

SAWYER COUNTY BOARD OF SUPERVISORS

Agenda Item: Sawyer County Self-Organized County Ordinance

Meeting Date: Thursday, June 16, 2016

SUMMARY / BACKGROUND

Wisconsin state statutes allow county boards some flexibility in setting board terms, filling board vacancies, and setting member compensation. Wis. Stat. § 59.10(1) enables a county board to enact an ordinance to become a “self-organized county”, thereby establishing the ability to take advantage of this flexibility including:

- The ability to set staggered terms for supervisors – electing half of them each year, rather than electing them all each even-numbered year.
- The flexibility in setting board member compensation, including the ability to pay fixed salaries and to pay for additional board or committee meetings in excess of current statutory limits based on population.
- The right to fill board vacancies by other means, such as by nomination from the board floor and/or the ability to schedule special elections before vacated terms expire.

Adopting this ordinance does not require the board to make any of these changes, but does allow it to enact subsequent ordinances at any time in the future if it so desires.

ACTION / ATTACHMENTS

Action: Adoption of Ordinance

Attachments: Self-Organized County Ordinance
Wisconsin Statute 59.10
Wisconsin County Official’s Handbook: Self-Organized County Options

**From 4th Edition
The Wisconsin County Official's Handbook:
Empowering County Officials through Education**

SELF-ORGANIZED COUNTY OPTIONS

Often it is said that a county board has very little control over its own affairs, policies and procedures, especially when compared to villages and cities which operate under constitutional home rule powers. While this may be true in many cases, provisions in the state statutes do permit the county board some flexibility in setting member compensation, board terms and filling board vacancies. These provisions, known collectively as “self-organized counties” legislation [Wis. Stat. § 59.10(1)], were passed in the mid-1970s in an attempt to provide more flexibility regarding limited and specific county board matters.

The major options available to county boards after approving this status are:

- The ability to set staggered terms for supervisors – electing half of them each year, rather than electing them all each even-numbered year.
- The flexibility in setting board member compensation, including the ability to pay fixed salaries and to pay for additional board or committee meetings in excess of current statutory limits based on population.
- The right to fill board vacancies by other means, such as by nomination from the board floor and/or the ability to schedule special elections before vacated terms expire.

Table 1: SELF-ORGANIZED COUNTIES*

<i>Adams</i>	<i>1991</i>	<i>La Crosse</i>	<i>1997</i>	<i>Richland</i>	<i>1991</i>
<i>Chippewa</i>	<i>2002</i>	<i>Lafayette</i>	<i>2001</i>	<i>Rock</i>	<i>1985</i>
<i>Crawford</i>	<i>2005</i>	<i>Lincoln</i>	<i>2004</i>	<i>Rusk</i>	<i>1993</i>
<i>Dane</i>	<i>1984, 1974</i>	<i>Manitowoc</i>	<i>1987</i>	<i>St. Croix</i>	<i>2004</i>
<i>Dodge</i>	<i>1991</i>	<i>Marathon</i>	<i>1975</i>	<i>Shawano</i>	<i>1997</i>
<i>Douglas</i>	<i>1999</i>	<i>Marinette</i>	<i>1990</i>	<i>Sheboygan</i>	<i>1985</i>
<i>Dunn</i>	<i>1997</i>	<i>Marquette</i>	<i>1991</i>	<i>Taylor</i>	<i>1978</i>
<i>Green</i>	<i>1990</i>	<i>Monroe</i>	<i>2000</i>	<i>Vilas</i>	<i>2004</i>
<i>Green Lake</i>	<i>1990</i>	<i>Oneida</i>	<i>1991</i>	<i>Washington</i>	<i>2004</i>
<i>Iowa</i>	<i>1995</i>	<i>Pierce</i>	<i>2004</i>	<i>Waupaca</i>	<i>1999</i>
<i>Iron</i>	<i>2004</i>	<i>Polk</i>	<i>2013</i>	<i>Wood</i>	<i>1997</i>
<i>Jefferson</i>	<i>2003</i>	<i>Portage</i>	<i>1995</i>		
<i>Juneau</i>	<i>2003</i>	<i>Racine</i>	<i>2001</i>		

HOW IS SELF-ORGANIZATION ACCOMPLISHED?

The county board may choose at any time to become a “self-organized county.” This is done by passing an ordinance stating its desire to self-organize and citing its authority to do so under Wis. Stat. § 59.10(1). If the board enacts such an ordinance, a certified copy must be filed by the county clerk with the Wisconsin secretary of state. Following this filing, the county board may adopt policies it desires regarding staggered terms, compensation for board members and the method for filling county board vacancies. This is usually accomplished through the board’s adoption of a series of individual ordinances; each ordinance requires approval by a majority of the entire board membership. While the secretary of state’s office maintains a file of all ordinances passed by counties enacting their self-organized status, the office does not verify the facts behind such documents, nor does it ever withhold approval of any county’s claim of such status after the appropriate filing is made. It also does not exercise any ongoing oversight of counties’ use of such powers.

