

☛ 13hr\_AC-SAGO\_ajr0077\_pt04



(FORM UPDATED: 08/11/2010)

# WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

## 2013-14

(session year)

## Assembly

(Assembly, Senate or Joint)

### Committee on... State Affairs and Government Operations (AC-SAGO)

## INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (December 2014)

## **County Treasurer Should Be Appointed Not Elected.**

The partisan election of County Treasurer was incorporated into the State Constitution in 1882. It is time to reconsider whether the elected office of County Treasurer is outdated and unnecessary.

While some people don't like change, the Wisconsin Idea embodies the concept of constant improvements and change. Over the course of 162 years, since the adoption of Wisconsin's constitution, approximately 200 amendments have reshaped and modernized government in Wisconsin.

Much discussion has taken place regarding how the Milwaukee County Treasurer is selected. Any constitutional amendment to make this change requires approval by two sessions of the legislature and a state-wide referendum. Because of the complicated process affecting this minor local office, it has been ignored for 160 years.

**Why should it be appointed, not elected?** Wisconsin law embodies the principle of separation of powers. The Legislative Branch makes laws and sets policies and the Executive branch carries out or administers the laws. The Milwaukee County Treasurer is an administrative position. It has no voting powers and does not set policy.

**Why change now?** Change is needed now because the archaic process of using a partisan election to select the director for this office has become dysfunctional. Budget revenues and expenditures passing through the County Treasurer's office exceed one billion dollars, and that office manages an additional \$300 million in investments. Administering these financial services requires professional expertise, proficiency in accounting, knowledge of on-line banking services, and an understanding of investment practices.

Although little research has been done regarding county treasurers, a University of California study found that borrowing costs were 13 to 23% lower for cities with appointed (not elected) treasurers. The San Pablo city manager was recently quoted in *Governing Magazine* saying that the trend in California has been to move away from the election of municipal treasurers and toward appointing treasurers with the necessary qualifications to run that office.

People don't choose their banker or retirement manager simply on the basis of their political party. Nevertheless, that is the primary criteria that many voters use to select their county's investment and banking manager. That needs to change.

### **Why treat Milwaukee County differently?**

The original reason for an independent treasurer in 1882 was that part-time partisan county boards needed someone who was directly accountable for the oversight of public funds. However, 128 years later in 2010, Milwaukee County is in an entirely different position. It has the only full-time county board in the State that has its own independent Audit Department. Its full-time County Executive has its own semi-autonomous Office of Controller. Both of these offices already provide checks and balances on the financial transactions of the Treasurer's Office and its functions.

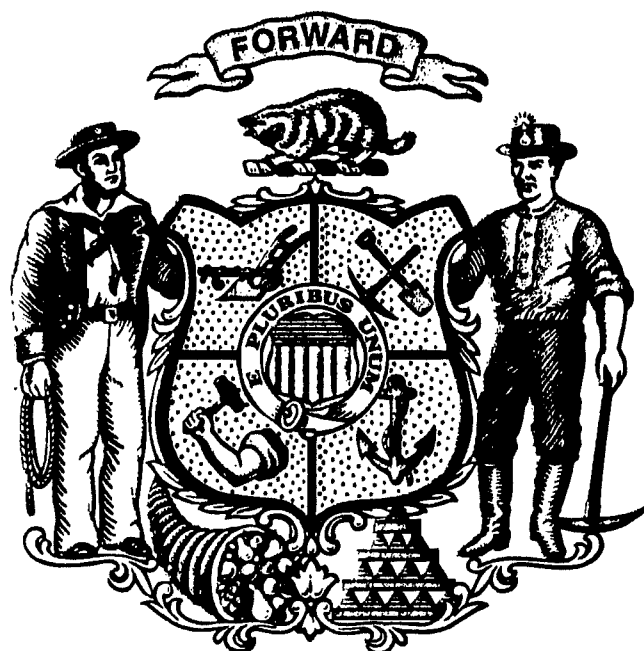
Milwaukee County, as the only county of the first class, already has separate treatment in a number of other areas of state statutes. Similar changes have already been enacted affecting this county's offices of County Corner and County Surveyor. A similar, common sense argument could be made for the appointment of the administrative office of Milwaukee County Treasurer.

**What is happening in other states?** If county government in Milwaukee County were established today - in 2010 - no one would argue for a separate partisan election to select the head of Milwaukee County's treasury services. Unfortunately, in Wisconsin and 31 other states, the old historical mandate for an election remains unchanged. Several national studies have recommended combining the Treasurer and Controller functions under the county budget office in counties with a chief executive officer. It is noteworthy that newer states like Alaska and Hawaii have chosen to make the county treasurers appointed positions. In addition, nine states have incorporated a county-option as to whether to have elected or appointed Treasurers. Seven of these nine county-option states have made the change away from elected-only county treasurer status since 2004, thus indicating a trend for eliminating the partisan election mandate.

**Time to move on.** In some respects, the office of treasurer has already become an appointed position. Of the five previous Treasurers, three were appointed and the two that were elected never finished out their terms.

Three out of the last five County Treasurers (Thomas Meaux, Kevin O'Connor and myself) have gone on record in support of making the Office of County Treasurer an appointed position. The County Commission for the 21<sup>st</sup> Century, the Public Service Administration Study of Milwaukee County, the Management Letter by Arthur Anderson, a County Board Study, and, more recently, the Public Policy Forum have, created a chorus of calls for ending the process of election of the Office of Treasurer. Most agreed with the need for the appointment of a more autonomous combined controller/treasurer office with professional fiscal oversight powers. That change is now overdue.

### ###



▪ | ÷ ê | © | ê ç z © © z ç ▼ © ð © H © M © ¥ 1 ▪ | ▪ | ▪ d [ © 3 ©



**Maine county treasurers**  
Reference, Lawlib to: ddiliberti

08/04/2011 10:18 AM

From: "Reference, Lawlib" <Lawlib.Reference@legislature.maine.gov>  
To: <ddiliberti@milwcnty.com>

Hello Dan,

Thank you for contacting the Law and Legislative Reference Library, an office of the Maine Legislature. We have identified the Maine law regarding how counties have the option to appoint or elect county treasurers. The law is found in Title 30-A of the Maine Statutes, section 156:

<http://www.mainelegislature.org/legis/statutes/30-A/title30-Asec156.html>

To see this section of the Statutes in context of the country treasurer laws:•

<http://www.mainelegislature.org/legis/statutes/30-A/title30-Ach1sec0.htm>

Please see subchapter 3, beginning with section 151 and continuing.

We hope this helps. If you have further questions please feel free to contact us again.

Mark Knierim  
Reference Librarian  
Maine State Law and Legislative Reference Library  
email: lawlib.reference@legislature.maine.gov  
website: <http://www.legislature.maine.gov/lawlib>  
phone: 207 287-1600

**30-A §156. CREATION OF POSITION OF APPOINTED COUNTY TREASURER**  
**30-A §156. CREATION OF POSITION OF APPOINTED COUNTY TREASURER**

**1. County commissioners' decision.** Notwithstanding sections 151 and 152, the county commissioners may decide to abolish the position of elected county treasurer and replace it with an appointed county treasurer. This decision is not effective until approved by the voters of the county under subsection 3.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**2. Petition by voters.** On the written petition of a number of voters equal to at least 10% of the number of votes cast in the county at the last gubernatorial election, the county commissioners, by order, shall provide for the abolition of the position of elected county treasurer and its replacement with an appointed county treasurer in the form and manner provided in this section.

A. The petition procedure of section 1321, subsection 3, shall be used in this alternative method except that the legend at the top of each petition form shall read as follows:

"County of \*\* ..... \*\*

Each of the undersigned voters respectively requests the county commissioners to abolish the position of elected county treasurer and replace it with a county treasurer appointed by the county commissioners."

B. The procedure after the petition is filed is the same as that under section 1321, subsection 4. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**3. Election procedure.** Within 30 days after a decision under subsection 1 or the receipt of a certificate or final determination of sufficiency under subsection 2, paragraph B, the county commissioners, by order, shall submit the question of the abolition of the position of elected county treasurer and its replacement with an appointed county treasurer to the voters of the county at the next regular or special statewide election. The question to be submitted to the voters shall be in substance as follows:

"Shall the position of elected county treasurer be abolished and replaced with a treasurer appointed by the county commissioners?"

If a majority of those voting on this question vote in the affirmative, the position of elected county treasurer shall be abolished after the term of the current elected county treasurer expires and the county commissioners shall appoint a treasurer under subsection 4.

