



# Reference Manual

## WI Open Meetings Law Conducting Closed Sessions Agendas Minutes Resolutions and Ordinances

JULY 2018

Compiled by the County Clerk, Corporation Counsel and Administration



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## **DECLARATION OF POLICY - §19.81(1), Wis. Stats.**

...In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business.

The open meetings law creates a presumption that meetings of governmental bodies must be held in open session. The policy of the State of Wisconsin dictates governmental bodies convene in closed session only when meeting in open session would be incompatible with the conduct of governmental affairs.

All references to the law in this section refer to the Wisconsin Law.

### **1. MEETINGS UNDER THE OPEN MEETINGS LAW**

- a) A meeting is defined as the convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body.
- b) The law applies whenever a gathering of members of a governmental body satisfies two requirements:
  - 1) there is a purpose to engage in governmental business
  - 2) the number of members present is sufficient to determine the governmental body's course of action.
- c) Governmental business refers to any formal or informal action, including discussion, decision or information gathering, on matters within the governmental body's realm of authority.
- d) If one-half or more of the members of a governmental body are present, the gathering is presumed to be a meeting.
- e) If a governmental body operates under a two-thirds majority rule, the law applies whenever more than one-third of its member's gathers to discuss or act on matters within the body's authority.
- f) The requirements of the law also extend to walking quorums. A walking quorum is a series of gatherings among separate groups of members of a governmental body, each less than quorum size, who agree, tacitly or explicitly, to act uniformly in sufficient number to reach a quorum. This includes electronic mail and telephone conference calls if the gathering satisfies the purpose and numbers test. The Attorney General strongly discourages the members of every governmental body from using electronic mail to communicate about issues within the body's realm of authority.
- g) When a quorum of members of one governmental body attend a meeting of another governmental body in order to gather information or otherwise engage in governmental business regarding a subject over which they have decision-making responsibility, two separate meetings occur, and notice must be given of both meetings.
- h) The law exempts any social, chance gathering or conference not intended to circumvent the requirements of the open meeting law.

## **2. LOCAL GOVERNMENTAL BODIES SUBJECT TO THE OPEN MEETINGS LAW**

- a) A governmental body includes a state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order. The term rule or order includes any directive, formal or informal, creating a body and assigning it duties.
- b) A subunit is constituted as a governmental body and defined as a separate, smaller body created by a parent body and composed exclusively of members of the parent body.
- c) Special study committees and other advisory committees created by constitution, statute, ordinance, rule or order, including such bodies composed entirely or partially of citizen members are also subject to the law.
- d) The primary test of applicability to a local body is whether a local governmental body created the body. In some situations, a body, such as an economic development corporation, may perform public duties and be so intertwined with a local government unit that it is deemed a “quasi-governmental corporation” subject to the law, even though the body was not created by a local governmental body or local officer.
- e) A local body conducting collective bargaining is not subject to the law. However, notice of reopening a collective bargaining agreement must be given under the law and final ratification of the agreement must be in open session.

## **3. NOTICE AND ACCESS PURSUANT TO THE OPEN MEETINGS LAW**

- a) Notice must be given to the public, to members of the news media who have submitted a written request for notice and to the official governmental newspaper, or if none exists, to a news medium likely to give notice in the area. Notice to the public may be satisfied by posting notice or by publication in the newspaper. Notice to the press may be given in writing or by telephone, the preferred practice is to give notice in writing.
- b) A single notice listing all meetings a governmental body plans to hold over a given week, month or year does not comply with the notice requirements of the law. A separate notice is required for each meeting.
- c) At least twenty-four hour notice is required; however, if for good cause twenty-four hour notice is impossible or impractical, a shorter notice may be given. In no case may notice be less than two hours. Good cause exists in very limited circumstances and presumably, the governmental body will provide twenty-four hour notice.
- d) Marinette County posts notices on the Marinette County Website, the Agenda Distribution list which includes media outlets and the bulletin board located in the Marinette County Courthouse Annex. The Peshtigo Times is the official newspaper of Marinette County for the publication of legal and election notices. Every public notice of a meeting must give the time, date, place and subject matter of the meeting, including subject matter contemplated for consideration in closed session. Notice shall be in such form as to apprise the public and news media of matters to be considered.
- e) Notice of closed session must contain the specific nature of the business to be considered as well as the statutory exemption under which the closed session is authorized.
- f) The law requires every meeting of a governmental body initially be convened in open session.
- g) Open session is defined as a meeting held in a place that is reasonably accessible to members of the public and open to all citizens at all times. This means holding meetings in buildings and rooms that are accessible to persons with functional limitations. Local bodies should, whenever possible, meet in buildings and rooms that are accessible to all persons without assistance.
- h) Absent a statutory requirement for public hearing, the governmental body itself is free to determine whether to allow citizen participation at meetings. If notice provides a period

for public comment the body may receive information from members of the public, however, the body may only take action on such matters as were properly noticed.