Note: While county boards must request authority to utilize all three sets of special powers when filing for “self-organized county” status, once the status is obtained, the board is not required to enact ordinances enabling any or all of these provisions under any particular time schedule.

County boards have had the option to self-organize for over 30 years; 37 of 70 eligible counties have passed a local ordinance and are officially listed with the secretary of state’s office as “self-organized” (See Table 1 above). The earliest county to take advantage of this provision was Dane County in 1974. It was followed in 1978 by Taylor County. The most recent county to enact such an ordinance was Polk County, which joined the list in 2013. The 37 self-organized counties are fairly evenly distributed, both geographically and in population.

TERMS OF OFFICE FOR BOARD MEMBERS

Non-self-organized counties must hold an election of the entire county board every two years on the first Tuesday in April in even-numbered years. All terms run simultaneously. This can create a situation where a high number of veteran supervisors are voted out of office or retire from the board in the same year based on a single issue or controversy. In the 2012 election, the Wisconsin Counties Association reported that 22% of supervisory seats across the state changed hands. Self-organized counties are permitted to hold elections in one half of their supervisory districts in April of even-numbered years, and in the other half in April of the odd-numbered years.

COMPENSATION FOR BOARD MEMBERS

A board member’s compensation is to be paid on a *per diem* basis and must be based on actual board meetings attended by each member. Members who are absent due to illness, family emergencies, business obligations or other legitimate reasons may not be paid for meetings missed. This provision does not apply to counties that have been certified as “self-organized.”

In many counties, members must submit monthly *per diem* request forms to the clerk’s office in order to be compensated after attending meetings. The board sets its members’ *per diems* at rates it determines. Typical *per diems* range from \$15 to \$50 per meeting. State statutes limit the total number of days in which a county board member can claim the *per diem* regardless of whether

additional meetings are required. Specifically, Wis. Stat. § 59.10(3)(h) limits the county from paying supervisors *per diems* for more than 20 days in a calendar year if the county's population is less than 25,000; for more than 25 days if the county population is 25,000 to 99,999; and for no more than 30 days total per year if it is between 100,000 and 499,999.

Similar limitations on additional compensation for committee meetings are applied to non-self-organized counties under Wis. Stat. § 59.13(2)(a) & (b). In counties of less than 25,000 population, supervisors are limited to no more than 20 days of *per diem* pay for committee meetings annually, not more than 10 days of which shall be for services on any one committee. An exception is that the board may increase the number of committee meetings for which a member can be compensated by a two-thirds majority vote. In counties with a population of 25,000 or more, board members are limited to no more than 30 days of extra pay for committee duties unless the board increases the number by the same two-thirds vote. In addition, an attorney general's opinion states that counties may not pay multiple *per diems* for committee meetings held on the same day as board meetings or for multiple committee meetings on the same day, unless the county is self-organized. 79 Op. Att'y Gen. 122 (1990).

In counties with a population of less than 500,000, the board may elect to pay members an annual salary through approval of a two-thirds majority of the members, without declaring itself self-organized. State law permits higher compensation for the county board chair and for up to two vice chairs. Under no circumstances may county boards adjust the compensation of their members or officers during the course of the members' term.

REIMBURSEMENT FOR TRAVEL TO MEETINGS

County board members are entitled to mileage reimbursement for actual miles traveled to county board and committee meetings. The allowable manner for calculating member mileage reimbursement is stipulated in Wis. Stat. § 59.10(3)(g). A member shall be compensated for actual mileage based on the "usual traveled route".... "in going to and returning from" board or committee meetings. Wis. Stat. § 59.22 adds that the rate at which mileage is compensated shall be determined by the county board itself and may be any amount deemed reasonable. The rate is set by resolution or ordinance by the governing body.

In many counties, this means that the county sets a per mile reimbursement rate at or below the IRS maximum allowance as the standard for both employee and board member reimbursement. Amounts over that figure are subject to personal income tax reporting and taxes. The provisions related to "usual traveled routes" do not apply to counties with self-organized status where the board may elect to pay members for routes that contain mileage over and above present statutory limits.

FILLING BOARD VACANCIES

From time to time, due to resignation or death, a vacancy occurs on the county board of supervisors. In self-organized counties, the board may determine the procedure for filling a vacancy. Without self-organizational status, the county board chairperson, with the approval of the board, appoints a qualified elector who is a resident in the vacated supervisory district. The appointed person then serves for the remainder of the term, unless the board orders a special election to fill the vacancy. If a vacancy occurs before June 1 in the year preceding expiration of the term of office, the board may order a special election to fill the vacancy. In the case that the board orders such a special election, the appointed person serves until a successor is elected and qualified. The person elected in a special election serves for the remainder of the unexpired term.