**4. Term; compensation; qualifications.** Upon abolition of the position of elected county treasurer under this section, the county commissioners shall appoint a treasurer to serve at their will and, notwithstanding section 154, with the compensation they set. The treasurer must be qualified in matters of business administration and finance. The appointed treasurer has all authority granted to treasurers under this subchapter and is subject to all the requirements of this subchapter.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, §2, C106 (NEW). 1987, c. 737, Pt. A, §2 (NEW). 1987, c. 737, Pt. A, §2 (NEW). 1987, c. 737, Pt. C, §106 (NEW). 1987, c. 737, Pt. C, §106

MAINE

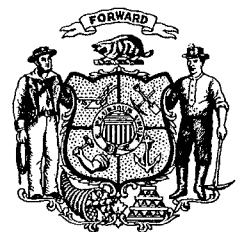
(NEW). 1989, c. 6, (AMD). 1989, c. 6, (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 9, §2 (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§8, 10 (AMD). 1989, c. 104, Pt. C, §§8, 10 (AMD). 1989, c. 104, Pt. C, §§8, 10 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 124th Legislature, is current through October 1, 2010, and is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

**PLEASE NOTE:** The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.





*Appoint  
Treasurer*

# Maine Revised Statutes

- [§156 PDF](#)
- [§156 WORD/RTF](#)

---

- [STATUTE SEARCH](#)
- [CH. 1 CONTENTS](#)
- [TITLE 30-A CONTENTS](#)
- [LIST OF TITLES](#)
- [DISCLAIMER](#)
- [MAINE LAW](#)
- [REVISOR'S OFFICE](#)
- [MAINE LEGISLATURE](#)

## §155§161

### **Title 30-A: MUNICIPALITIES AND COUNTIES HEADING:**

**PL 1987, C. 737, PT. A, §2 (NEW)**

**Part 1: COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**

**Chapter 1: COUNTY OFFICERS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**

**Subchapter 3: COUNTY TREASURERS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**

**Article 1: ELECTION AND TENURE HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**

### **§156. Creation of position of appointed county treasurer**

1. **County commissioners' decision.** Notwithstanding sections 151 and 152, the county commissioners may decide to abolish the position of elected county treasurer and replace it with an appointed county treasurer. This decision is not effective until approved by the voters of the county under subsection 3.

PL 1987, C. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD)

*Nelson Soler*  
*X 4608*

*Interim Director*

*"Contract"*



written petition of a number of voters equal to at least n the county at the last gubernatorial election, the ll provide for the abolition of the position of elected with an appointed county treasurer in the form and

section 1321, subsection 3, shall be used in this legend at the top of each petition form shall read as

Each of the undersigned voters respectively requests the county commissioners to abolish the position of elected county treasurer and replace it with a county treasurer appointed by the county commissioners."

B. The procedure after the petition is filed is the same as that under section 1321, subsection 4. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]  
[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**3. Election procedure.** Within 30 days after a decision under subsection 1 or the receipt of a certificate or final determination of sufficiency under subsection 2, paragraph B, the county commissioners, by order, shall submit the question of the abolition of the position of elected county treasurer and its replacement with an appointed county treasurer to the voters of the county at the next regular or special statewide election. The question to be submitted to the voters shall be in substance as follows:  
"Shall the position of elected county treasurer be abolished and replaced with a treasurer appointed by the county commissioners?"

If a majority of those voting on this question vote in the affirmative, the position of elected county treasurer shall be abolished after the term of the current elected county treasurer expires and the county commissioners shall appoint a treasurer under subsection 4.

**4. Term; compensation; qualifications.** Upon abolition of the position of elected county treasurer under this section, the county commissioners shall appoint a treasurer to serve at their will and, notwithstanding section 154, with the compensation they set. The treasurer must be qualified in matters of business administration and finance. The appointed treasurer has all authority granted to treasurers under this subchapter and is subject to all the requirements of this subchapter.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

#### SECTION HISTORY

1987, c. 737, §2, C106 (NEW). 1987, c. 737, Pt. A, §2 (NEW). 1987, c. 737, Pt. A, §2 (NEW). 1987, c. 737, Pt. C, §106 (NEW). 1987, c. 737, Pt. C, §106 (NEW). 1989, c. 6, (AMD). 1989, c. 6, (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 9, §2 (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §8, 10 (AMD). 1989, c. 104, Pt. C, §8, 10 (AMD). 1989, c. 104, Pt. C, §8, 10 (AMD).

*Data for this page extracted on 02/09/2011 10:17:37.*

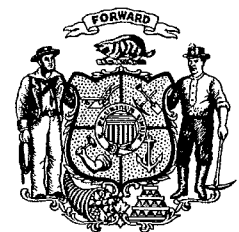
**The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.**

**If you need legal advice, please consult a qualified attorney.**

Office of the Revisor of Statutes

7 State House Station

State House Room 108





Election of county officials question  
kpickett to: ddiliberti

08/04/2011 01:35 PM

From: kpickett@lsc.state.oh.us  
To: ddiliberti@milwcnty.com

Hi, Treasurer Diliberti,

I wanted to let you know where I was in my research for your question. I am inquiring with a researcher on our staff who is familiar with county government issues. She is out of the office today for an emergency, but is expected back tomorrow. Please let me know if you need to have an answer right away, and I will approach someone else on staff.

Consulting with my fellow librarians, we think you may be referring to a special circumstance that occurred within the last couple of years. Cuyahoga County adopted a new charter that took effect January 1, 2010. The new charter changes the makeup of county government and creates an office of County Executive, as well as dictating what other officials exist. The position of Cuyahoga County treasurer is appointed according to the new charter. Summit County is the only other county in Ohio that adopted a charter; theirs was adopted in 1979.

Am. Sub. House Bill 562 of the 127th General Assembly (2007-08) created the Commission on Cuyahoga County Government Reform, as well as the Ohio Commission on Local Government Reform and Collaboration. I think this may be the bill you were thinking of. You can view the bill online as an HTML document or PDF here

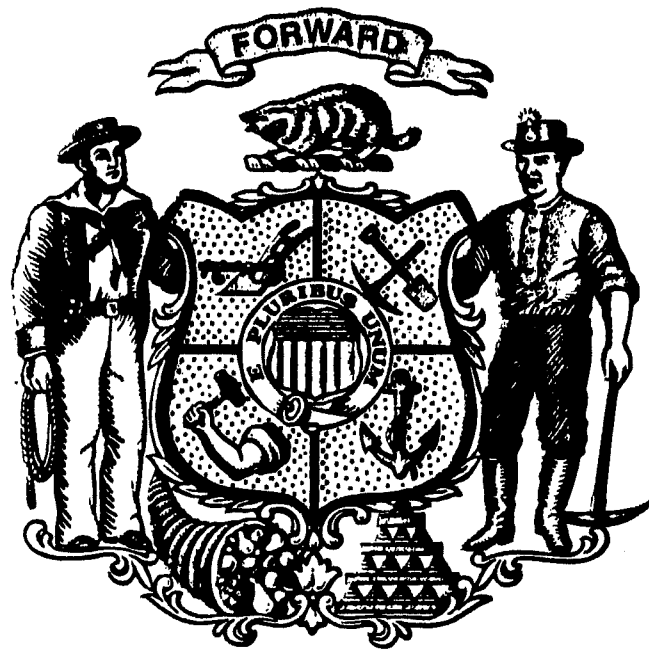
[http://www.legislature.state.oh.us/bills.cfm?ID=127\\_HB\\_562](http://www.legislature.state.oh.us/bills.cfm?ID=127_HB_562)

Also, the LSC analysis of the final bill is available there. Page 108 begins the discussion on both commissions and what the General Assembly hoped they'd accomplish. You can view that here

<http://www.lsc.state.oh.us/analyses127/08-hb562-127.pdf>

I'd like to wait until tomorrow to speak with our researcher about exactly how Cuyahoga County's charter was adopted, whether HB 562 is the bill you're thinking of, and if the changes made in Cuyahoga apply to the whole state. If this is acceptable, let me know. Also, if you have any other questions or need clarification on what I've sent you, please let me know and I will forward them to our researcher. Thanks,  
Kelly

Kelly Pickett  
Assistant Librarian  
Ohio Legislative Service Commission Library  
77 S. High St., 9th Floor  
Columbus, OH 43215-6136  
614-466-2242





**Research relating to County treasurers in Colorado**

Bob Lackner to: ddiliberti

Cc: Gregg Fraser

08/05/2011 09:06 AM

From: Bob Lackner <bob.lackner@state.co.us>  
To: ddiliberti@milwcnty.com  
Cc: Gregg Fraser <Gregg.Fraser@state.co.us>

Hello Mr. Diliberti:

Per your query, I have obtained some information pertaining to county treasurers in Colorado.