**PUBLIC COMMENT PROCEDURE**

Marinette County Code of Ordinances

Chapter 2 – COUNTY GOVERNMENT

Section 2.04 - COUNTY BOARD RULES OF PROCEDURES

**(7)(k) Rules of Order.** Any person not a member of the Board/Committee, desirous of addressing the Board/Committee under public comment on any subject, shall first obtain permission from the Board/Committee Chairperson. All such addresses shall be limited to 5 minutes unless otherwise extended by the Board/Committee Chairperson.

**(10)(a) Suspending, Changing and Interpreting the Rules.** These rules may be suspended by affirmative vote of two-thirds of the members present. The vote on any motion to suspend the rules shall be taken by roll call vote.

- i) An item with the notation “action, if any” must list specific information as to the issue or subject of the potential action.
- j) Attachment items provided with an agenda must relate to topics listed on the agenda or be clearly marked “for informational purposes only”.

**4. OPEN MEETINGS LAW NOTICE REQUIREMENTS**

List topics and specifically the action to be taken concerning each topic in such a form as to reasonably apprise the public and the news media thereof.

- a) Day of the Week
- b) Date
- c) Time
- d) Place
- e) Subject matter
- f) Subject matter intended for consideration at a closed session
- g) WI State Statute exemption under which the specific closed session is authorized
- h) WI State Statute exemption under which the specific open session is authorized
- i) Americans with Disabilities Act information

## **5. CLOSED SESSIONS**

- a) When a closed session is contemplated, notice must contain the subject matter to be considered in closed session. The notice must also contain the specific nature of the business, as well as the statutory exemption under which a closed session is authorized.
- b) Every meeting of a governmental body must initially be convened in open session.
- c) To convene in closed session, upon motion to do so, the presiding officer must announce in open session the nature of the business to be discussed and the specific statutory exemption which is claimed to authorize the closed session. The meeting body is required to pass a motion to convene in closed session by a roll call majority vote and the motion and vote of each member shall be recorded.
- d) The meeting body may not commence a meeting, subsequently convene in closed session and thereafter reconvene again in open session within twelve hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session.
- e) Motions and decisions must be recorded. Motions and votes should be in open session, unless doing so would compromise the need for the closed session.
- f) Discussion in closed session must be limited to the business specified in the announcement.

## **6. 19.85 EXEMPTIONS. (WIS. STATS.,)**

(1) Any meeting of a governmental body, upon motion duly made and carried, may be convened in closed session under one or more of the exemptions provided in this section. The motion shall be carried by a majority vote in such manner that the vote of each member is ascertained and recorded in the minutes. No motion to convene in closed session may be adopted unless the chief presiding officer announces to those present at the meeting at which such motion is made, the nature of the business to be considered at such closed session, and the specific exemption or exemptions under this subsection by which such closed session is claimed to be authorized. Such announcement shall become part of the record of the meeting. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session. A closed session may be held for any of the following purposes:

- (a) Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body.
- (b) Considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, or considering the grant or denial of tenure for a university faculty member, and the taking of formal action on any such matter; provided that the faculty member or other public employee or person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session. This paragraph and par. (f) do not apply to any such evidentiary hearing or meeting where the employee or person licensed requests that an open session be held.
- (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

- (d) Except as provided in s. 304.06(1)(eg) and by rule promulgated under s. 304.06(1)(em), considering specific applications of probation, extended supervision or parole, or considering strategy for crime detection or prevention.
- (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
- (ee) Deliberating by the council on unemployment insurance in a meeting at which all employer members of the council or all employee members of the council are excluded.
- (eg) Deliberating by the council on worker's compensation in a meeting at which all employer members of the council or all employee members of the council are excluded.
- (em) Deliberating, under s. 157.70 if the location of a burial site, as defined in s. 157.70(1)(b), is a subject of the deliberation and if discussing the location in public would be likely to result in disturbance of the burial site.
- (f) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.
- (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
- (h) Consideration of requests for confidential written advice from the elections commission under s. 5.05 (6a) or the ethics commission under s. 19.46 (2), or from any county or municipal ethics board under s. 19.59 (5).

