

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1340/1dn
MES:kjf:ph

February 4, 2013

Representative Sanfelippo:

Please review this draft carefully to ensure that it meets your intent. As I discussed with Josh and Ray Carey, I did not incorporate into this draft some of the requirements for a county executive that apply to Cuyahoga County because they seem to have no legal effect. For example, requiring the county executive to advocate for the county and promote cooperation with other units of government doesn't seem to have any legal effect. How can this standard be judged? Who determines whether the county executive is complying with this statute? It's sort of like drafting a statute that requires the county executive to do a good job -- everyone would want him or her to do a good job (whatever that means), but this sort of directive has no legal effect and therefore should not be in the statutes.

Similarly, I did not include the requirement that the county executive attend board meetings and participate in all discussions. If there is no consequence to the county executive failing to meet such a statutory requirement -- such as a provision prohibiting the county board from meeting unless the county executive is in attendance, or stating the board may not enact an ordinance or adopt a resolution unless the county executive actively participates in the discussion of the proposal -- the attendance and participation requirements would have no legal effect.

Given the changes to the salary provisions in the bill, I did not strike through the last sentence of s. 59.10 (2) (c) 1. Is this OK?

I believe that the bill reflects your intent with regard to changing the power, responsibilities, and contracting authority of the county executive and the county board, but there are a number of statutes where I couldn't really determine whether the board's authority needs to be limited or changed to comport with your overall intent. Please review the following statutes and let me know if you'd like any of them to be amended to modify or reduce the board's authority: Sections 59.53 (5), (6) (a) 1., (18), (20), (21), and (22), 59.54 (8), 59.55, 59.56 (2) (b), (3), (6), and (11), 59.58 (1), 59.694 (1), 59.698, 59.70 (7), (8), (8m), (12), and (13), 59.72 (3), 59.74 (2) (c), and 59.792, stats.

Marc E. Shovers
Managing Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.wisconsin.gov