



COUNTY BOARD OF SUPERVISORS  
Milwaukee County

**FOR IMMEDIATE RELEASE**

February 1, 2006

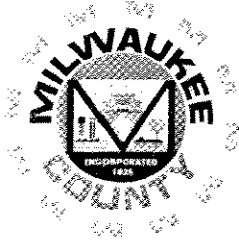
Contact: County Supervisors Listed Below

**COUNTY SUPERVISORS TO CALL FOR NEW ELECTION**

Members of the Milwaukee County Board of Supervisors will be holding a news conference on February 2, 2006 at 12:30pm. It will be held outside the County Board room, located at 901 N. 9<sup>th</sup> Street, Room 200.

We will be commenting on our intent to seek an election of a new Chairman of the County Board.

County Supervisor Mark Borkowski	(414) 278-4253
County Supervisor Lynne DeBruin	(414) 278-4263
County Supervisor Roger Quindel	(414) 278-4259
County Supervisor Jim Schmitt	(414) 278-4273
County Supervisor John F Weishan Jr.	(414) 278-4255
County Supervisor Ryan P. McCue	(414) 278-4231
County Supervisor Paul M. Cesarz	(414) 278-4267
County Supervisor Gerry Broderick	(414) 278-4237
County Supervisor Dan Devine	(414) 278-4247
County Supervisor Joseph Rice	(414) 278-4243



COUNTY BOARD OF SUPERVISORS

# Milwaukee County

DATE: Feb. 2, 2006

TO: Mr. Mark Ryan  
Milwaukee County Clerk  
Milwaukee County Courthouse, Room 105  
Milwaukee, WI 53233

We, the undersigned elected and duly qualified Supervisors of Milwaukee County, pursuant to Sec. 1.01(c), Milwaukee County Ordinances, hereby request you to call a special meeting of the Milwaukee County Board of Supervisors on Feb. 20, 2006 at 9:00am for the purpose of electing a County Board Chairman (in accordance with the process described in Administrative Resolution R-103, adopted by the Milwaukee County Board of Supervisors as File No. 72-70, February 29, 1972 and File No. 72-434, July 18, 1972) and such other business as may be brought before the board at that time.

Greg Braderick

James "Jiggs" Schmidt

[Signature]

Roger Quindel

Paul M. Casary

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Lynn D. DeBruin

Don A. Baetjem

Don Levine

Joseph J. Vire

Erin Kube



COUNTY BOARD OF SUPERVISORS

# *Milwaukee County*

**John F. Weishan Jr.**  
Supervisor, 16th District



At this point in time Milwaukee County Government is facing tremendous uncertainties. The County Board needs a leader who will be proactive and committed to the development and implementation of a strategy that will allow Milwaukee County to progressively seek stabilization.

The intent in calling a Special Meeting of the County Board of Supervisors is to provide the County Board and Milwaukee County as a whole the opportunity to communicate the aspirations of the people. Through this meeting, the Board and the Community, will be given the possibility to either reconfirm their faith in the current leadership or embark on a path of transformation brought forth by discontent, but driven by a hope of renewal through new views.

If it is the determination of this board and the community to select a new direction, I look forward to and welcome a spirited debate. I hope that these discussions can bring out a renewed energy for positive change.

Thank you,

A handwritten signature in black ink, appearing to read "John F. Weishan, Jr.", written in a cursive style.

John F. Weishan, Jr.  
Milwaukee County Board of Supervisors, 16<sup>th</sup> District

## MEMORANDUM

**DATE:** FEBRUARY 2, 2006

**RE:** SPECIAL MEETING PROCEDURES

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The Milwaukee County Code of General Ordinances outlines the procedure for calling a special meeting of the Milwaukee County Board of Supervisors:

1.01 (c) *Special meetings.* A special meeting shall be held only when requested by a majority of the members of the county board, such request to be in writing, addressed and delivered to the county clerk, who shall note the time of such delivery to him/her on such request. Such request shall specify the time and place of such meeting, which shall not be less than forty-eight (48) hours after the delivery of such notice to the county clerk. Upon receiving such request, the county clerk shall forthwith give notice of the time and place of such meeting by mail to each member of the county board. If the request is delivered to the county clerk less than seventy-two (72) hours before the time of such meeting, the county clerk, in addition to the mailing hereinbefore referred to, shall telephone each supervisor; if any supervisor is not contacted by telephone, the county clerk shall furnish to the sheriff of the county a copy of such notice of time and place of meeting for delivery to unnoticed members of the county board. The sheriff shall thereafter furnish to the county clerk an affidavit of delivery of such notice. The inability of the sheriff to deliver such notice to a supervisor shall not be deemed a defect to the notice requirement under this subsection. Any special meeting may be adjourned from time to time by a vote of a majority of all members of the county board.

The enclosed memo addressed to the county clerk signed by a majority of Supervisors requests a special County Board meeting on February 20, 2006 for the purpose of conducting an election for chairperson of the County Board of Supervisors.

The procedure suggested here does not entail a removal, per se, but rather a new election to serve the interests of the board of supervisors and the citizens of Milwaukee County. The incumbent chairperson of the board would be entitled to be a candidate for county board chairperson at the new election.

## MEMORANDUM

DATE: JANUARY 23, 2006

RE: ELECTION OF COUNTY BOARD CHAIRPERSON

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The following outlines the legal authority that exists to permit a County Board to conduct an election for County Board Chairperson at a date other than the first meeting after each regular election.

### I. Governing Authority

Wis. Stat. s. 59.03 grants counties Administrative Home Rule, permitting the County Board to "exercise any organizational or administrative power, subject only to the constitution and to any enactment of the legislature which is of statewide concern and which uniformly affects every county." Wis. Stat. s. 59.04 indicates that this chapter "shall be liberally construed in favor of the rights, powers, and privileges of counties to exercise any organizational or administrative power."

Wis. Stat. s 59.12 (1) is the only "enactment of the legislature" directly addressing how counties are to conduct elections for county board chairperson:

*The board, at the first meeting after each regular election at which members are elected for full terms, shall elect a member chairperson. The chairperson shall perform all duties required of the chairperson **until the board elects a successor.***  
[Emphasis added]

The State statute clearly requires that an election take place at the initial organizational meeting. However, it is silent on whether elections may also take place at other times.

The plain language of Wis Stat. §59.12 does not appear to preclude elections at times other than the first meeting. Based on the rights the state has granted the county in §59.03 and its instructions in §59.04 to interpret these powers liberally, a rational basis exists for the proposition that the county board is within its power to conduct an election at another time.

### II. Term of Chairperson

Further support for the board's power to conduct elections at alternate times is found in the silence of Wis. Stat. §59.12 regarding the "term" of the chairperson.

If state statute specified a set term of office for the chairperson, then an election at another time would reduce or change the prescribed term and might be contrary to state

statute. However, as stated in 11 Wis. Op. Att’y. Gen. 205 (1922), the state statute governing the county board chairperson does not “prescribe the term of office of the chairman of the county board.” Rather “a person so elected shall perform all duties required of the chairman *until the county board elects his successor.*” [emphasis added]

The plain language of the statute indicates that the completion of the officer’s term is not the expiration of a set time period, but the election of a successor. This understanding is supported by McQuillen on Municipal Corporations §12.112, which indicates that, “the term of an officer appointed for no definite time expires when a successor is appointed and enters upon the duties of the office, under a law authorizing officers to hold their offices until their successors are chosen and qualified.”

Given the foregoing analysis of the authority to conduct an election and the term of chairperson, it would appear that a vacancy in office (by removal, resignation, etc.) is not a prerequisite to the election of a successor.

Where there is no set term of office, and an office is held until a successor is elected, there would appear to be nothing directly in the ordinance or statutes that prevent the board from electing a successor at any legally valid meeting.

### III. Conclusion

The preceding analysis is based on examination of the directly applicable state statutes and county ordinance, related Attorney General Opinions and relevant sections of McQuillen’s and Robert’s Rules.

Based on the plain reading of Wis Stat. s. 59.12, its silence regarding the chairperson’s term of office and the powers granted to the board in Wis. Stat. ss. 59.03 and 59.04, the Milwaukee County Board of Supervisors could assert authority to conduct an election at a time other than the first organizational meeting.