## 7. AGENDA FORMAT

DAY / DATE →  
TIME →  
PLACE →

Specify Date  
of Minutes →

Specify Issue  
And Action →

Reference  
& Include  
Proper Statutory  
Exception →

**VERIFY CLOSED  
SESSION ITEMS  
WITH CORPORATION  
COUNSEL BEFORE  
PUBLICATION**

Agenda  
Page Numbers →



### AGENDA INFRASTRUCTURE COMMITTEE

Thursday, June 7, 2018  
9:00 a.m.  
Jury Assembly Room  
Marinette County Courthouse

1. Call to meeting to order
2. Approval of agenda and amendment
3. Approval/correction of minutes May 10, 2018, action if any.
4. Public Comment – Speaker will be limited to 5 minutes
5. Correspondence – Correspondence, if not specifically listed as a discuss/consider/action item, will be for information only.
6. Reports of outside agencies and others
  - Department of Natural Resources
7. Reports of Forestry and Parks Department activities – information only
  - Forestry's Monthly Revenue Report
  - Park's Monthly Revenue Report
  - Parks project update
  - Forestry project update
8. Discuss/consider timber sale bids and award contracts, action if any.
9. Discuss/consider setting minimum bids and placing tax deed parcel #002-01211.000, located at N15189 White Rapids Loop in the Town of Amberg and tax deed parcel #251-02498.000, a vacant lot located at 1002 State Street in the City of Marinette for sale through advertising and accepting sealed bids, action if any.
10. Discuss/consider request by Near North Trail Riders to open County Forest Road 221 to ATV/UTV traffic from the end of E. Tract 13 Road approximately ¼ mile west to the existing ATV/UTV trail, action if any.
11. Discuss/consider recommend to County Board to approve resolution accepting updates to the Marinette County 15 Year Comprehensive Land Use Plan 2006-2020, action if any.
12. Discuss/consider recommend to Administrative Committee the creation of seven (7) Parks Caretaker II positions, pay grade E and the elimination of seven (7) Parks Caretaker positions, pay grade E, employees currently employed as Parks Caretakers shall be placed in the newly created positions, action if any.
13. Discuss/consider recommend to Administrative Committee the creation of two (2) Parks Caretaker I positions, pay grade D and the elimination of two (2) vacant Parks Caretaker positions pay grade E, action if any.
14. Closed Session per Wisconsin Statute 19.85 (1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; to wit: Discuss deliberating or negotiations for the purchase of private property
15. Open Session per Wisconsin Statute 19.85 (2), action on purchase of private property, if any.
16. Discuss/consider an ordinance revision to change the location of the Infrastructure meeting from the Courthouse to the Hwy/Parks/Forestry Office in Peshtigo, action if any.

# AGENDA FORMAT CONTINUED

17. Reports of Highway activities – information only
  - CTH W road construction project
  - ATV/UTV signage status
18. Discuss/consider transfer(s) within the special revenue fund, action if any
19. Discuss/consider recommending the Administrative Committee apply \$172,102.40 of highway retirees health insurance restricted cash to the Highway Enterprise Fund's 2018 budget for retiree's health insurance expense, action if any.
20. Reports of Maintenance activities – information only
  - Jail Flooring project update
  - Fairgrounds roofing update
21. Presentation of paid invoices
22. Future agenda items
23. Next meeting – Date/Time/Location
24. Adjournment

Addendum(s) when applicable

Gilbert Engel  
Shirley Kaufman  
Al Mans

Al Sauld  
Bill Stankevich  
Dave Zahn

County Clerk  
Agendas

Supervisors present at this meeting may constitute an unintended quorum of other County Board committees. Supervisors appointed to the committee shall participate in action. Others may be present to listen and observe.

**NOTE:** Agenda items may not be considered and acted upon in the order listed.

If you are an individual who needs a special accommodation while attending the meeting as required by the "Americans With Disabilities Act", please notify County Clerk Kathy Brandt, Marinette County Courthouse (715-732-7406) at least 24 hours prior to the meeting in order to make suitable arrangements. Thank you. (TDD 715-732-7760)

1926 Hall Avenue, Marinette, WI 54143-1717

## PUBLIC COMMENT PROCEDURE

Marinette County Code of Ordinances  
Chapter 2 – COUNTY GOVERNMENT

### Section 2.04 - COUNTY BOARD RULES OF PROCEDURES

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List Members  
Of Committee  
and the Required  
Recipients of all  
Agendas. →

Notes an  
Unintended  
Quorum of →  
Another  
Committee

Allows →  
Discussion of  
Items Out of  
Order if  
Necessary

Required on all →  
Agendas Pursuant  
To the ADA

**Public Comment  
Procedure to be  
Placed on the  
Bottom of all  
Agendas**

Agenda  
Page Numbers →

## 8. AGENDA ADDENDUM FORMAT

\*This format can be used to add an agenda item to a previously distributed agenda.



### ADDENDUM

#### INFRASTRUCTURE COMMITTEE

Thursday, June 7, 2018

9:00 a.m.

Jury Assembly Room

Marinette County Courthouse

List New Item  
Renumber as needed →

9. a. Discuss/consider setting minimum bid and placing tax deed parcel #251-05321.000, located at 924 Miller Street in the City of Marinette for sale through advertising and accepting sealed bids, action if any.

List the Members of  
the Committee and the  
Required Recipients of  
all Agendas. →

Gilbert Engel	Al Sauld	County Clerk
Shirley Kaufman	Bill Stankevich	Agendas
Al Mans	Dave Zahn	

Supervisors present at this meeting may constitute an unintended quorum of other County Board committees. Supervisors appointed to the committee shall participate in action. Others may be present to listen and observe.