ORDINANCE #2016-1
SAWYER COUNTY, WISCONSIN SELF-ORGANIZED COUNTY
Adopted June 16, 2016

Section A: Authority.

This ordinance is adopted under authority granted by Section 59.10, Wisconsin State Statutes. To give Sawyer County the largest measure of self-government under that Statute, the contents of the Sawyer County Board of Supervisors Policy and Procedure Manual shall be liberally construed in favor of the rights, powers, and privileges of the County to exercise any organizational or administrative power not contrary to the State of Wisconsin Constitution or to any enactment of the State Legislature that is of statewide concern and which uniformly affects every County.

Section B: Title.

This ordinance shall be known as the Sawyer County Self-Organized County Ordinance.

Section C: General Provisions.

1. For the purpose of improving the ability of the county government to organize its administrative structure, Sawyer County elects to become a self-organized county and to act under the provisions of Section 59.10 (1), Wisconsin State Statutes.
 - a) Terms of office for election of County Board of Supervisors. Supervisors are county officers and shall be elected for two year terms in the election to be held on the first Tuesday in April in even numbered years and shall take office the third Tuesday in April of that year.
 - b) Methods for filling vacancies on the County Board. Vacancies shall be filled by procedures determined by the County Board and defined in the Sawyer County Board of Supervisors Policy and Procedure Manual.
 - c) Compensation of County Board Members. The method of compensation for County Board Supervisors shall be determined by the County Board. The County Board shall at or before its annual meeting in odd numbered years by a two-thirds vote of members entitled to a seat, fix the compensation of the board members to be next elected. The Board may also at or before its annual meeting in odd numbered years by a two-thirds vote of members entitled to a seat, provide additional compensation for the County Board Chairperson. In addition to the per diem, the County Board Supervisors shall receive mileage for attending Board meetings and other official meetings in accordance with the Sawyer County Board of Supervisors Policy and Procedure Manual.
2. The County Clerk shall file a certified copy of the Self- Organized County ordinance with the Wisconsin Secretary of State upon passage by the Sawyer County Board.

Section D: Conflicting Ordinances

Any prior Sawyer County ordinances or parts thereof in conflict with the provision of this ordinance insofar as they regulate the establishment of Sawyer County as a self-organizing county are hereby repealed and rescinded effective the effective date of this ordinance.

Section E: Severability.

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Sawyer County Board of Supervisors would have passed the other provision of this ordinance irrespective of whether one or more provisions may be declared invalid and if any provisions of this ordinance, the application thereof to any person or circumstances is held invalid the remainder of the ordinance and the application of such provision to other persons or circumstance shall not be affected thereby.

Section F: Effective Date

This ordinance shall take effect upon passage and publication as provided by law.

WISCONSIN STATE STATUTE 59.10

COUNTY BOARD OF SUPERVISORS

[59.10](#) 59.10 Boards: composition; election; terms; compensation; compatibility. The boards of the several counties shall be composed of representatives from within the county who are elected and compensated as provided in this section. Each board shall act under sub. [\(2\)](#), [\(3\)](#) or [\(5\)](#), unless the board enacts an ordinance, by a majority vote of the entire membership, to act under sub. [\(1\)](#). If a board enacts such ordinance, a certified copy shall be filed with the secretary of state.

[59.10\(1\)](#) (1) Self-organized counties.

[59.10\(1\)\(a\)](#)(a) Number of supervisors and apportionment of supervisory districts. In each county with a population of at least 500,000, sub. [\(2\) \(a\)](#) and [\(b\)](#) applies. In counties with a population of less than 500,000 and more than one town, sub. [\(3\) \(a\)](#) to [\(c\)](#) applies. In counties with one town only, sub. [\(5\)](#) applies.

[59.10\(1\)\(b\)](#) (b) Terms. The term of office of supervisors is 2 years. A board may determine whether the terms shall be concurrent or staggered. Supervisors shall be elected at the election to be held on the first Tuesday in April next preceding the expiration of their respective terms and shall take office on the 3rd Tuesday in April following their election. If the board determines that supervisors shall serve staggered terms, the board shall, by ordinance, provide for a division of supervisors into 2 classes, one class to be elected for one-half of a full term and the other class for a full term and thereafter the supervisors shall be elected for a full term. The board shall publish the ordinance as a class 1 notice, under ch. [985](#), or as a notice, as described under s. [59.14 \(1m\) \(b\)](#), before publication of the notice of the election at which supervisors are to be elected.

[59.10\(1\)\(c\)](#) (c) Compensation. The method of compensation for supervisors shall be determined by the board.

[59.10\(1\)\(d\)](#) (d) Vacancies. A board may determine the procedure for filling a vacancy.