It is my understanding that, except as otherwise provided in connection with municipalities or counties possessing home rule powers (discussed below), county treasurers in Colorado constitute an elected position pursuant to section 8 of article XIV of our state constitution.

~~However, in accordance with the constitutional provisions giving the city and county of Denver "home rule" status, Denver was authorized to select its officers by appointment or election in accordance with the provisions of its city charter. This authorization is contained in Section 2 of article XX of the state constitution, which addresses home rule powers. I have attached below at the bottom of this email, relevant provisions from Part 5 of Article II of the charter of the City and County of Denver. As you will note, the charter (in section 2.5.1) creates a Department of Finance which, among other things, is empowered to perform all acts and duties performed by the County Treasurer. Moreover, section 2.5.3 (B) authorizes the Manager of Finance to appoint a Treasurer (for the City and County) who is empowered to exercise the powers and duties assigned by law to county treasurers.~~

~~In researching this question, I have come to learn that Weld County, a mostly rural county northeast of the Denver metro area in which the city of Greeley is located, also has an appointed treasurer. Weld is what is known as a "home rule county". Colorado law permits the formation of home rule counties, which gives counties additional powers of self rule in local matters analogous to that provided to cities under article XX of the state constitution. Under the home rule (county) provisions of our state constitution, a county may elect to proceed in a different manner with respect to county administration than that required in section 8 and other sections of the of the state constitution in accordance with the provisions of the county charter. The Weld County charter makes the County Treasurer of said county an appointive position (as of January 1, 2003).~~

I have not provided links to the constitutional (or Weld County charter) provisions referenced above so as not to overload you with too much information, some of which may not be germane to your query. However, I am happy to provide such information if you'd like. Please let me know.

Mr. Diliberti, I believe the information provided above answers your query. However, if I have overlooked something or if you have additional questions relating to this matter, please do not hesitate to contact me.

I hope to make it to Milwaukee one of these days. I have a brother who gets to your city on business and raves about its beauty and attractions.

Best regards,

Bob

(iii)

The Manager shall prepare the comprehensive annual financial report summarizing the condition and results of all funds and financial activities of the city as of December 31 of each fiscal year, which report shall be subject to audit by the independent auditor of the City and County as provided in Article V of the Charter.

(iv)

The Manager shall countersign and register all contracts of the City and County involving the receipt or disbursement of funds, and shall register and sign all checks or warrants authorizing a draw upon the accounts of the City and County. Either a manual or facsimile signature of the Manager of Finance may be used on any such contracts, checks or warrants. The Council may by ordinance require a review by the Auditor of certain disbursements from the accounts of the City prior to the disbursement being authorized by the Manager.

(B)

Designation of Treasurer and Assessor. The Manager of Finance shall appoint a Treasurer to exercise the powers and duties assigned by the Charter and ordinances of the City and County to the treasurer and by the constitution and general laws of the state to county treasurers. The Manager of Finance shall appoint an Assessor to exercise the powers and duties assigned by the constitution and general laws of the state to county assessors.

(C)

Bank Depository; Investment of funds. The Manager of Finance shall, with the approval of the Mayor, select one or more banking or savings and loan institutions for deposit of public funds. Before any deposit shall be made, the bank or savings and loan institution shall pledge sufficient collateral as required by law. The Manager is authorized to invest the funds in his or her custody or possession in the following securities: obligations of the United States Government, obligations of the United States Government agencies and United States Government sponsored corporations, prime bankers acceptances, prime commercial paper, certificates of deposit issued by banks and savings and loan institutions, repurchase agreements, security lending agreements, highly rated municipal securities, money market funds that purchase only the types of securities specified herein, and other similar securities as may be authorized by ordinance.

(D)

Investment of deferred compensation funds. Compensation deferred from the salaries of City officers and employees shall be administered and invested as provided by ordinance. The City and County of Denver, its officers, employees and Manager of Finance shall not be liable for any loss due to the investment or failure of investment of monies and assets of the deferred compensation plan, nor shall the City or any of its officers, employees or the Manager of Finance

No. 428-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 582-06, § 1, 8-22-06, elec. 11-7-06)

§ 2.5.4 - Powers and duties of Treasurer.

(A)

Receipt and payment of money. The Treasurer shall receive, receipt for and keep the money of the City and County and pay out the same only in accordance with rules promulgated by the Manager of Finance as provided in Section 2.5.3 (J) and any other applicable law or regulation.

(B)

All revenue reported to and recorded by Treasurer. All revenues arising from taxes, licenses, fees, fines, penalties and forfeitures, and from any other source whatsoever, which may be collected or received by any officer or employee of the City and County, or any department thereof, in their official capacity or for the performance of any official duty, shall be reported to and recorded by the treasurer in accordance with procedures established by the Manager of the Department of Finance.

(C)

Other duties. The Treasurer shall, in addition to performing the duties herein specifically required, perform such other duties not inconsistent with the laws of the State and this Charter as the Council may by ordinance require.

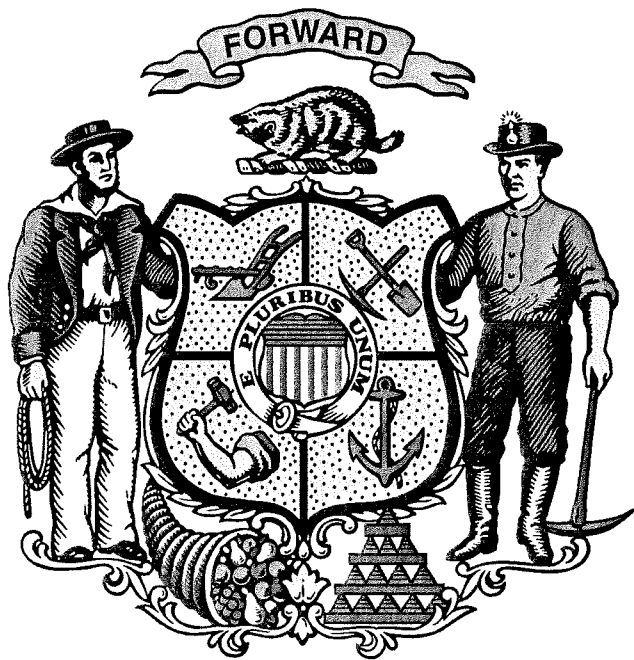
(Charter 1960, A5.2, A5.3, A5.4, A5.10, A5.11, A5.17; Subsection (A), Charter 1904, § 51. Subsection (B) Charter 1904 § 221. Subsection (C), Charter 1904, § 52; amended November 2, 1999. Subsection (D), Charter 1904, § 53. Subsection (E), Charter 1904, § 237. Subsection (F), Charter 1904, § 59.; Ord. No. 426-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 582-06, § 1, 8-22-06, elec. 11-7-06)

§ 2.5.5 - Powers and duties of assessor.

The assessor shall assess all taxable property within the City and County at the time and in the manner prescribed by the general laws of the State and provisions of this Charter, and shall perform such other duties not inconsistent with such laws and the provisions of this Charter as the Council may by ordinance require.

(Charter 1960, A5.20; Charter 1904, § 46; Ord. No. 582-06, § 1, 8-22-06, elec. 11-7-06)







**FW: SC- County Treasurer**  
Elizabeth Taylor to: 'DDiliberti@milwcnty.com'

08/05/2011 09:15 AM

From: Elizabeth Taylor <ElizabethCTaylor@scstatehouse.gov>  
To: "DDiliberti@milwcnty.com" <DDiliberti@milwcnty.com>

I sent this to the wrong address earlier. If you do not mind, please let me know when you receive it. Thanks.

From: Elizabeth Taylor  
Sent: Friday, August 05, 2011 9:58 AM  
To: 'DDilbiberti@milwcnty.com'  
Subject: SC- County Treasurer

Mr. Dilbiberti,

Below are the sections of our code that address the appointment or election of county treasurers. If you need any further information please feel free to contact me. I will be in the office until 3:00 this afternoon and will not return until Wednesday of next week.

Elizabeth C. Taylor  
Director of Research  
SC Legislative Council  
1000 Assembly Street  
Rm. 434

P.O. Box 11489

Columbia, South Carolina 29211

803.212.4500

elizabethctaylor@scstatehouse.gov

SECTION 4-9-60. Election or appointment, and terms, of county treasurer and auditor under certain forms of government; continuation of officials in office.

Under the council, council-supervisor and council-administrator forms of government provided for in this chapter the county treasurer and the county auditor shall be elected. Officials serving unexpired terms when a form of government provided for in this chapter is adopted by a particular county shall continue to serve until successors are elected and qualify. Under the council-manager form the county treasurer and county auditor shall serve out their unexpired terms but shall thereafter be elected or appointed as council shall by ordinance prescribe.