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1926 Hall Avenue, Marinette, WI 54143-1717

#### PUBLIC COMMENT PROCEDURE

Marinette County Code of Ordinances

Chapter 2 – COUNTY GOVERNMENT

Section 2.04 - COUNTY BOARD RULES OF PROCEDURES

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**(10)(a) Suspending, Changing and Interpreting the Rules.** These rules may be suspended by affirmative vote of two-thirds of the members present. The vote on any motion to suspend the rules shall be taken by roll call vote.

9. AGENDA AMENDMENT FORMAT

\*This format can be used to add/delete/amend items on a previously distributed agenda.



AMENDED AGENDA  
ADMINISTRATIVE COMMITTEE

Thursday, June 14, 2018  
9:00 a.m.  
Annex Conference Room  
Courthouse Annex

1. Call to meeting to order
2. Approval of agenda and amendments
3. Approval/correction of minutes
4. Public Comment – Speaker will be limited to 5 minutes
5. Correspondence – Correspondence, if not specifically listed as a discuss/consider/action item, will be for information only.
6. Reports of outside agencies
7. IT Report
8. Discuss/consider Finance Director’s Report
9. Discuss/consider County Investment Policy per annual review requirement, action if any.
- ~~10. Discuss/consider recommendation to County Board to retire \$200,000 balance due to general fund from the debt service fund from the 2014 internal fund loan, action if any~~
10. Discuss/consider recommendation to County Board transfer from General Fund Unassigned Fund Balance to the Health and Human Service Fund to cover December 31, 2017 fund deficit, action if any.
11. Discuss/consider Schedule of Appropriation Entries, action if any.
12. Presentation of paid invoices
13. Human Resources Director’s Report
14. ~~Discuss/consider~~ Discussion on approval of Short-term Disability Insurance Policy renewal for WPPA effective September 1, 2018 for one year at the current rates, No action. ~~if any~~
15. Future agenda items
16. Next meeting – Date/Time/Location
17. Adjournment

Addendum(s) when applicable

Mark Anderson	Don Pazynski	County Clerk
Tricia Grebin	Rick Polzin	Agendas
John Guarisco	Vilas Schroeder	

Supervisors present at this meeting may constitute an unintended quorum of other county board committees. Supervisors appointed to the committee shall participate in action. Others may be present to listen and observe.

**NOTE:** Agenda items may not be considered and acted upon in the order listed.

If you are an individual who needs a special accommodation while attending the meeting as required by the "Americans With Disabilities Act", please notify County Clerk Kathy Brandt, Marinette County Courthouse (715-732-7406) at least 24 hours prior to the meeting in order to make suitable arrangements. Thank you. (TDD 715-732-7760)

1926 Hall Avenue, Marinette, WI 54143-1717

Make necessary changes to the agenda and repost →

\*Include the Public Comment Procedure at the bottom of the Agenda

## 10. PUBLIC MEETING NOTICE

DAY/DATE →  
TIME →  
PLACE →



### NOTICE

#### PUBLIC MEETING

Monday, February 11, 2006

1:20 p.m.

Crivitz Village Hall, Crivitz WI

Notes an Unintended  
Quorum of Another  
Committee →

This meeting is for informational purposes only and the discussion will focus on Governor Paige Turner's balanced budget proposal. Representatives Jane Doe/Joe Smith and Senators John Doe/Jack Turner, as well as officials of Marinette County municipalities are invited to discuss the budget impact on local government.

A majority of the members of the County Board of Supervisors, or of any of its committees, may be present at this meeting to listen, observe and participate. If a majority of any such body is present, their presence constitutes a Meeting under the Open Meeting Law even though no action will be taken at this meeting by County Board member.

Required on all Agendas  
Pursuant to the ADA →

If you are an individual who needs a special accommodation while attending the meeting as required by the "Americans with Disabilities Act", please notify the County Clerk, Marinette County Courthouse (715-732-7406) at least 24 hours prior to the meeting in order to make suitable arrangements. Thank you. (TDD 715-732-7760)

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1926 Hall Avenue, Marinette, WI 54143-1717

# 11. PUBLIC HEARING NOTICE



## COUNTY OF MARINETTE NOTICE OF PUBLIC INFORMATIONAL HEARING MAY 8, 2018

DATE →  
TIME →  
PLACE →

PUBLIC NOTICE is hereby given to all persons in the County of Marinette, Wisconsin; that a Public Informational Meeting will be held by the \_\_\_\_\_ Committee at 9:00 a.m., May 8, 2018, in the Marinette County Board Room located on the 3rd floor of the Courthouse, 1926 Hall Ave, Marinette, Wisconsin.