1 A resolution authorizing an election for the purpose of electing the Chairperson and two  
2 Vice-Chairpersons of the Milwaukee County Board of Supervisors, establishing procedures  
3 for such an election and directing Milwaukee County Corporation Counsel to retain the  
4 services of outside legal counsel to assist in the administration of said election by adopting  
5 the following:

6  
7 **A RESOLUTION**

8  
9 WHEREAS, the provisions of section 59.12(1), Wisconsin Statutes, establishes no set  
10 term for the office of county board chairperson and specifies that the duties required of the  
11 chairperson shall be discharged by the chairperson "until the county board elects a  
12 successor"; and

13  
14 WHEREAS, in order to maintain the well-being of the Milwaukee County Board of  
15 Supervisors, further the efficient administration of its work and advance the interests of the  
16 institution, it is warranted that the voting members of the Board of Supervisors be provided  
17 an opportunity to select individuals to those offices who will reflect the will of the majority  
18 of the board and who will discharge the responsibilities of the offices of Chairperson and  
19 Vice-Chairpersons most effectively; now therefore,

20  
21 BE IT RESOLVED, that the Milwaukee County Board of Supervisors shall meet to  
22 conduct an election of its Chairperson and two Vice-Chairpersons in accordance with the  
23 following rules:

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- 25 • The process of nominating candidates shall take place in accordance with the  
26 established rules of the Milwaukee County Board of Supervisors and/or Robert's  
27 Rules of Order.
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  - 29 • After nominations have been completed, the list of nominated candidates shall  
30 be recited by the County Clerk in an order to be determined by a drawing of  
31 names from a hat by the County Clerk. After a candidate's name has been  
32 recited, that candidate shall be asked by the presiding chairperson if he or she  
33 wishes to remain on the list of eligible candidates. If the candidate answers in  
34 the affirmative, then he or she shall be recognized for an opportunity to address  
35 the Board of Supervisors for five to ten minutes. The County Clerk shall time the  
36 speech of each candidate and notify the presiding chairperson when ten minutes  
37 has expired.
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  - 39 • Immediately following candidate speeches, a preliminary voting process shall  
40 commence. Neither a motion to recess nor a request to address the Board shall  
41 be recognized between the conclusion of candidate speeches and the  
42 commencement of preliminary voting. The preliminary voting process shall take  
43 place in the County Board meeting room in open session.
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- Preliminary voting shall occur via a written ballot, which shall not be marked in any manner so as to disclose the identity of the person casting the ballot. Each Supervisor shall cast a vote for one individual from the list of nominated candidates, which shall be recited by the Clerk prior to each vote. Ballots shall be collected by the Sergeant at Arms and tabulated by the County Clerk. Results shall be announced by the County Clerk.
- After each preliminary vote, the candidate receiving the lowest number of votes shall be eliminated from consideration, and another preliminary vote by written ballot shall be taken. This process shall continue until the field of candidates has been narrowed to three candidates.
- In the event that there is a tie between the lowest vote recipients, each of these candidates shall be eliminated as long as there will remain at least three candidates. If there is a tie between the lowest vote recipients and their elimination would leave fewer than three candidates, then a run-off vote between the lowest recipients shall be called by the chairperson and conducted via written ballot. The candidate who receives the lowest number of votes in the run-off vote shall be eliminated from consideration, while the other candidate or candidates shall remain in contention.
- Once preliminary voting has commenced, neither a motion to recess nor a request to address the Board shall be recognized until preliminary voting has concluded.
- Subsequent to the conclusion of preliminary voting, formal roll call voting for County Board chairperson among the list of three remaining candidates shall take place per the established rules of the County Board of Supervisors and/or Robert's Rules of Order.

BE IT FURTHER RESOLVED, that in order to address potential conflicts of interest that may arise in the course of scheduling and administering this election and to assist the Milwaukee County Board of Supervisors in proceeding thereon, that the Milwaukee County Corporation Counsel is directed and authorized to retain the services of outside legal counsel who shall advise the Board of Supervisors on legal or administrative issues which may arise.