[59.10\(2\)](#) (2) Milwaukee County. In each county with a population of at least 500,000:

[59.10\(2\)\(a\)](#) (a) Composition; supervisory districts. Within 60 days after the population count by census block, established in the decennial federal census of population, and maps showing the location and numbering of census blocks become available in printed form from the federal government or are published for distribution by an agency of this state, but no later than July 1 following the year of each decennial census, the board shall adopt and transmit to the governing body of each city and village wholly or partially contained within the county a tentative county supervisory district plan to be considered by the cities and villages when dividing into wards. The tentative plan shall specify the number of supervisors to be elected and shall divide the county into a number of districts equal to the number of supervisors, with each district substantially equal in population and consisting of contiguous whole wards or municipalities, except as authorized in sub. [\(3\) \(b\) 2](#). Except as otherwise provided in this paragraph, the board shall develop and adopt the tentative plan in accordance with sub. [\(3\) \(b\) 1](#). The tentative plan shall not include provision for division of any census block, as utilized by the U.S. bureau of the census in the most recent federal decennial census, unless the block is bisected by a municipal

boundary or unless a division is required to enable creation of supervisory districts that are substantially equal in population. The board shall adopt a final plan by enacting an ordinance in accordance with sub. [\(3\)\(b\) 2.](#) to [4.](#) Changes to the final plan shall be governed by par. [\(d\)](#) and sub. [\(3\)\(c\)](#).

[59.10\(2\)\(b\)](#) (b) Election; term. For an election that is held before 2016, supervisors shall be elected for 4-year terms at the election to be held on the first Tuesday in April next preceding the expiration of their respective terms, and shall take office on the 3rd Monday in April following their election. For an election that is held in 2016 and thereafter, supervisors shall be elected for 2-year terms at the election to be held on the first Tuesday in April next preceding the expiration of their respective terms, and shall take office on the 3rd Monday in April following their election.

[59.10\(2\)\(c\)](#) (c) Compensation.

[59.10\(2\)\(c\)1.](#) 1. Each supervisor shall be paid by the county an annual salary set by the board. The board may provide additional compensation for the chairperson, such that his or her salary may be an amount of up to 150 percent of the salary of a supervisor, and for the chairperson of the board's finance committee, such that his or her salary may be an amount of up to 125 percent of the salary of a supervisor. Beginning with the term that commences in April 2016, the total dollar value of the annual salary and benefits that may be paid to a supervisor, other than the board chairperson and finance committee chairperson, may not exceed the annual per capita income of Milwaukee County as most recently determined by the U.S. bureau of the census and may be increased for a new term as provided in subs. [2.](#) and [3.](#), subject to the limit specified in subd. [4.](#) Section [66.0505](#) applies to this paragraph.

[59.10\(2\)\(c\)2.](#) 2. The board may increase the salary specified in subd. [1.](#), or as otherwise adjusted under this paragraph, by an amount that does not exceed the percentage increase in the U.S. consumer price index for all urban consumers, U.S. city average, for the period between the time that a supervisor's salary was last set under subd. [1.](#) or by the board, and the year before the year in which the salary increase is to take effect.

[59.10\(2\)\(c\)3.](#) 3. The board may increase the salary specified in subd. [1.](#), or as otherwise adjusted under this paragraph, by an amount that exceeds the percentage increase in the U.S. consumer price index for all urban consumers, U.S. city average, for the period between the time that a supervisor's salary was last set under subd. [1.](#) or by the board, and the year before the year in which the salary increase is to take effect, except that such an increase may not take effect unless it is ratified by a majority vote of the electors in the county voting in a referendum on the proposed salary increase.

[59.10\(2\)\(c\)4.](#) 4. A supervisor may not receive any other benefits or compensation, including health insurance and pension benefits, not specifically authorized or required by law. The maximum total dollar value of the salary and benefits that a supervisor, other than the chairperson of the board and the chairperson of the finance committee, receives in any year may not exceed the annual per capita income of Milwaukee County as most recently determined by the U.S. bureau of the census.

[59.10\(2\)\(d\)](#) (d) Changes during decade.

[59.10\(2\)\(d\)1.](#) 1. `Number of supervisors; redistricting.' The board may, not more than once prior to November 15, 2010, decrease the number of supervisors after the enactment of a supervisory district plan under par. [\(a\)](#). In that case, the board shall redistrict, readjust, and change the boundaries of supervisory districts, so that the number of districts equals the number of supervisors, the districts are

substantially equal in population according to the most recent countywide federal census, the districts are in as compact a form as possible, and the districts consist of contiguous municipalities or contiguous whole wards in existence at the time at which the amended redistricting plan is adopted, except as authorized in sub. [\(3\) \(b\) 2.](#) In the amended plan, the board shall adhere to the requirements under sub. [\(3\) \(b\) 2.](#) with regard to contiguity and shall, to the extent possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. In the amended plan, the original numbers of the districts in their geographic outlines, to the extent possible, shall be retained. The chairperson of the board shall file a certified copy of any amended plan adopted under this subdivision with the secretary of state.