Subject →

The purpose of the hearing is to explain and receive comments from affected persons on the nature, feasibility and effects of the reclamation plan submitted by the Town of Silver Cliff for the non-metallic mine site located off of Farm Dam Lane located in the SE1/4 NE1/4 S22 T34N R17E, Town of Silver Cliff. This hearing has been requested by an adjoining landowner in accordance with section 20.15(1)(b)(2) of the Marinette County Code of Ordinances. The subject matter and testimony at this informational hearing will be limited to proposed RECLAMATION ACTIVITIES.

Anyone interested in reviewing the reclamation plan prior to the informational hearing may do so at the Marinette County Land Information Office located at 1926 Hall Ave., Marinette, Wisconsin, between the hours of 8:00 a.m. - 4:30 p.m., Monday thru Friday.

Marinette County  
Land Information Director

A majority of the members of the County Board of Supervisors, or of any of its committees, may be present at this meeting to listen, observe and participate. If a majority of any such body is present, their presence constitutes a Meeting under the Open Meeting Law even though no action will be taken at this meeting by County Board member.

If you are an individual who needs a special accommodation while attending the meeting as required by the "Americans with Disabilities Act", please notify the County Clerk, Marinette County Courthouse (715-732-7406) at least 24 hours prior to the meeting in order to make suitable arrangements. Thank you.  
(TDD 715-732-7760)

Some hearing notices  
Require publication  
Twice →

Date of Publication \_\_\_\_\_ and \_\_\_\_\_

Place of Publication \_\_\_\_\_

## 12. PUBLIC HEARING AGENDA



### PUBLIC HEARING AGENDA

\_\_\_\_\_ COMMITTEE

DATE →  
TIME →  
PLACE →

DATE: Friday, July 22nd 2016 6:00  
TIME: p.m.  
PLACE: Pembine Town Hall - N18765 Sauld Street, Pembine, WI 54156

1. Call meeting to order
2. Approve agenda
3. Public Hearing- Proposed Amendments to Chapter 21 Shoreland/Wetland Zoning Code
  - Open Hearing
  - Summary of Amendments
  - Accept Public Comment
  - Close Public Hearing
4. Adjourn

List the Members of  
the Committee and the →  
Required Recipients of  
all Agendas.

Ted Sauve	Gilbert Engel	Mary Noll
Clancy Whiting	Robert Holley	Kathy Brandt
Fred Meintz	Renee Miller	

NOTE: Agenda items may not be considered and acted upon in the order listed.

Notes an Unintended  
Quorum of Another →  
Committee

A majority of the members of the County Board of Supervisors, or of any of its committees, may be present at this meeting to listen, observe and participate. If a majority of any such body is present, their presence constitutes a Meeting under the Open Meeting Law even though no action will be taken at this meeting by County Board member.

Required on all Agendas  
Pursuant to the ADA →

If you are an individual with a disability and need a special accommodation while attending this meeting, as required by the Americans with Disabilities Act, please notify the County Clerk, Marinette County Courthouse (715-732-7406) at least 24 hours prior to the meeting in order to make suitable arrangements. Thank you. (TDD #715-732-7760)

1926 Hall Ave., Marinette, WI 54157

### 13. CONTENTS OF MINUTES – MOTIONS NOT NOTIONS

- a) The purpose of minutes is to provide an accurate record that a meeting was held and of the proceedings of that meeting.
- b) Important documentation includes identifying the specific body, the members in attendance, where, when and why they met.
- c) Minutes should reveal what was done, not what was said. This includes the subject matter that was announced, reported, discussed, ordered, what commitments were made or discharged, and what was decided.
- d) In recording announcements, identify the person making the announcement and express the announcement in one sentence.
- e) The minutes shall include the subject of a motion, the persons making and seconding the motion, and vote on the motion. If a roll call vote, record the vote. If any members are opposed to the motion, identify by name.
- f) Prepare the minutes in outline form with each category as a general heading and the specifics listed underneath as subordinate entries. Use underlining or bold face type to emphasize significant actions only.
- g) Keep the minutes brief. Combine sentences whenever possible. Avoid including pictures, unusual typeface, color, and unnecessary adjectives.
- h) Keep the minutes in chronological order unless there was a time specific item. Include that item at the required time and then return to chronological order.
- i) Be sure to record the exact wording of a motion before the vote is taken. If necessary, interrupt the meeting for clarity. Motions must be specific.
- j) If a motion is to be forwarded to another Committee or the County Board for action, indicate that action in the minutes.
- k) Find a brief way to express such frequent actions as motions made, seconded, etc.
  - a. **MOTION** (Smith/Brown)
- l) Whenever a vote is counted, the minutes must show the distribution, as in Motion carried,
  - a. 4-2. opposed Johnson and Jones.
- m) When a vote is taken by roll call, the minutes must show how each person voted.
- n) During the election of a committee chair or vice-chair the votes are taken by paper ballot. The count must be in the minutes and the ballots must be kept until the minutes are approved.
- o) Negative votes should always be called for and recorded. Record names of those opposed.
- p) Any County Board vote resulting in a tie vote fails. Any committee Vote resulting in a tie vote, except election of committee chair and vice chair is referred to the County Board without recommendation.
- q) Do not report an outcome as unanimous unless there is a specific record as to how each person voted. A more accurate expression is motion carried without negative vote or motion failed without positive vote.
- r) If motions are postponed, report how long the matter is to be postponed and the person designated to follow-up and bring requested information back to the committee. If an item is Tabled it does not come back to committee.
- s) Include the time of adjournment and recorder's name in the minutes.
- t) **Minutes should be submitted to the County Clerk and governmental body within five (5) calendar days of any meeting.** Minutes are considered draft until the minutes have been approved at a properly convened meeting of the same governmental body. Although posted, the minutes become public record after approval.
- u) The County Clerk will record the approval date on the committee minutes. Notify the County Clerk if the minutes have been corrected.