CREDIT(S)

HISTORY: 1962 Code Section 14-3703.3; 1975 (59) 692.

CROSS REFERENCES

The appointment by the Governor of the county auditor and the county treasurer in counties not having either a council, council-supervisor or council-administrator form of government, see



# County Treasurer Should be Appointed Not Elected.

By Daniel Diliberti, Milwaukee County Treasurer

March 14, 2013

**Background:** Over the last eight years, and with the support of the county board, the Office of the Treasurer has systemically modernized its functions for greater efficiency and effectiveness.

We have professionalized the office with re-written job descriptions and job classifications. We have made annual improvements in productivity. We have re-issued RFP's for banking services, reduced banking costs, instituted on-line banking operations, strengthened fraud prevention measures, improved our return on our merchant services, collateralized deposits for public funds outside of this office, and improved banking operations. We have re-issued RFP's for investments advisors and instituted performance measures for those operations. We have improved and reduced the cost of records handling and enhanced office security. We have instituted on-line delinquent tax information and payment modules. We have instituted a streamlined bankruptcy monitoring process. We have improved our delinquent tax collections. We have instituted participation of disadvantage business enterprises in our banking and investment services where previously none existed.

Our mission in undertaking these actions was to increase the professionalism, proficiency, and accountability within the critical banking and investment functions in Milwaukee County. These accomplishments have been recognized outside of this office with numerous national and local awards for innovation and performance.

**Time for change:** Looking back at these changes, and in order to assure continued high standards, I reiterate my belief that the partisan election of County Treasurer – a practice that dates back to 1848 - is outdated and unnecessary. Instead, I would suggest changing the director of this office from a partisan elected position to the appointment of a professional financial manager.

While this change will take an amendment to the State Constitution, it is in keeping with the Wisconsin tradition of constant improvements and change. Since the Wisconsin's constitution was adopted, approximately 200 constitutional amendments have reshaped and modernized government in Wisconsin. This would be another step in that direction.

**Why should County Treasurer be appointed, not elected?** Wisconsin law embodies the principle of separation of powers. The Legislative branch makes laws and sets policies and the Executive branch carries out or administers the laws. The Milwaukee County Treasurer is an administrative position, has no voting or policy making authority.

**Why change now?** Change is needed now because the archaic process of using a partisan election to select the director for this office has become dysfunctional. Budget revenues and expenditures passing through the County Treasurer's office exceed \$1.3 billion dollars, and that office manages an additional \$340 million in short term investments. Administering these financial services requires professional expertise and proficiency in accounting, on-line banking services, and investment practices.

People don't decide on who their banker or retirement manager is simply on the basis of their political party. Nevertheless, that is the primary criteria that many voters use to select their county's investment and banking manager and that needs to change.

**Why treat Milwaukee County differently?**

The original reason for an independent treasurer when it became a constitutional office in 1882 was that part-time partisan county boards needed someone who was directly accountable for the oversight of public funds. However 128 years later, in 2010, Milwaukee County is in an entirely different position. It has full-time County Executive and central budget office. It is the only county in Wisconsin to have a separately elected independent position of county comptroller with its own auditing function that is statutorily designated to oversee the office of County Treasurer. The office is mandated to follow Generally Accepted Accounting Principles (GAAP) and is overseen by an annual outside auditor. These unique Milwaukee County structural changes provide checks and balances on the financial transactions of the Treasurer's Office and its functions.

Milwaukee County, as the only county of the first class and has already been accorded separate treatment in a number of other areas of state statutes. Similar changes have already been enacted changing other previously elected Milwaukee County administrative positions to appointed ones, including the County Corner and County Surveyor. A similar common sense argument could be made for the appointment of the administrative position of Milwaukee County Treasurer.

**What is happening in other states?** If county government in Milwaukee County were established today - in 2010 - no one would argue for a separate partisan election for the head of Milwaukee County treasury services. It is noteworthy that three states, including the newer states of Alaska and Hawaii have always had their county treasurers as appointed positions. In addition, nine states have incorporated a county-option as to whether to have elected or appointed Treasurers. Seven of these nine county-option states have made the change away from elected-only county treasurer status since 2004, thus indicating a trend for eliminating the partisan election mandate.

**Time to move on.** In some respects, the office of treasurer has already become an appointed position. Of the five previous Treasurers, three were appointed. Four out of the last six County Treasurers (Frank Pokorny, Thomas Meaux, Kevin O'Connor and I) have gone on record in support of making the Office of County Treasurer an appointed position.

**Recommendation:** The County Commission for the 21<sup>st</sup> Century, the Public Service Administration Study of Milwaukee County, the Management Letter by Arthur Anderson, and a County Board Study have created a chorus of calls for ending the process of election of the Office of Treasurer. Most agreed with the need for the appointment of a professional financial manager with banking and investment management skills as the manager of county funds. That is what corporations and individuals do when looking for a skilled financial manager, why not Milwaukee County?. It is long overdue.

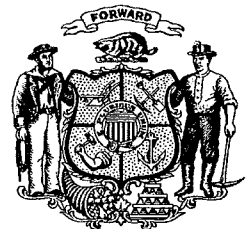
### ##

## References from draft Resolution to appoint County Treasurer

1. Only Applies to Milwaukee County  
This resolution seeks to grant permissive appointing option only to Milwaukee County which has unique checks, balances, oversight and financial duties that do not exist in other counties. It would grant permissive authority to the county to set qualifications, appoint and reorganize the Treasurer's office to promote efficiency and effectiveness.
2. 1955 – Public administration Study  
Report titled: Planning and Financial Administration in Milwaukee County. Among its recommendations it cited that the Treasurer, as an administrative officer, should not be selected by popular vote. This elective process "has been criticized so generally both in Milwaukee County and elsewhere that no repetition of the fallacies of that system is required here." A principal conclusion strongly suggests the urgency, of repealing the constitutional provision to permit this change from elected to appointed office.
3. Supported in Milwaukee County Commission for the 21<sup>st</sup> Century Report.  
(Page 23) of this report recommended filling the office of the Treasurer through an appointment by the County Executive – as is done for county departments.
4. 1989 County Board Study (File 89-631) recommended that the Treasurer be put under Department of Administration, if balanced with a strong independent Controller/Auditor.
5. 1993 County Board Resolution (File 93 – 275), sponsored by Dan Diliberti, Mark Borkowski, Dorothy, and Lawrence Kenny supported eliminating elected Treasurer Position in State Constitution and making its election or appointment a county option. Passed April 8, 1993.
6. In a growing trend, nearly one-quarter of states already allow appointment of County Treasurers; examples include the counties of San Francisco, Denver, Cayahoga (Cleveland) and Charlotte, North Carolina.
7. Improved financial management.  
University of California Merced Study by Alexander Whalley, January 4, 2101 found that appointed treasurers reduced municipal borrowing costs by 13-23% over elected ones.
8. Supported by past Milwaukee County Treasurers:  
Four of the last six Milwaukee County Treasurers (Frank Pokorney, Thomas Meaux, Kevin O'Connor, and Dan Diliberti) have gone on record as supporting making the Treasurer an appointed position. This change would simply recognize a "defacto" practice. Of the five previous treasurers, three were appointed (Frank Pokorney, Thomas Meaux, and Dorothy Dean).
9. Supported in WTMJ-TV Editorial  
A TV editorial stated that: "The County Treasurer is one of those elective jobs that shouldn't exist any longer." (May 20, 1993)
10. Supported in numerous Milwaukee Journal Sentinel editorials  
Milwaukee Journal Sentinel editorial board on numerous occasions has stated that the County Treasurer, "ideally should be appointed rather than elected because it primarily involves administrative duties, not public policy" (September 10, 2004).
11. Parallel movement to eliminate the appointed office of State Treasurer.  
There is a bi-partisan movement toward making the position of the State Treasurer an appointed one.
  - AJR 26 – 2011 - State legislation to amend the State Constitution to eliminate the position of State Treasurer is supported by current Republican State Treasurer Kurt Schuller.
  - Democrats backed plan to eliminate election of State Treasurer – June 15, 2012 as noted in a straw poll at Wisconsin State Democratic Convention.
  - Thirteen states have designated their State Treasurer as an appointed position.



