

STATE SENATOR KATHY BERNIER
TWENTY-THIRD SENATE DISTRICT



State Capitol • P.O. Box 7882 • Madison, WI 53707
Office: (608) 266-7511 • Toll Free: (888) 437-9436
Sen.Bernier@legis.wi.gov • www.SenatorBernier.com

From: Senator Kathy Bernier
To: Assembly Committee on Local Government
Re: Testimony on Assembly Bill 681
Relating to: Requiring a supermajority county board vote to enact ordinances that affect only towns.
Date: January 23, 2020

Thank you Chairman Novak and committee members for allowing me to testify on Assembly Bill 681 today. I am grateful for the opportunity to work with Rep. Plumer on this important piece of legislation.

As you know, counties are governed by elected boards with equal representation based on population. In counties with large urban areas, the county board membership is often concentrated with city and village residents. Cities and villages are incorporated entities and have statutory "home rule," meaning, county boards cannot pass laws that pertain to those municipalities unless state law allows it.

Wisconsin towns do NOT have home rule. County boards often pass ordinances or laws that pertain ONLY to towns. In this case, the percentage of board members that represent towns often times are outnumbered, by county board members who do not.

This legislation seeks to address that imbalance by requiring any ordinance or law affecting towns (and only towns) shall be adopted by a three-fourths majority of members elect. This should bring fairness to town residents who must abide the county ordinances that only pertain to them.

Ensuring fairness for state residents, no matter where they live, is why I ask you to please support the passage of Assembly Bill 681. Thank you again for allowing me to provide testimony today.



JON PLUMER

STATE REPRESENTATIVE • 42nd ASSEMBLY DISTRICT

Testimony on **AB 681** – Requiring a supermajority county board vote to enact ordinances that affect only towns

Assembly Committee on Local Government
Thursday, January 23, 2020
10:01 a.m. – 300 NE

I personally am in a unique position – I currently serve both on a county board and a town board and understand the issues that face both of them. That being said, I believe that, in counties that have a large population center surrounded by rural communities, towns could be negatively affected by decisions made at the county level. That is why I joined Senator Bernier in authoring this bill. County boards regularly decide issues that rural residents have to abide by. Depending on where they live, town residents may feel they do not have a voice in county government.

In counties with large urban centers, board members representing townships are often far outnumbered by those representing cities and villages. The urban areas dictate policy for the rural parts of the county made up of towns. Common examples of these types of issues include land use decisions, environmental regulations, and transportation regulations.

Also, cities and villages are incorporated entities and have statutory “home rule,” meaning, county boards cannot pass laws that pertain to those municipalities unless state law allows it. Wisconsin towns do not have home rule. **This legislation seeks to address that imbalance by requiring any ordinance affecting only towns to be passed by three-fourths of the membership of the county board (total members, not just those present at the meeting where the vote takes place).** This should bring fairness to town residents who must abide the county ordinances that only pertain to them.



January 23, 2020

Assembly Committee on Local Government
Attention: Chair Todd Novak
State Capitol
PO Box 8952
Madison, WI 53708

Chair Novak and Assembly Committee on Local Government Members:

This letter is in regard to Assembly Bill (AB) 681 which proposes requiring a supermajority of three-fourths the entire membership of the county board vote to enact ordinances that affect only towns. Marathon County first learned of this bill on January 21, 2020, two days prior to hearing. There has not been time to even convene a committee meeting to discuss the impact of this bill, let alone an opportunity for the board to evaluate the pros and cons of such a measure. I have had a limited opportunity to discuss this matter with staff. They have raised the following questions and concerns:

- Is the bill language vague and overly broad?
 - There is no explanation of the problem the legislation is aimed at solving.
 - The applicability of this bill is unknown. There is no definition of what the term “affect” means. Any legislative initiative that has a fiscal impact on the county arguably affects all residents subject to taxation. Is that only towns?
 - What about enactments that only affect one town? Wis. Stats., sec. 990.001(1), indicates the plural includes the singular. Therefore, a speed limit sign in one town will require a three-fourths majority vote.
 - The bill language may cause the courts to be asked to interpret the scope of the statute.
- The bill affects the County’s ability to adopt future or amend existing ordinances.
 - Examples include Marathon County’s Zoning, Land Division and Survey Regulations, Floodplain, Animal Waste Management, Livestock Facilities Licensing.
 - The board would be unable to act, if less than three-fourths of the entire membership was present.
 - Under normal circumstances, 100% attendance at board meetings does not occur in Marathon County. Legislation could be obstructed on a regular basis by the objection of one or two people, which would represent an extreme minority.
- Potential development throughout the State may be affected.
 - Examples include the development of subdivisions and/or business parks in Towns. A proposed subdivision plat which needs a rezoning would require a supermajority county board vote.
- Business growth and development in Towns may be affected.
 - An example would be if an individual wanted to start or expand a business and the parcel needs to be rezoned to accommodate the proposed business it would require a supermajority county board vote.
 - There is sincere concern that veto power could rest in the hands of a small minority.

- The bill may affect public safety and the Sheriff's Department 911 emergency response. An amendment to the Marathon County Uniform Addressing Ordinance to clarify or revise language would require a supermajority county board vote.

The American model of government has historically rejected the idea of forced unanimity. In Wisconsin, supermajority is largely reserved for budgetary amendment or public debt issues. That is because of the contractual nature of these legislative acts and the damage that can occur if the majority changes next month and tries to rescind financial obligations that have already been incurred.

Enactment of policy is different. It has long been recognized that requiring a supermajority for every legislative act, suppresses opposition and stifles debate because the power of a small minority to veto can also bring about enormous pressure by a much larger majority. Under those circumstances, eventual compromise is discouraged. Marathon County's overarching goal is to be the healthiest, safest, and most prosperous county in Wisconsin. This bill will directly impact our ability to carry out operations directed at achieving this goal.

I ask that this correspondence be added to the official record of the Committee on Local Government public hearing on AB 681. Thank you for considering our concerns.

Sincerely,



Kurt Gibbs
County Board Chair

cc: Assembly Committee on Local Government
Marathon County Legislators
Wisconsin Counties Association
Wisconsin Towns Association

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. It then goes on to describe the various methods used to collect and analyze data, including surveys and interviews.

3. The next section details the results of the data collection, showing a clear trend of increasing participation over time.

4. Finally, the document concludes with a series of recommendations for future research and implementation.

5. These recommendations include the need for continued monitoring and evaluation to ensure long-term success.

6. The document also highlights the importance of stakeholder engagement and communication throughout the process.

7. In summary, the findings of this study provide valuable insights into the challenges and opportunities of the current environment.

8. The authors hope that these findings will be useful to other researchers and practitioners in the field.

9. The document is intended to serve as a resource for anyone interested in the topic of [insert topic].

10. The authors would like to thank the following individuals for their assistance and support during the course of this project:

11. [Name], [Title], [Organization]

12. [Name], [Title], [Organization]

13. [Name], [Title], [Organization]

14. [Name], [Title], [Organization]

15. [Name], [Title], [Organization]

16. [Name], [Title], [Organization]