- v) The governmental body approves minutes as correct or incorrect. If an individual member disagrees with an item recorded in the minutes, the body must agree by majority vote before the minutes may be changed and approved.
- w) If the minute taker is instructed to change the minutes in a way he/she feels is incorrect or does not fairly reflect what transpired, the recorder has the responsibility to state to the entire governmental body that he/she was instructed to change the minutes and why he/she feels it was not an accurate correction. If the entire governmental body insists the minutes are to be corrected in this way, the recorder must change them but can choose to prepare and insert in the minute book a statement indicating his/her reasons for disagreeing with the minutes approved by the governing body. Such a note would not, however, be part of the official minutes.
- x) Written reports need not be included in the minutes. They may be attached to the minutes or may specify that the report is on file in a departmental office.
- y) When a governmental body is sitting in a quasi-judicial capacity and making a decision based on evidence presented to the body, the minutes should reflect the basis for the body's decision.

#### **14. CLOSED SESSION PROCEDURE**

- a) A motion to go into closed session must be carried by a majority vote of the governmental body and the vote of each member must be recorded in the minutes. The chief presiding officer announces to those present at the meeting that a motion is made, the nature of the business to be considered and the specific exemption or exemptions authorizing the closed session. The announcement must be part of the record of the meeting.
- b) Record those present for the closed session, the topic discussed, the time entered into the closed session, the roll call vote to return to open session and the time the governmental body reconvened in open session. Once the closed session roll call, the topic to be discussed and the time entered into the closed session is recorded, the minute recorder must leave the closed session unless the minute recorder is a member of the governmental body that is meeting. The body shall designate a member to record any action taken.
- c) Any substantive actions taken in closed session such as motions, seconds, or votes must be recorded to the same extent as in open session.
- d) Substantive action in closed session is only appropriate if the action is an integral part of the discussion and voting in open session would undermine the purpose for moving into closed session in the first place.
- e) If the body does not act in closed session, the minutes from the closed session should simply note that there was a motion, a second, a vote to go back into open session and that no action was taken.

## 15. MINUTES FORMAT

WHO  
WHEN →  
WHERE

Committee Members  
and Others in  
Attendance  
or Absent →

Numbered Items  
Outline Format →



### MINUTES

#### Executive

Wednesday, October 4, 2017 County  
Board Room  
Third Floor, Marinette County Courthouse

**MEMBERS PRESENT:** Supervisors Mark Anderson, Mike Behnke, Shirley Kaufman, Ken Keller, Al Mans, Don Pazynski, Joe Policello, Al Sauld, Ted Sauve, Vilas Schroeder and Cheryl Wruk

**MEMBERS EXCUSED:** Supervisor Al Mans

**OTHERS PRESENT:** County Clerk Kathy Brandt, Supervisors Paul Gustafson, George Kloppenburg and Rick Polzin, Eagle Herald, Peshtigo Times and Bay Cities Radio

#### 1. Call to order

Chair Anderson called the meeting to order at 1:00 p.m.

#### 2. Agenda

Motion (Sauld/Behnke) to approve agenda in modified order. Motion carried. No negative votes

#### 3. Public Comment - None

#### 4. Minutes

Motion (Behnke/Schroeder) to approve minutes of September 15, 2017. Motion carried. No negative votes.