# WISCONSIN STATE LEGISLATURE





# Wisconsin County Treasurers' Association

June 2013 Seminar

Resolution No. 2013-05

Re: In Support of Maintaining the Statutory Duties of the County Treasurer and Preserving the Position of the County Treasurer as an Elected Constitutional Office

**WHEREAS**, election of the County Treasurer would maintain direct accountability currently in place between the citizens and their government; and

**WHEREAS**, an elected County Treasurer works with and provides fair and equitable administration of the Wisconsin Statutes, upholds the State Constitution, and is accountable to the citizens; and

**WHEREAS**, the responsibilities and duties of the County Treasurer are more than administrative; and

**WHEREAS**, the legislators of the State of Wisconsin have worked with great determination to define the important duties and responsibilities of the County Treasurer as mainly indicated in Chapters 59, 66, 70, 74, and 75 Wisconsin State Statutes; and


**WHEREAS**, the duties and responsibilities of the elected County Treasurer include, but are not limited to, the fiduciary responsibility, accuracy, and safety of the county's finances, which provide a quality system of internal and external checks and balances.


**NOW THEREFORE BE IT RESOLVED**, the Wisconsin County Treasurers' Association (WCTA), go on record supporting and maintaining the statutory duties of the County Treasurer and preserving the position of the County Treasurer as an elected Constitutional office.

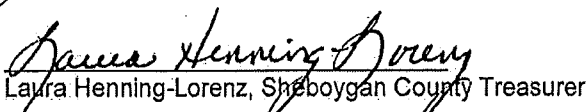
**AND BE IT FURTHER RESOLVED**, a copy of this resolution be forwarded to Governor Scott Walker and leadership positions of both State Senate, State Assembly, and the Wisconsin Counties Association.

Respectfully submitted this 14th day of June, 2013.

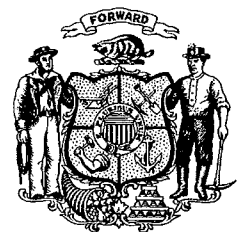
## RESOLUTIONS COMMITTEE

  
Yvonne Ritchie, Barron County Treasurer

  
Cheryl Duchow, Manitowoc County Treasurer

  
Laura Henning-Lorenz, Sheboygan County Treasurer

  
Lynn Neeck, Price County Treasurer



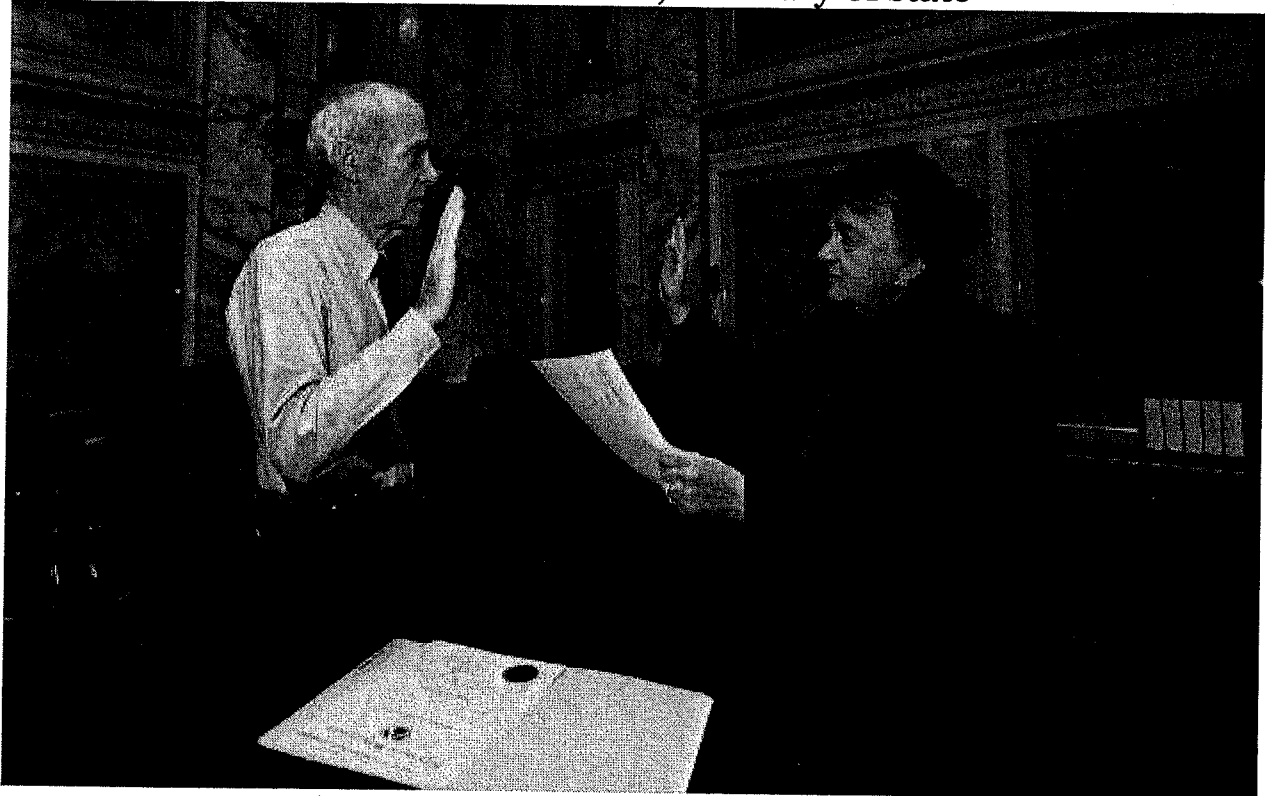


**In case you didn't see this editorial from the Milwaukee Journal Sentinel on the Secretary of State and the State Treasurer Offices**

Adams County (jzander@co.adams.wi.us),  
Teri Jacobson to: Ashland County, Barron County,  
Bayfield County, Brown County, Buffalo

07/09/2013 10:04 AM

**Time to eliminate offices of treasurer, secretary of state**



Wisconsin Supreme Court Chief Justice Shirley Abrahamson (right) swears in Doug LaFollette to office at the Supreme Court hearing room on December 6, 2010. Kristyna Wentz-Graff

**They don't have enough to do so why does Wisconsin have a treasurer and secretary of state?**  
July 8, 2013

- 
- 
- 
- Email
- Print
- (13) Comments

We have long agreed with the idea that the state offices of treasurer and secretary of state have outlived their usefulness as elected offices. For the most part, the offices have handled essentially clerical duties that could be done by current appointed state employees.

So we essentially agree with state Reps. Michael Schraa (R-Oshkosh) and Tyler August (R-Lake Geneva), who have proposed an amendment to the state constitution eliminating the posts. As August said, "In this day and age, they are outdated positions. We can save the state some money by eliminating them."

Exactly how much is in question: The legislators argue that eliminating the posts will save the state \$2 million. But a spokeswoman for state Treasurer Kurt Schuller — who ran on a platform of eliminating his office — said the office has been funded by program revenue so the savings may not be very great. And Secretary of State Doug La Follette argues that his office should be given back some responsibilities because he could do them at less cost. But La Follette has lost that fight; the responsibilities have been moved and aren't likely to go back. And we're still not convinced that in the modern era, the state needs elected constitutional officials to meet those particular

responsibilities. The same is true for the treasurer's office, which lost one of its last major jobs and the major source of its program revenue when Gov. Scott Walker signed the state budget, which moved authority over the state's unclaimed property program to another department.

With less to do than ever, the argument has become only stronger to take the final step and eliminate the positions.

There is, however, one major responsibility that the offices hold that any change needs to take into account: The treasurer and secretary of state along with the state attorney general make up the Board of Commissioners of Public Lands, which oversees a trust fund of over \$925 million. That fund is crucial to school libraries, community projects and Wisconsin's forests.

In an op-ed published in the Journal Sentinel last week, the three made an excellent case for the board's important work in financing, among other things, software for school libraries, road and sewer projects, building repairs and renovations and fire truck and squad car purchases.

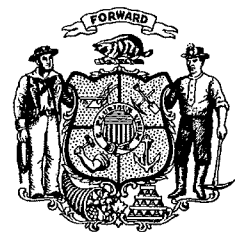
They also made an excellent case that the "structure of the board has served the trust funds well over the past 165 years. We maintain a long-term view focused on the prudent management of the trust assets without the consideration or influence of partisan politics."

The board's work is important, as is keeping out partisan politics. But the fact is that the current officers are partisan politicians. Attorney General J.B. Van Hollen and Schuller are Republicans; La Follette is a Democrat. The reason they've kept partisan politics out of their decisions is because they have willingly decided to put their politics aside. It's that simple.

And there is no reason that the lieutenant governor and school superintendent of schools (August's and Schraa's replacements for the treasurer and secretary of state) or some other designated officers couldn't do the same.

There is also no guarantee that the next treasurer or secretary of state won't put politics over sound policy.

We think a structure can be found that will continue the good work of the board the way the state's founders intended while still eliminating two positions that the state otherwise doesn't need. This amendment should move forward.