[59.10\(2\)\(d\)2.](#) 2. `Election; term.' Any amended plan enacted under subd. [1.](#) becomes effective on the first November 15 following its enactment, and first applies to the spring election following the plan's effective date. Any amended plan enacted under subd. [1.](#) shall remain in effect until the effective date of a redistricting plan subsequently enacted under par. [\(a\).](#) Supervisors elected from the districts created under subd. [1.](#) shall serve for 4-year terms and shall take office on the 3rd Monday in April following their election.

[59.10\(3\)](#) (3) Other counties.

[59.10\(3\)\(a\)](#)(a) Classification; maximum number of supervisors. Counties with a population of less than 500,000 and more than one town are classified and entitled to a maximum number of supervisors as follows:

[59.10\(3\)\(a\)1.](#) 1. Counties with a population of less than 500,000 but at least 100,000 shall have no more than 47 supervisors.

[59.10\(3\)\(a\)2.](#) 2. Counties with a population of less than 100,000 but at least 50,000 shall have no more than 39 supervisors.

[59.10\(3\)\(a\)3.](#) 3. Counties with a population of less than 50,000 but at least 25,000 shall have no more than 31 supervisors.

[59.10\(3\)\(a\)4.](#) 4. Counties with a population of less than 25,000 and containing more than one town shall have no more than 21 supervisors.

[59.10\(3\)\(a\)5.](#) 5. If the population of any county is within 2% of the minimum population for the next most populous grouping under this paragraph, the board thereof, in establishing supervisory districts, may employ the maximum number for such districts set for such next most populous grouping.

[59.10\(3\)\(b\)](#) (b) Creation of supervisory districts.

[59.10\(3\)\(b\)1.](#) 1. Within 60 days after the population count by census block, established in the decennial federal census of population, and maps showing the location and numbering of census blocks become available in printed form from the federal government or are published for distribution by an agency of this state, but no later than July 1 following the year of each decennial census, each board shall propose a tentative county supervisory district plan setting forth the number of supervisory districts proposed by the board and tentative boundaries or a description of boundary requirements, hold a public hearing on the proposed plan and adopt a tentative plan. The proposed plan may be amended after the public hearing. The tentative plan shall divide the county into a number of districts equal to the number of

supervisors, with each district substantially equal in population. The board shall solicit suggestions from municipalities concerning the development of an appropriate plan. Except as authorized in this subdivision, each district shall consist of whole wards or municipalities. Territory within each supervisory district to be created under the tentative plan shall be contiguous, except as authorized in subd. [2](#). In the tentative plan, the board shall, whenever possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. If the division of a municipality is sought by the board, the board shall provide with the plan a written statement to the municipality affected by each proposed division specifying the approximate location of the territory from which a ward is sought to be created for contiguity purposes and the approximate population of the ward proposed to effectuate the division. The tentative plan shall not include provision for division of any census block unless the block is bisected by a municipal boundary or unless a division is required to enable creation of supervisory districts that are substantially equal in population. The board shall transmit a copy of the tentative plan that is adopted to each municipal governing body in the county.

[59.10\(3\)\(b\)2](#). 2. Within 60 days after every municipality in the county adjusts its wards under s. [5.15](#), the board shall hold a public hearing and shall then adopt a final supervisory district plan, numbering each district. Territory within each supervisory district created by the plan shall be contiguous, except that one or more wards located within a city or village which is wholly surrounded by another city or water, or both, may be combined with one or more noncontiguous wards, or one or more wards consisting of island territory as defined in s. [5.15 \(2\) \(f\) 3](#), may be combined with one or more noncontiguous wards within the same municipality, to form a supervisory district.

[59.10\(3\)\(b\)3](#). 3. The populations of supervisory districts under the tentative plan shall be determined on the basis of the federal decennial census and any official corrections to the census issued on or before the date that the tentative plan is adopted to reflect the correct population of the county and municipalities and blocks within the county on April 1 of the year of the census. The populations of supervisory districts under the final plan shall be determined on the basis of the federal decennial census and any official corrections to the census to reflect the correct populations of the county and the municipalities and blocks within the county on April 1 of the year of the census, if the corrections as they affect any municipality are issued prior to division of the municipality into wards under s. [5.15](#), or if a municipality is not divided into wards, prior to adoption of the final plan.

[59.10\(3\)\(b\)4](#). 4. The chairperson of the board shall file a certified copy of the final districting plan with the secretary of state. Unless otherwise ordered under sub. [\(6\)](#), a plan enacted and filed under this paragraph, together with any authorized amendment that is enacted and filed under this section, remains in effect until the plan is superseded by a subsequent plan enacted under this subsection and a certified copy of that plan is filed with the secretary of state.

[59.10\(3\)\(c\)](#) (c) Changes during decade; municipal boundary adjustments.

[59.10\(3\)\(c\)1](#). 1. After the enactment of a plan of supervisory districts under par. [\(b\)](#), the board may amend the plan to reflect a municipal incorporation, annexation, detachment or consolidation. The number of supervisory districts in the county shall not be changed by any action under this subdivision.