#### 5. Resolution Supporting District Attorney's Request for a Special Prosecutor

Motion (Sauld/Schroeder), per County Code of Ordinances Section 2.08 Committees of the County Board (9) Executive Committee (g)\*, to approve resolution supporting Marinette County District Attorney's request for a special prosecutor. Motion carried. No negative votes. Exhibit A

#### 6. Reconsider Motion of September 15, 2017

Motion (Keller/Sauld) to reconsider main motion (Item #11) to recommend to the County Board proceeding with an April, 2018 advisory referendum question reducing the size of the County Board to twenty-one members beginning 2022 and to request Corporation Counsel to draft the referendum question for review by the Executive Committee at the October meeting. Motion failed. Voting yes: 5; Voting No: 6. Voting Yes – Supervisors Anderson, Keller, Policello, Sauld and Wruk

*\*(g) act on behalf of the County Board on matters requiring immediate attention or official authorization;*

**MINUTES FORMAT CONTINUED**

Reference State Statutes & Proper Statutory Exemption →

Include Time Entered into Closed Session & Time Returned to Open Session →

Include Adjourn Time →

Recorder, Name & Title →

Completed by County Clerk →

**7. Closed Session**

Motion (Behnke/Sauld) to enter closed session at 1:22 p.m. per Wisconsin Statute 19.85 (1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, to-wit: County Administrator performance review

Roll Call Vote: All committee members voting yes.

Others present: Supervisors Grebin, Gustafson, Kloppenburg and Polzin

**8. Open Session**

Motion (Sauve/Behnke) to enter open session at 1:40 p.m. per Wisconsin Statute 19.85 (2), action on performance review, if any. No action taken.

**9. Future Agenda Items**

**10. Adjournment**

Motion (Behnke/Sauld) to adjourn at 1:45 p.m. Motion carried. No negative votes.

Next meeting Date: Call of the chair.

Kathy Brandt County Clerk

Date approved/corrected:

Executive  
October 4, 2017  
Page 2 of 2

## **16. RESOLUTIONS, ORDINANCES AND MOTIONS**

- a) A resolution is a formal expression of opinion, will or intent of an official body. A resolution is not a law but a form in which the body expresses an opinion.
- b) An ordinance is a rule established by authority. An ordinance designates a local law of a municipal corporation, duly enacted by the proper authorities, prescribing general, uniform and permanent rules of conduct. It is a law of the County, potentially punishable by forfeiture and in effect until amended or deleted by the County Board.
- c) The primary distinction between an ordinance and a resolution is that an ordinance is a law intended to permanently direct and control matters applying to persons or things in general. A resolution is an expression of an opinion as to some matter or thing and is only to have a temporary effect on such particular matter or thing.
- d) Ordinances and resolutions should be submitted to the Corporation Counsel for approval prior to submission to the Committee and the County Board.
- e) A motion is a formal proposal for consideration and action.

## **17. FISCAL NOTES ON RESOLUTIONS AND ORDINANCES**

- a) Every resolution or ordinance shall incorporate a reliable estimate of the fiscal effect or absence thereof. The fiscal note shall include an estimate of the anticipated changes in current county fiscal year liability and projected fiscal liability in future years. The fiscal note shall state "no fiscal impact" or "unknown" if applicable.
- b) Every resolution or ordinance shall be submitted to Finance Department for fiscal impact prior to submission to committee and County Board.

## **18. RESOLUTION AND ORDINANCE PROCEDURE**

- a) Department Head or Committee prepares the resolution or ordinance.
- b) Resolutions must contain known facts.
- c) Department Head submits the resolution or ordinance to the County Administrator and Corporation Counsel. Corporation Counsel reviews and returns the resolution or ordinance to department head.
- d) Department Head submits resolution or ordinance to Finance Department for fiscal impact.
- e) Finance Department returns resolution or ordinance to department head with fiscal impact estimate.
- f) Resolution or ordinance is presented and acted upon in Committee.
- g) Resolution or ordinance and fiscal impact statement is e-mailed to County Clerk by the department head for inclusion in the County Board packet. At that time the County Clerk will provide the number for the resolution or ordinance.

## 19. RESOLUTION FORMAT

Numbered by  
County Clerk →

"WHEREAS" →

Resolution →

Lines Numbered for  
Reference →

If Directing the  
County Clerk to  
Forward Copies →

Date of Enactment →

Signature of County Board  
Chairperson and  
County Clerk →

Recommending  
Committee Name & Date →

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### RESOLUTION No. 473 - 17

#### URGING LEGISLATION TO ALLOW INPUT FROM ADJACENT GOVERNMENTAL ENTITIES ON THE REGULATION OF SULFIDE MINING OPERATIONS ALONG BOUNDARY WATERS BETWEEN MICHIGAN AND WISCONSIN

WHEREAS, Aquila Resources' Back Forty Project, is proposing to construct an open pit Metallic Sulfide Mine to be located in the State of Michigan near the Menominee River; and

WHEREAS, in Michigan, the permitting, operation and reclamation of sulfide mines is regulated primarily by the Department of Environmental Quality ("DEQ") under Part 632 of Michigan's Natural Resources and Environmental Protection Act ("NREPA"), MCL §324.63201 to 324.63223, and its implementing rules, R 425.602. Applicants must submit an environmental assessment, mining plan and reclamation plan to DEQ for review and approval before being granted a permit to mine; and

WHEREAS, the Menominee River is a boundary water between Michigan and Wisconsin which flows adjacent to Marinette County, Wisconsin.