**Reasons to support AJR 77 to give permissive authority to change the Milwaukee County Treasurer from an elected to an appointed position**

**1. Let the people have a say in how this office is structured.**

- This is a question of democracy.  
The process invoked by AJR 77 is permissive.
- Its passage will only result in a referendum on the issue.
- If the referendum passes and it is then submitted for approval by Milwaukee County.

So AJR 77 only asks to give the people a voice in how they want the Milwaukee County Treasurer's Office to be managed and operated.

•  
This reform will give the voters a voice in how they choose to attract and retain a qualified financial manager for the position of Milwaukee County Treasurer.

Giving them that choice is the right thing for the taxpayers of Milwaukee County.

**2. Milwaukee County is unique in the scope of its Treasurer's duties:**

- The size and the scope of our county finances make Milwaukee County unique in its banking and investment management needs.
- The Milwaukee County Treasurer acts as the banker for a \$1.3 billion budget and investment manager for \$350 million in short term funds.
- For that reason alone, Milwaukee County needs to recruit someone qualified and experienced in banking and investments to run this office.
- Many of the tax collection duties are not done by the Milwaukee County Treasurer.
- Milwaukee County is the only fully incorporated county, thus we are not involved in sending or collecting tax bills as done by other Wisconsin county treasurers.
- Milwaukee County is the only county that has a separately elected and independent Milwaukee County Comptroller - who is charged by State Statutes with overseeing the operations of the Milwaukee County Treasurer:
  - As "chief financial officer and administrator of Milwaukee County's financial affairs"[Wisc.ss 59.255] our County Comptroller has assumed and oversees many of the duties of Milwaukee County Treasurer, including:
    - "Each month, the Milwaukee County Comptroller shall report to the (county) board, in writing the condition of ... each of the county's funds."
    - "At least monthly, the comptroller shall examine the treasurer's account as reported and kept, and shall report to the county executive and board as to their correctness and as to any violation by the treasurer of the treasurer's duty in the manner of keeping account or disbursing money."
- This position of County Comptroller is unique to Milwaukee County and creates a situation where Milwaukee County currently has the duplication of an elected official (Comptroller overseeing an elected official (Treasurer)).
-

- Milwaukee County has a full time auditor (from the Office of the Milwaukee County Auditor) who reconciles all accounts in the Office of the Milwaukee County Treasurer and reviews all of its financial records,
- The Milwaukee County Treasurer undergoes an outside annual outside audit that checks to be sure that all of its operations are in full compliance with GAAP (Generally Accepted [government] Accounting Principles) national accounting standards.

No other county has this unique combination of oversight that serves as checks and balances to protect taxpayer interest in the operation of the office of Milwaukee County Treasurer.

**3. With the above referenced checks and balances, why retain the election process for recruiting a Milwaukee County treasurer?**

- Electing the Treasurer adds nothing to the unique checks and balances on the functions of the Milwaukee County Treasurer
- The election process in Milwaukee County – the requirement to collect one thousand signatures, fund-raising, and campaigning for six months - serves as an impediment to recruiting the best qualified person to manage the banking and investment functions of the Milwaukee County Treasurer's office.
- The size of Milwaukee County also acts as an impediment to an informed electorate. Voters don't have the opportunity to meet the candidate in-person in a county the size of one and a half congressional districts.
- And the mailing of a couple of pieces of literature to the 85,000 - 90,000 primary voters would cost over \$100,000- a difficult amount to fund-raise for this office.
- Plus, the major newspapers no longer endorse in these races.

So how are Milwaukee County voters able to make an informed opinion about the candidates in this election? Especially in the midst of major state office races and federal elections held at the same time? They can't.

**4. Constitutional Change is not new or unusual.**

- The AJR77 exception for the Milwaukee County Treasurer would not stand alone. There already are several other references in the State Statutes regarding the Milwaukee County Treasurer's duties as well as unique Milwaukee County References regarding other constitutional offices.
- Amending the constitution to accommodate needed changes is not new, (i.e. the recent change from 2-year to 4-year terms), according to the Wisconsin Legislative Bureau, the constitution has been amended over 200 times since its institution in 1848.
- In fact the Office of the Treasurer was initially not a constitutional officer in 1848, but was later included in 1884.

**5. Different counties have different needs - one size doesn't fit all.**

- It cannot be said that what is best for Milwaukee County is also best for other counties.
- That is reflected in the fact that, according the State Legislative Reference Bureau, ***there are already hundreds of references in the State Statutes that only pertain to Milwaukee County.***

**6. There is widespread and longstanding support for an appointed Milwaukee County Treasurer.**

Given the nature of the job in Milwaukee County, the appointment process has been a popular proposal for some time.

- In a 1996 survey conducted by a Milwaukee civic group - the Public Policy Forum - a clear majority of the residents of Milwaukee County who responded to the poll supported the change from an elected to an appointed Treasurer.
- That position in support of an appointed Milwaukee County Treasurer has been voiced by most of the Milwaukee County Treasurers who have held this office in the last 30 years.
- It has been recommended by every study of Milwaukee County Government in the last 58 years, including the:
  - 1956 Public Administration Study
  - A 1976 Arthur Anderson letter.
  - 1989 County Board Study and 1993 County Board resolution
  - 1998 Milwaukee County Commission for the 21<sup>st</sup> Century.
- Milwaukee County support was reaffirmed in 2013 with the current **county board and county executive endorsement** of a resolution in support of changing to an appointed treasurer.
- It has been promoted by a WTMJ-TV editorial and several Milwaukee Journal Sentinel editorials.
- Bipartisan sponsors in the State Legislature.

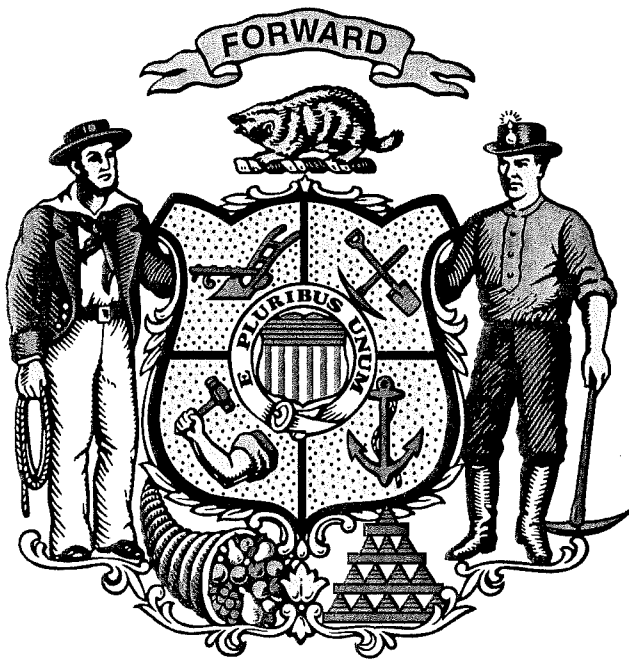
**7. Trend in other major metropolitan counties in other states:**

- In a growing movement to change the way treasurers are recruited, twelve other states allow for the appointment of county treasurer in major metropolitan counties - of which seven made changes since 2004 to allow for it.

Alaska – appointed  
California – discretionary  
Colorado – discretionary  
Hawaii – appointed  
Maine – discretionary  
Minnesota – discretionary

New York – discretionary  
North Carolina – appointed  
Ohio – discretionary  
Pennsylvania – discretionary  
South Carolina – discretionary  
Washington - discretionary





3  
4 **A RESOLUTION**

5 In support of the State enacting legislation to allow Milwaukee County to have the  
6 option of appointing the Milwaukee County Treasurer.

