

1969 Senate Bill 499

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**CHAPTER 214, LAWS OF 1969**

AN ACT to renumber and amend 59.032 (6) and 59.033 (6); to amend 59.032 (1), (2) (intro.), (b) and (c), (3) and (5) and 59.033 (1), (2) (intro.), (b) and (c), (3), (4) and (5); and to create 59.032 (6) and 59.033 (6) and (7) of the statutes, relating to county executives and county administrators.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 59.032 (1), (2) (intro.), (b) and (c), (3) and (5) of the statutes are amended to read:

59.032 (1) ~~In all counties~~ Counties having a population of less than 500,000 ~~the county board~~ may by resolution of the county board or by petition and referendum create the office of county executive. The county executive ~~may~~ shall be elected the same as a county executive is elected under s. 59.031 (1) ~~or may be appointed by the county board of supervisors~~ for a term of 4 years commencing with the 1st spring election occurring at last 120 days after the creation of the office. Such petition and election shall follow the procedure provided for cities in s. 9.20 (1) to (6).

(2) (intro.) The duties and powers of the county executive ~~may~~ shall be delegated such authority as the county board directs, including, but not restricted without restriction because of enumeration, the authority to:

(b) Appoint the heads of all departments of the county except those elected by the people and except where the law provides that the appointment shall be made by a board or commission or by other elected officers; but he ~~may, subsequent to January 26, 1968 when so authorized by the county board,~~ shall also appoint all department heads where the law provides that the appointment shall be made by the chairman of the county board or by the county board. Such appointments shall require the confirmation of the county board. The county executive may file, with the county board, charges for the removal, discharge or suspension of any person so appointed.

(c) Appoint the members of all boards and commissions ~~when so authorized by the county board~~ where such appointments are required after ~~January 26, 1968~~ and where the law provides that such appointment shall be made by the county boards or the chairman of the county board. All appointments to boards and commissions by the county executive shall be subject to the confirmation of the county board.

(3) ~~When authorized by the county board the~~ The county executive

may appoint an administrative secretary and such additional staff assistants as are deemed necessary.

(5) The county executive shall annually, and otherwise as necessary, communicate to the county board of supervisors the condition of the county, and recommend such matters to them for their consideration as he deems expedient. Notwithstanding any other provision of the law, ~~when so authorized by the county board he may~~ shall be made responsible for the submission of the annual budget to the county board ~~and may exercise the power to veto any increases or decreases in the budget under sub. (6).~~

SECTION 2. 59.032 (6) of the statutes is renumbered 59.032 (7) and amended to read:

59.032 (7) *The county executive may be removed from office by the governor for cause pursuant to s. 17.16. A vacancy in the office of the county executive shall be filled by appointment by the chairman of the county board, from among electors of the county in the same manner as vacancies in the office of county supervisor in counties having a population of 500,000 or more are filled under s. 17.21 (5).*

SECTION 3. 59.032 (6) of the statutes is created to read:

59.032 (6) COUNTY EXECUTIVE TO APPROVE OR VETO RESOLUTIONS OR ORDINANCES; PROCEEDINGS ON VETO. Every resolution or ordinance passed by the county board shall, before it becomes effective, be presented to the county executive. If he approves, he shall sign it; if not, he shall return it with his objections, which objections shall be entered at large upon the journal and the board shall proceed to reconsider the matter. Appropriations may be approved in whole or in part by the county executive and the part approved shall become law, and the part objected to shall be returned in the same manner as provided for in other resolutions or ordinances. If, after such reconsideration, two-thirds of the members-elect of the county board agree to pass the resolution or ordinance or the part of the resolution or ordinance objected to, it shall become effective on the date prescribed but not earlier than the date of passage following reconsideration. In all such cases, the votes of the members of the county board shall be determined by ayes and noes and the names of the members voting for or against the resolution or ordinance or the part thereof objected to shall be entered on the journal. If any resolution or ordinance is not returned by the county executive to the county board at its first meeting occurring not less than 6 days, Sundays excepted, after it has been presented to him, it shall become effective unless the county board has recessed or adjourned for a period in excess of 60 days, in which case it shall not be effective without his approval.