[59.10\(3\)\(c\)2](#). 2. Within 60 days after enactment or adoption of a revised division ordinance or resolution under s. [5.15 \(4\) \(a\)](#), the board shall amend the county supervisory district plan under par. [\(b\)](#) to reflect any renumbering of the wards specified in the plan.

[59.10\(3\)\(c\)3.](#) 3. The districts under the amended plan shall be substantially equal in population according to the most recent countywide federal census and shall be in as compact a form as possible. The board shall adhere to the requirements of par. [\(b\) 2.](#) with regard to contiguity and shall, to the extent possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. In the amended plan, the original numbers of the districts in their geographic outlines, to the extent possible, shall be retained. An amended plan becomes effective on the first November 15 following its enactment.

[59.10\(3\)\(c\)4.](#) 4. The chairperson of the board shall file a certified copy of any amended plan under this paragraph with the secretary of state.

[59.10\(3\)\(cm\)](#) (cm) Changes during decade; reduction in size.

[59.10\(3\)\(cm\)1.1.](#) `Number of supervisors; redistricting.' Except as provided in subd. [3.](#), following the enactment of a decennial supervisory district plan under par. [\(b\)](#), the board may decrease the number of supervisors. In that case, the board shall redistrict, readjust, and change the boundaries of supervisory districts, so that the number of districts equals the number of supervisors, the districts are substantially equal in population according to the most recent countywide federal census, the districts are in as compact a form as possible, and the districts consist of contiguous municipalities or contiguous whole wards in existence at the time at which the redistricting plan is adopted, except as authorized in par. [\(b\) 1.](#) In the redistricting plan, the board shall adhere to the requirements under par. [\(b\) 2.](#) with regard to contiguity and shall, to the extent possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. In redistricting under this subdivision, the original numbers of the districts in their geographic outlines, to the extent possible, shall be retained. No plan may be enacted under this subdivision during review of the sufficiency of a petition filed under subd. [2.](#) nor after a referendum is scheduled on such a petition. However, if the electors of the county reject a change in the number of supervisory districts under subd. [2.](#), the board may then take action under this subdivision except as provided in subd. [3.](#) The county clerk shall file a certified copy of any redistricting plan enacted under this subdivision with the secretary of state.

[59.10\(3\)\(cm\)2.](#) 2. `Petition and referendum.' Except as provided in subd. [3.](#), the electors of a county may, by petition and referendum, decrease the number of supervisors at any time after the first election is held following enactment of a decennial supervisory district plan under par. [\(b\)](#). A petition for a change in the number of supervisors may be filed with the county clerk. Prior to circulating a petition to decrease the number of supervisors in any county, a petitioner shall register with the county clerk, giving the petitioner's name and address and indicating the petitioner's intent to file such a petition. No signature on a petition is valid unless the signature is obtained within the 60-day period following such registration. The petition shall specify the proposed number of supervisors to be elected. Within 14 days after the last day for filing an original petition, any other petitioner may file an alternative petition with the county clerk proposing a different number of supervisors to be elected, and, if the petition is valid, the alternative proposed in the petition shall be submitted for approval at the same referendum. An alternative petition is subject to the same registration and signature requirements as an original petition. Each petition shall be in the form specified in s. [8.40](#) and shall contain a number of signatures of electors of the county equal to at least 25 percent of the total votes cast in the county for the office of supervisor at the most recent spring election preceding the date of filing. The county clerk shall promptly determine the sufficiency of a petition filed under this subdivision. Upon determination that a

petition is sufficient, or if one or more valid alternative petitions are filed, upon determination that the petitions are sufficient, the county clerk shall call a referendum concurrently with the next spring or general election in the county that is held not earlier than 70 days after the determination is made. The question proposed at the referendum shall be: "Shall the board of supervisors of County be decreased from members to members?". If one or more alternative valid petitions are filed within 14 days after the last day that an original petition may be filed, the question relating to the number of supervisors shall appear separately. The first question shall be: "Shall the size of the county board of supervisors of County be decreased from its current membership of members?". Any subsequent question shall be: "If so, shall the size of the board be decreased to members?". Each elector may vote in the affirmative or negative on the first question and may then vote in the affirmative on one of the remaining questions. If the first question is not approved by a majority of the electors voting on the question, any subsequent question is of no effect. If the question is approved by a majority of the electors voting on the question, or, if more than one question is submitted, if the first question is approved by a majority of the electors voting on the question, the board shall enact an ordinance prescribing revised boundaries for the supervisory districts in the county. The ordinance shall be enacted in accordance with the approved question or, if more than one question is submitted, in accordance with the choice receiving a plurality of the votes cast. The districts are subject to the same requirements that apply to districts in any plan enacted by the board under subd. [1](#). If the board has determined under sub. [\(1\)\(b\)](#) to adopt staggered terms for the office of supervisor, the board may change the expiration date of the term of any supervisor to an earlier date than the date provided under current ordinance if required to implement the redistricting or to maintain classes of members. The county clerk shall file a certified copy of any redistricting plan enacted under this subdivision with the secretary of state.