7  
8 WHEREAS, the Office of Milwaukee County Treasurer is an administrative  
9 position, with no policy making authority whose duties are strictly administrative -  
10 as set forth in State Statutes; and

11  
12 WHEREAS, with a \$1.3 billion County operating budget and \$340 million in  
13 short term investments, the position of County Treasurer serves as administrator of  
14 the county's fiscal services and requires expertise in accounting, banking services  
15 and investment management; such corporate treasurers in the private sector are  
16 hired on the basis of their financial management skills; and

17  
18 WHEREAS, the duties of Milwaukee County Treasurer have drastically  
19 changed since the creation of this position in the early 1800's, including: (1) the  
20 oversight provided by the Office of County Executive's Central Budget Office  
21 created in 1960; (2) the adaption of Generally Accepted Accounting Principles  
22 (GAAP) that define treasury services accounting standards; (3) an annual  
23 independent outside audit of all Treasury activity; (4) the Treasurer's submission of  
24 quarterly reports to the County Board (5) the creation of the Milwaukee County  
25 Comptroller position in 2012, which closely audits the Treasurer's financial  
26 operations; and

27  
28 WHEREAS, Milwaukee County, Wisconsin's only county of the first class, is  
29 exempt from similar state mandates for elections of the County Coroner and County  
30 Surveyor and now requests that the Milwaukee County Treasurer be added to that  
31 list; and

32  
33 WHEREAS, this resolution does not support a change in the election of the  
34 county treasurer in other Wisconsin counties, many of which have no County  
35 Executive central budget office oversight, separately elected and independent  
36 County Comptroller, full-time office of county auditor, separate county board or  
37 reporting process; and

38  
39 WHEREAS, on the county level, nine states including neighboring  
40 Minnesota, have changed their laws to allow the option of appointment of the  
41 County Treasurer for counties of the first class; seven of those nine states have  
42 enacted those laws since 2004; and

43  
44 WHEREAS, a change in the state constitution to allow for the appointment of  
45 the Milwaukee County Treasurer will recognize that it has already become a *de*

46 *facto* appointed position; Three of the five previous Treasurers were appointed to fill  
47 vacancies and two that were elected left office in mid-term; Three out of the last five  
48 County Treasurers supported making the Office of County Treasurer an appointed  
49 position; and

50

51 WHEREAS, the County Commission for the 21<sup>st</sup> Century, the Public Service  
52 Administration Study, a Management Letter by Arthur Anderson, a County Board  
53 Study and the Milwaukee Journal Editorial Board have called for eliminating the  
54 elected office of Milwaukee County; and

55

56 WHEREAS, the first step to the appointment of a qualified financial manager  
57 to the position of Milwaukee County Treasurer is to pass a state constitutional  
58 amendment that removes the state mandate to elect the Milwaukee County  
59 Treasurer and, instead, allow Milwaukee County to determine how to best fill that  
60 position with a qualified accounting, banking, and investment manager to serve the  
61 county's 21<sup>st</sup> century fiscal needs; now, therefore

62

63 BE IT RESOLVED, that the Milwaukee County Board of Supervisors does  
64 hereby go on record in support of using the appointment process to obtain a  
65 qualified fiscal manager to fill the position of County Treasurer; and

66

67 BE IT FURTHER RESOLVED, that the Milwaukee County Board of  
68 Supervisors does hereby support the introduction and passage of a State  
69 constitutional amendment to give Milwaukee County the option of having an  
70 appointed Milwaukee County Treasurer

68 13-274

A resolution in support of the State enacting legislation to allow Milwaukee County to have the option of appointing the Milwaukee County Treasurer.

Sponsors: Lipscomb Sr., Broderick, Borkowski and Taylor

Attachments: RESOLUTION

FISCAL NOTE

Audio IGR 03/15/13

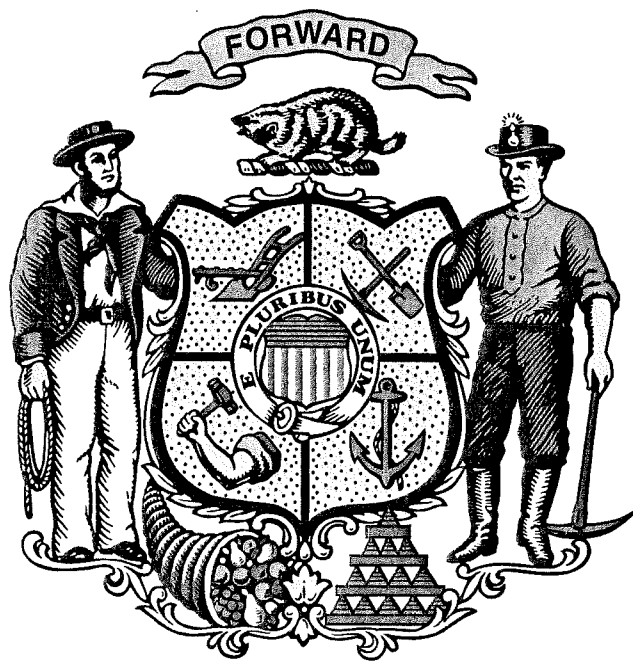
CB Resolution

Supervisor Bowen asked unanimous consent to be added as a co-sponsor. There was no objection.

A motion was made by Supervisor Lipscomb Sr. that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 11 - Alexander, Borkowski, Bowen, Broderick, Cullen, Dimitrijevic, Jursik, Lipscomb Sr., Romo West, Schmitt and Taylor

No: 5 - Haas, Johnson Jr., Mayo Sr., Stamper II and Weishan



their insured, Mitchell Aero, Ltd., for reimbursement of payment made for alleged damages sustained to the propeller of an airplane when it rode over a drain hole that was covered with ice and snow on the runway at General Mitchell International Airport on January 17, 1989.

**Referred to the Committee on Judiciary, Safety & General Services.**

## **RESOLUTIONS/ORDINANCES REFERRED TO STANDING COMMITTEES**

File No. 93-275

**By Supervisors Dillberti, Borkowski, Dean and Kenny:**

WHEREAS, the State Constitution requires that certain county officials be elected to office every two years in a partisan election; and

WHEREAS, these Constitutional offices include the County Clerk and the County Treasurer; and

WHEREAS, the County Clerk and the County Treasurer in Milwaukee County have endorsed a proposal that their positions be made appointed rather than elected; and

WHEREAS, the County Clerk and the County Treasurer do not have public policy responsibilities but instead perform ministerial tasks and carry out policy established by State Statutes and the County Board making their duties similar to those of county department heads; and

WHEREAS, the State Constitution has been amended for counties with populations of 500,000 or more to eliminate the elected office of surveyor; and

WHEREAS, the State Constitution has also been amended to allow counties with populations of 500,000 or more the option of having an elected coroner or an appointed medical examiner; now, therefore

**BE IT RESOLVED**, that the Milwaukee County Board of Supervisors does hereby support legislation to amend the State Constitution to grant the County Board in counties with a population of 500,000 or

more the authority to determine whether the offices of County Clerk and County Treasurer should be made appointed or elected positions; and

**BE IT FURTHER RESOLVED**, that the Division of Intergovernmental Relations is hereby authorized and directed to seek sponsors for such legislation and lobby for its passage.

### **Fiscal Note:**

Adoption of this resolution will not require an expenditure of funds but will require an expenditure of staff time on the part of the Division of Intergovernmental Relations.

### **REFERRED TO THE COMMITTEE ON LEGISLATION**

File No. 93-283

**By Supervisors Balley and De Bruin:**

WHEREAS, the Performing Arts Center was built with private funds in 1969 as part of the WAR MEMORIAL and dedicated to "honor the dead by serving the living"; and

WHEREAS, the PAC has been held by Milwaukee County for 24 years as a public trust for the preservation and enrichment of the performing arts, including drama, music and dance; and

WHEREAS, the facility has been home to the Milwaukee Symphony, the Milwaukee Ballet, the Florentine Opera, the Milwaukee Youth Symphony, First Stage Milwaukee and over 100 community and arts groups; and

WHEREAS, the PAC provides nearly 1,000 performances and public events each year, reaching more than 700,000 adults and 200,000 children annually in the County of Milwaukee; and

WHEREAS, in addition to the enrichment of community life and values, the arts community, of which the PAC is a significant part, contributes to Milwaukee County's economic well-being and adds to the quality-of-life by providing 2,849 full-time jobs and 4,154 part-time jobs which generate \$23.3 million in wages and add \$60-65 million to Milwaukee's economic base; and

WHEREAS, the last decade of changes has forced financial fluctuations and caused county government to focus scarce resources

their insured, Mitchell Aero, Ltd., for reimbursement of payment made for alleged damages sustained to the propeller of an airplane when it rode over a drain hole that was covered with ice and flew on the runway at General Mitchell International Airport on January 17, 1988.

Referred to the Committee on Judiciary, Safety & General Services

**RESOLUTIONS/ORDINANCES  
REFERRED TO STANDING COMMITTEES**

File No. 93-275

By Supervisors Diliberti, Borkowski, Dean and Kenny:

WHEREAS, the State Constitution requires that certain county officials be elected to office every two years in a partisan election; and

WHEREAS, these Constitutional offices include the County Clerk and the County Treasurer; and

WHEREAS, the County Clerk and the County Treasurer in Milwaukee County have endorsed a proposal that their positions be made appointed rather than elected; and

WHEREAS, the County Clerk and the County Treasurer do not have public policy responsibilities but instead perform ministerial tasks and carry out policy established by State Statutes and the County Board making their duties similar to those of county department heads; and

WHEREAS, the State Constitution has been amended for counties with populations of 500,000 or more to eliminate the elected office of surveyor; and

WHEREAS, the State Constitution has also been amended to allow counties with populations of 500,000 or more the option of having an elected coroner or an appointed medical examiner; now, therefore

BE IT RESOLVED, that the Milwaukee County Board of Supervisors does hereby support legislation to amend the State Constitution to grant the County Board in counties with a population of 500,000 or

more the authority to determine whether the offices of County Clerk and County Treasurer should be made appointed or elected positions; and

BE IT FURTHER RESOLVED, that the Division of Intergovernmental Relations is hereby authorized and directed to seek sponsors for such legislation and lobby for its passage.