SECTION 4. 59.033 (1), (2) (intro.), (b) and (c), (3), (4) and (5) of the statutes are amended to read:

59.033 (1) APPOINTMENT. ~~In counties Counties~~ having a population of less than 500,000, ~~the county board may by resolution of the county board or by petition and referendum create the office of county administrator. The county administrator shall be selected either by a majority vote of all the qualified electors in the county voting in an election or the county board by majority vote may appoint the county board chairman or county clerk or any other qualified person as county administrator for a 2 year term to run concurrently with the county board chairman. When the resolution adopted provides for a selection by a county-wide election he shall be elected for a term of 2 years at an election to be held on the first Tuesday in April following the adoption of the resolution by the county board and he shall take office on the first Monday in May following his election appointed by majority vote of the county board. Such petition and election shall follow the procedure provided for cities in s. 9.20 (1) to (6). If any member of the county board is appointed as county administrator, his status as a member of the~~

county board is thereby terminated, except that in the case of a vacancy in the office of county administrator by reason of removal, resignation or other cause, the county board may appoint any member of the county board as acting county administrator to serve for a period of 15 days while the county board is considering the selection of a county administrator.

(2) (intro.) The duties and powers of the county administrator ~~may~~ shall be delegated such authority as the county board directs, including, but ~~not restricted~~ without restriction because of enumeration, the authority to:

(b) Appoint the heads of all departments of the county except those elected by the people and except where the statutes provide that the appointment shall be made by a board or commission or by other elected officers; but he ~~may, subsequent to December 18, 1963 when so authorized by the county board,~~ shall also appoint all department heads where the law provides that the appointment shall be made by the chairman of the county board or by the county board. Such appointments shall require the confirmation of the county board. The county administrator may file with the county board, charges for the removal, discharge or suspension of any person so appointed.

(c) Appoint the members of all boards and commissions ~~when so authorized by the county board where such appointments are required after December 18, 1963 and~~ where the statutes provide that such appointment shall be made by the county board or the chairman of the county board. All appointments to boards and commissions by the county administrator shall be subject to the confirmation of the county board.

(3) ~~When authorized by the county board the~~ The county administrator may appoint an administrative secretary and such additional staff assistants as necessary.

(4) The county board shall fix the compensation of the county administrator, his administrative secretary and his staff assistants, ~~but the salary of an elected county administrator shall be established at least 90 days prior to any election held to fill the office.~~

(5) The county administrator shall annually, and otherwise as necessary, communicate to the county board of supervisors the condition of the county, and recommend such matters to them for their consideration as he deems expedient. Notwithstanding any other provision of the law, ~~when so authorized by the county board he may~~ shall be made responsible for the submission of the annual budget to the county board.

SECTION 5. 59.033 (6) of the statutes is renumbered 59.033 (8) and amended to read:

59.033 (8) A vacancy in the office of the county administrator *by reason of removal, resignation or other cause*, shall be filled by appointment by the ~~chairman~~ majority vote of the county board, ~~subject to confirmation by a majority of the county board.~~

SECTION 6. 59.033 (6) and (7) of the statutes are created to read:

59.033 (6) QUALIFICATIONS FOR APPOINTMENT. The county administrator shall be appointed solely on merit. In appointing the county administrator, the county board shall give due regard to training, experience, administrative ability and general qualifications and fitness for performing the duties of the office, and no person shall be eligible to the office of county administrator, who is not by training, experience, ability and efficiency qualified and generally fit to perform the duties of such office. No weight or consideration shall be given by the county board to residence, nationality, or to political or religious affiliations.

(7) REMOVAL. The county board may remove the county administrator at any time that his conduct of the county administration becomes un-

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satisfactory, and engage a successor. The action of the county board in removing the county administrator shall be final.

Approved November 13, 1969.

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