[59.10\(3\)\(cm\)3](#). 3. 'Limitation.' If the number of supervisors in a county is decreased by the board or by petition under this paragraph, no further action may be taken by the board or by petition under this paragraph in that county until after enactment of the next decennial supervisory district plan by the board under par. [\(b\)](#).

[59.10\(3\)\(cm\)4](#). 4. 'Election; term.' Any redistricting plan enacted under subd. [1](#), takes effect on November 15 following its enactment and first applies to the election of supervisors at the next spring election following the effective date that immediately precedes the expiration of the terms of office of supervisors in the county. Any reduction in the number of supervisory districts under subd. [2](#), that is approved at a spring election shall be enacted in the form of a redistricting plan no later than November 15 following that election and shall first apply to the election of supervisors at the next spring election immediately preceding the expiration of the terms of office of supervisors in the county, and any reduction in the number of supervisory districts under subd. [2](#), that is approved at a general election shall be enacted in the form of a redistricting plan no later than the 2nd succeeding November 15 following that election and shall first apply to the election of supervisors at the next spring election following that November 15 immediately preceding the expiration of the terms of office of supervisors in the county. Any redistricting plan enacted under subd. [1](#), or [2](#), shall remain in effect until the effective date of any subsequent redistricting plan enacted under sub. [\(3\)\(c\)](#) or until the effective date of a redistricting plan subsequently enacted under par. [\(b\)](#). Supervisors elected from the districts created under subd. [1](#), or [2](#), shall serve for 2-year terms and shall take office on the 3rd Tuesday in April following their election.

[59.10\(3\)\(d\)](#) (d) Election and term of supervisors. Supervisors are county officers, shall be elected for 2-year terms at the election to be held on the first Tuesday in April in even-numbered years and shall take office on the 3rd Tuesday in April of that year.

[59.10\(3\)\(e\)](#) (e) Vacancies. If a vacancy occurs on the board, the board chairperson, with the approval of the board, shall appoint a person who is a qualified elector and resident of the supervisory district to fill the vacancy. The successor shall serve for the unexpired portion of the term to which the person is appointed, unless the board orders a special election to fill the vacancy, in which case the person appointed shall serve until his or her successor is elected and qualified. The board may, if a vacancy occurs before June 1 in the year preceding expiration of the term of office, order a special election to fill the vacancy. If the board orders a special election during the period beginning on June 1 and ending on November 30 of any year, the special election shall be held concurrently with the succeeding spring election. If the board orders a special election during the period beginning on December 1 and ending on May 31 of the succeeding year, the special election shall be held on the Tuesday after the first Monday in November following the date of the order. A person so elected shall serve for the residue of the unexpired term.

[59.10\(3\)\(f\)](#) (f) Compensation. Each supervisor shall be paid a per diem by the county for each day that he or she attends a meeting of the board. Any board may, at its annual meeting, by a two-thirds vote of all the members, fix the compensation of the board members to be next elected. Any board may also provide additional compensation for the chairperson.

[59.10\(3\)\(g\)](#) (g) Mileage. Each supervisor shall, for each day that he or she attends a meeting of the board, receive mileage for each mile traveled in going to and returning from the meetings by the most usual traveled route at the rate established by the board under s. [59.22](#) as the standard mileage allowance for all county employees and officers.

[59.10\(3\)\(h\)](#) (h) Limitation on compensation. Except for services as a member of a committee as provided in s. [59.13](#) no supervisor shall be paid for more days' attendance on the board in any year than is set out in this schedule: in counties having a population of less than 25,000, 20 days; at least 25,000 but less than 100,000, 25 days; at least 100,000 but less than 500,000, 30 days.

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

[59.10\(3\)\(j\)](#) (j) Supplementary compensation. The board, in establishing an annual salary, may enact an ordinance providing for a per diem for all committee meetings attended in excess of 40 committee and board meetings.

[59.10\(4\)](#) (4) Compatibility. No county officer or employee is eligible for election or appointment to the office of supervisor, but a supervisor may also be a member of a committee, board or commission appointed by the county executive or county administrator or appointed or created by the county board, a town board, a mosquito control district, the common council of his or her city, the board of trustees of his or her village or the board of trustees of a county institution appointed under s. [46.18](#).

[59.10\(5\)](#) (5) Counties having only one town. In all counties containing one town only, the board shall consist of the members of the town board and one supervisor from every village. A supervisor from a village shall be elected at the time the other village officers are elected. A majority of the members shall constitute a quorum of the county board. Each supervisor shall receive compensation and mileage as provided in sub. [\(3\) \(f\)](#) and [\(g\)](#). The chairperson of the board elected under s. [59.12 \(1\)](#) may be, but need not be, the same person who is elected chairperson of the town board under s. [60.21 \(3\) \(a\)](#).

