused of the violation at least 10 days prior to the date set for the hearing. At the hearing, the evidence in support of the penalty recommendations by the Ethics Board and/or Executive Committee shall be presented by the Corporation Counsel or by a member of the Corporation Counsel's staff. The accused, who may appear in person or who may be represented by an attorney, shall be entitled to present to the County Board such evidence as may be relevant, competent, and material in regard to the penalty for the violation.

- (b) Upon completion of the hearing or other proceedings by the County Board, judgment shall be entered by the County Board determining the penalty for the Ethics Code violation found by the Ethics Board and may include a recommendation of discipline of the person to his/her appointing authority up to and including discharge from employment or removal from office.
 - (c) The County Board may censure, suspend or remove from office a county board supervisor. To remove a supervisor from office, the County Board must approve such removal, for cause, by a vote of two-thirds of all the supervisors entitled to seats on such board.
 - (d) Any person violating the Code of Ethics (s. 2.23) may be subject to a forfeiture of not less than \$100 nor more than \$1,000 for each offense.
- (12) **Applicability.** The provisions of s. 2.23 of this Code shall apply in all instances except when superseded by an applicable statutory provision. This section is mandatory except in cases where the application of a statute is discretionary. In such case the Ethics Board may choose which is more appropriate or desirable.

Section 2. This Ordinance shall take effect the day after passage and publication.

LA CROSSE COUNTY

By: 

Monica Kruse, County Board Chair

By: 

Ginny Dankmeyer, County Clerk

PASSED: March 17, 2022
PUBLISHED: March 26, 2022

STATE OF WISCONSIN
COUNTY OF LA CROSSE

I, Ginny Dankmeyer, County Clerk of La Crosse County do hereby certify that this document is a true and correct copy of the original ordinance required by law to be in my custody and which the County Board of Supervisors of La Crosse County adopted at a meeting held on the 17th day of March 2022.


Ginny Dankmeyer, La Crosse County Clerk