**Fiscal Note:**

Adoption of this resolution will not require an expenditure of funds but will require an expenditure of staff time on the part of the Division of Intergovernmental Relations.

**REFERRED TO THE COMMITTEE ON LEGISLATION.**

File No. 93-283

By Supervisors Bailey and De Bruin:

WHEREAS, the Performing Arts Center was built with private funds in 1969 as part of the WAR MEMORIAL and dedicated to honor the dead by serving the living; and

WHEREAS, the PAC has been held by Milwaukee County for 24 years as a public trust for the preservation and enrichment of the performing arts, including drama, music and dance; and

WHEREAS, the facility has been home to the Milwaukee Symphony, the Milwaukee Ballet, the Florentine Opera, the Milwaukee Youth Symphony, First Stage Milwaukee and over 100 community and arts groups; and

WHEREAS, the PAC provides nearly 1,000 performances and public events each year, reaching more than 700,000 adults and 200,000 children annually in the County of Milwaukee; and

WHEREAS, in addition to the enrichment of community life and values, the arts community, of which the PAC is a significant part, contributes to Milwaukee County's economic well-being and adds to the quality-of-life by providing 2,849 full-time jobs and 4,154 part-time jobs which generate \$23.3 million in wages and add \$60.65 million to Milwaukee's economic base; and

WHEREAS, the last decade of changes has forced financial fluctuations and caused county government to focus scarce resources

April 8)

652

(1993

taken by the said committee at a meeting held April 5, 1993.

**ROGER QUINDEL**  
Acting Chairperson

Supervisor Quindel **ASKED UNANIMOUS CONSENT TO SUSPEND** any and all rules interfering with the consideration of the foregoing resolutions. There being no objections, the rules **WERE SUSPENDED**.

The question was on adoption.

**SEPARATE ACTION** was requested on Item 2.

Thereupon, **Items 1, 3 and 4 WERE ADOPTED** by the following vote:

**AYES**—Aldrich, Bailey, Baldwin, Borkowski, Bussler, Cogg-Jones, Cupertino, Czaja, Dean, De Bruin, Diliberti, Holloway, Kenny, Kocomis, Kuzminski, Launstein, Meaux, Nyklewicz, Pitts, Podell, Quindel, Stampley, Zepecki, Zielinski and the Chairperson—**25. NOES**—0.

On motion by Supervisor Diliberti, **Item 2 WAS REFERRED BACK TO THE COMMITTEE ON LEGISLATION.**

**By Supervisor Quindel, Acting Chairperson:**

**From the Committee on Legislation, reporting on 4 Items.**

**File No. 93-312**  
(Journal, April 8, 1993)

(Item 1) Resolution by Supervisor Zepecki, seeking the Wisconsin House Delegation to co-sponsor House Resolution 140, introduced by Congressman Gary Condit, which would end the practice of imposing unfunded federal mandates on state and local governments, by recommending adoption of the said resolution as appearing in the Journal of Proceedings of April 8, 1993.

**File No. 93-275**  
(Journal, April 8, 1993)

(Item 2) A resolution by Supervisors Diliberti, Borkowski, Dean and Kenny seeking state legislation to amend the State Constitution to

April 8)

653

(1993

allow the County Board in counties with a population of 500,000 or more the authority to determine whether the offices of County Clerk and County Treasurer should be appointed or elected, by recommending adoption of the following amended resolution:

**WHEREAS**, the State Constitution requires that certain county officials be elected to office every two years in a partisan election; and

**WHEREAS**, these Constitutional offices include the County Clerk and the County Treasurer; and

**WHEREAS**, the County Clerk and the County Treasurer in Milwaukee County have endorsed a proposal that their positions be made appointed rather than elected; and

**WHEREAS** the County Clerk and the County Treasurer do not have public policy responsibilities but instead perform ministerial tasks and carry out policy established by State Statutes and the County Board making their duties similar to those of county department heads; and

**WHEREAS**, the State Constitution has been amended for counties with populations of 500,000 or more to eliminate the elected office of surveyor; and

**WHEREAS**, the State Constitution has also been amended to allow counties with populations of 500,000 or more the option of having an elected coroner or an appointed medical examiner; now, therefore

**BE IT RESOLVED**, that the Milwaukee County Board of Supervisors does hereby support legislation to amend the State Constitution to grant the County Board in counties with a population of 500,000 or more the authority to determine whether the offices of County Clerk and County Treasurer should be made appointed or elected positions; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized and directed to send a copy of this resolution to the Milwaukee County delegation of the Wisconsin State Legislature; and

**BE IT FURTHER RESOLVED**, that the Division of Inter-governmental Relations is hereby authorized and directed to seek sponsors for such legislation and lobby for its passage.



Mandates to review legislation imposing requirements or limitations on local governments with written fiscal analyses detailing impact upon both the state and local units of government; and

**BE IT FURTHER RESOLVED**, that the Division of Intergovernmental Relations is hereby authorized and directed to convey these positions to the Joint Finance Committee and the Legislature.

**Fiscal Note:**

Adoption of this resolution will not require an expenditure of funds, but an expenditure of staff time will be required by the Division of Intergovernmental Relations to lobby for these positions before the Legislature.

**The foregoing report correctly states the action taken by the said committee at a meeting held April 5, 1993.**

**ROGER QUINDEL**  
Acting Chairperson

The question was on adoption.

**SEPARATE ACTION** was requested on **Items 2 and 4B.**

Thereupon, **the foregoing report**, excluding the aforesaid **Items, WAS ADOPTED** by the following vote:

**AYES**—Aldrich, Bailey, Baldwin, Borkowski, Bussler, Cogg-Jones, Cupertino, Czaja, Dean, De Bruin, Diliberti, Holloway, Kenny, Koconis, Kuzminski, Launstein, Meaux, Nyklewicz, Podell, Quindel, Stampley, Zepecki, Zielinski and the Chairperson—25. **NOES**—0.

Thereupon, **Item 2 WAS ADOPTED** by the following vote:

**AYES**—Aldrich, Bailey, Borkowski, Cogg-Jones, Dean, Diliberti, Kenny, Nyklewicz, Pitts, Podell, Quindel, Stampley and Zielinski—13. **NOES**—Baldwin, Bussler, Cupertino, Czaja, De Bruin, Holloway, Koconis, Kuzminski, Launstein, Meaux, Zepecki and the Chairperson—12.

Thereupon, **Item 4B WAS ADOPTED** by the following vote:

**AYES**—Aldrich, Bailey, Borkowski, Bussler, Cogg-Jones, Cupertino, Czaja, Dean, De Bruin, Diliberti, Holloway, Kenny,

Koconis, Launstein, Meaux, Nyklewicz, Pitts, Podell, Quindel, Stampley, Zepecki, Zielinski and the Chairperson—23. **NOES**—Baldwin and Kuzminski—2.

**By Supervisor Kenny, Chalrperson:**

**From the Committee on Mass Transit, reporting on 7 Items.**

**File No. 93-292**  
(Journal, April 8, 1993)

**(Item 1)** From the Director of Public Works seeking authorization to enter into an agreement with the Milwaukee County Historical Society for the Development and construction of a historical exhibit entitled "Transporting People: A History of Milwaukee County's Transit System", at the Downtown Transit Center, by recommending adoption of the following resolution:

**WHEREAS**, the Northwest Corridor Express Bus Project provided for the construction of a Downtown Transit Center containing second level Transit Museum exhibits; and

**WHEREAS**, the Section 3, Federal Transit Administration grant for the Northwest Corridor Express Bus Project provided 75% cost reimbursement to Milwaukee County for the construction of the building including the development and construction of the Transit Museum exhibits, largely using the value of the building site as the local match for the grant; and

**WHEREAS**, it has been deemed prudent to have the Milwaukee County Historical Society develop and construct the exhibit for the Milwaukee County Transit System because of their collection of historical artifacts as well as their professional expertise in preparing high quality exhibits; and

**WHEREAS**, the Milwaukee County Historical Society has prepared a proposal dated March 2, 1993, for the development and construction of the exhibit and is eager to be involved in the presentation; now, therefore

**BE IT RESOLVED**, that the Director, Department of Public Works is hereby authorized to execute an agreement with the Milwaukee County Historical Society to develop and construct the