[59.10\(6\)](#) (6) Enforcement of division requirement. If a county fails to comply with sub. [\(2\) \(a\)](#) or [\(3\) \(b\)](#), any municipality located in whole or in part within the county or any elector of the county may submit to the circuit court for the county within 14 days from the expiration of either 60-day period under sub. [\(2\) \(a\)](#) or [\(3\) \(b\)](#) a proposed tentative supervisory district plan or a final plan for creation of supervisory districts in compliance with this section. If the court finds that the existing division of the county into supervisory districts fails to comply with this section, it shall review the plan submitted by the petitioner and after reasonable notice to the county may promulgate the plan, or any other plan in compliance with this section, and the plan shall be in effect until superseded by a plan adopted by the board in compliance with this section.

59.10 History History: [1971 c. 134, 211, 304](#); [1973 c. 118](#) ss. [2 to 4, 7](#); [1973 c. 334](#) s. [57](#); [1973 c. 336](#); [1975 c. 93](#) s. [113](#); [1975 c. 116, 200](#); [1977 c. 427](#); [1979 c. 34, 89, 122, 260](#); [1981 c. 4, 390](#); [1983 a. 29](#); [1983 a. 192](#) ss. [115, 303 \(1\), \(2\)](#); [1983 a. 484](#); [1983 a. 532](#) s. [36](#); [1985 a. 29, 304](#); [1989 a. 56](#) s. [258](#); [1991 a. 5, 316](#); [1993 a. 490](#); [1995 a. 16](#) s. [2](#); [1995 a. 201](#) s. [100](#); Stats. 1995 s. 59.10; [1997 a. 35](#); [1999 a. 150](#) s. [672](#); [2001 a. 107](#); [2003 a. 32](#); [2005 a. 100, 235, 248](#); [2007 a. 72, 97](#); [2011 a. 39, 75](#); [2013 a. 14](#); [2015 a. 196](#).

59.10 Cross-reference Cross-reference: See s. [17.21 \(5\)](#) for provision as to filling vacancies on county boards in counties over 500,000.

59.10 Cross-reference Cross-reference: See s. [59.20 \(1\)](#) for county supervisor residency requirements.

59.10 Cross-reference Cross-reference: See s. [66.0505](#) for restrictions on changes in compensation of county board members.

59.10 Annotation City and county apportionment is discussed. *City of Janesville v. Rock County*, [107 Wis. 2d 187, 319 N.W.2d 891](#) (Ct. App. 1982).

59.10 Annotation The trial court properly voided a city's supervisory district plan and adopted the county's plan even though the county did not adopt the plan within 60 days of receiving census data as required by sub. (3). *County of La Crosse v. City of La Crosse*, [108 Wis. 2d 560, 322 N.W.2d 531](#) (Ct. App. 1982).

59.10 Annotation Sub. (3) (a) does not establish a separate minimum for each class of county. The constitutionality of sub. (3) (a) is discussed. 60 Atty. Gen. 327.

59.10 AnnotationA vacancy on a county board due to resignation may be filled by appointment by the county board chairperson when the board is not in session. 61 Atty. Gen. 1.

59.10 AnnotationAn incumbent county supervisor must resign before the county board may consider his or her appointment as highway commissioner. 61 Atty. Gen. 424.

59.10 AnnotationA county board supervisor risks violations of s. 946.13 if he is appointed as counsel for indigent defendants. 62 Atty. Gen. 62, 118.

59.10 AnnotationUnder sub. (3) (c) alteration of county supervisory district boundaries between decennial censuses is authorized only when ward boundaries originally relied upon in reapportioning the county have been subsequently altered by incorporation, annexation, detachment, or consolidation. 63 Atty. Gen. 544.

[Down](#)

[Up](#)

59.10 AnnotationSection 59.06 (2) (intro.) [now 59.13 (2) (intro.)] does not prohibit payment of additional mileage under s. 59.03 (3) (g) [now 59.10 (3) (g)]. 68 Atty. Gen. 73.

59.10 AnnotationState law does not prohibit either discontinuation of all health insurance for county supervisors in self-organized counties during supervisors' terms of office or modest but involuntary increases in health insurance premiums for county supervisors in self-organized counties during supervisors' terms of office. [OAG 5-11](#).

59.10 AnnotationA tribal law enforcement officer who is an active duty deputy sheriff, but is not on the county's payroll, may not serve as a county board supervisor. Under sub. (4), the office of county supervisor is incompatible with the office of active duty deputy sheriff, even if the deputy sheriff is not paid by the county. [OAG 3-13](#).

59.10 AnnotationThe provision of health, dental, and life insurance and the payment of insurance premiums for county supervisors are not "compensation" under sub. (3). Thus the procedural requirements of that statute are inapplicable to motions or proposals to change those benefits. [OAG 5-13](#).