NOW, THEREFORE, BE IT RESOLVED, the Marinette County Board of Supervisors urges Wisconsin state legislators to enact legislation which would allow the adjacent Wisconsin state government, Wisconsin county governments and local Wisconsin municipalities and towns to have input on the regulation, permitting, operation and reclamation of sulfide mining operations which pertain to sulfide mining operations on Michigan/Wisconsin boundary waters.

BE IT FURTHER RESOLVED, the County Clerk shall forward a copy of this resolution to Governor Scott Walker, legislators representing Marinette County, US Senators Tammy Baldwin and Ron Johnson, and Congressman Mike Gallagher, Department of Natural Resources Secretary Cathy Stepp and the Wisconsin Counties Association.

Approved this 29th day of August 2017 by a majority vote of a quorum of the Marinette County Board of Supervisors.

\_\_\_\_\_  
Mark Anderson, Chair

\_\_\_\_\_  
Kathy Brandt, County Clerk

Recommended: Executive Committee – August 2, 2017

## 20. CREATING AN ORDINANCE FORMAT

Numbered by  
County Clerk →

Actual Ordinance →

Lines Numbered for  
Reference →

Date Adopted →

Signature of County  
Board Chairperson  
and County Clerk →

Recommending  
Committee  
Name & Date →

1	ORDINANCE No. _____
2	CREATING SECTION 3.17 OF THE MARINETTE COUNTY CODE OF
3	ORDINANCES – “GRANTS AND DONATIONS”
4	The County Board of Supervisors of the County of Marinette does ordain as follows:
5	Section One: Section 3.17 of the Marinette County Code of Ordinances, entitled, “Grants and
6	Donations” is created to read as follows:
7	<b>3.17 GRANTS AND DONATIONS</b>
8	(1) <b>Budgeted Grants/Donations.</b> Grants/donations may be addressed through the
9	budget process. The grants/donations shall be clearly identified in the department
10	budget which tacitly by budget approval authorizes application for, acceptance and
11	administration of the grant. The department if awarded a budgeted grant/donation
12	must later receive authority to enter into agreement for any grant/donation requiring
13	agreement. All agreements to which the County is a party shall be submitted to
14	Corporation Counsel for review prior to approval by Committee of Jurisdiction
15	and/or County Board pursuant to Marinette County Ordinance 2.08(5)(d).
16	(2) <b>Non-budgeted Grants/Donations.</b> Applications for and acceptance of
17	grants/donations not identified in the budget shall be submitted to the committee of
18	jurisdiction for approval. Application for and acceptance of grants/donations in an
19	amount totaling \$15,000.00 or greater shall be forwarded to the full County Board
20	for approval. Authority to administer grants/donations, including entering into
21	agreements, shall be sought at the same time as application and acceptance.
22	
23	Section Two: This ordinance shall be effective immediately upon passage and publication.
24	
25	
26	Approved by a majority of a quorum of the Marinette County Board of Supervisors this 26th day
27	of May 2015.
28	
29	
30	_____
31	Chairperson County Clerk
32	
33	
34	Recommended: _____ Committee May 18, 2015

## 21. AMENDING AN ORDINANCE FORMAT

Numbered by  
County Clerk →

Lines Numbered for  
Reference →

Include Original  
Ordinance  
Information  
and Changes →

Date Adopted →

Signature of Co Brd  
Chairperson and →  
County Clerk

Recommending  
Committee Name →  
& Date

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ORDINANCE No. 387 - 16

**AMENDING THE GENERAL CODE OF ORDINANCES OF  
MARINETTE COUNTY - CHAPTER 2  
2.08(5) COMMITTEES OF THE COUNTY BOARD**

The County Board of Supervisors of the County of Marinette does ordain as follows:

Section One: Section 2.08(5) of the Marinette County Code of Ordinances is amended to read:

(5) Duties of All Committees.

...

(b) Each standing committee of the County Board shall have the authority to examine all bills, claims, and accounts after payment has been processed, ~~exclusive of those of the Highway Committee.~~

Section Two: This ordinance shall be effective immediately upon passage and publication.

ADOPTED: June 28, 2016

\_\_\_\_\_  
, Chairperson

\_\_\_\_\_  
, County Clerk

Recommended - \_\_\_\_\_ Committee 06/20/16

**22. FINANCE DEPARTMENT FISCAL IMPACT STATEMENT FORM**

Marinette County Finance Department  
Fiscal Impact Statement

---

Number \_\_\_\_\_

Ordinance

Resolution

To be provided  
by the Finance  
Department

**AMENDING THE GENERAL CODE OF ORDINANCES OF MARINETTE  
COUNTY – CHAPTER 2 – COUNTY GOVERNMENT**

Fiscal Impact Statement:

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Finance Director

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Date