

Forms of County Government

A plain language discussion of the different forms of county government in Wisconsin

Basis. In Wisconsin, county government is generally considered the basis for local government. Article IV of the Wisconsin Constitution directs the state legislature to provide for “one or more systems of county government”; stipulates the powers of county boards; and provides for elected county officers. It provides for the legislature to confer “powers of local, legislative, and administrative character” for county boards, which are discussed in detail in the Wisconsin Statutes. It further provides for the constitutional elected officers at the county including coroners, registers of deeds, district attorneys, county clerks, treasurers, surveyors, and sheriff. Again, the duties, powers, and limitations are described in the Wisconsin Statutes.

Section 59.01 of the Wisconsin statutes establishes the county as a “body corporate.” Essentially, this gives the county government its authority to exist and operate as a governmental entity.

The ways Wisconsin counties conduct the business of local government are stipulated in the Wisconsin Statutes. They are found primarily under Chapter 59, however, there are other requirements and mandates relevant to county government spread throughout the statutes. Wisconsin counties have a great deal of flexibility in the type of government they choose for their county and even a good deal of flexibility in how each form of county government is interpreted through the provisions of “Administrative Home Rule.” Paragraph 59.03(1) of the Wisconsin Statutes authorizes administrative home rule for counties. Under “Administrative Home Rule” every county may exercise any organizational or administrative power, subject only to the Constitution and to any enactment of the legislature which is of statewide concern and which uniformly affects every county. This essentially means county boards can do whatever they wish in their local government provided it does not conflict with the Wisconsin

Constitution, the Wisconsin Statutes, or other actions of the Wisconsin legislature. Naturally, there are some other limitations to this, such as Federal law, court decisions, etc. but there is still a great deal of freedom in county government.

Forms of County Government. In compliance with Article IV of the Wisconsin Constitution, the legislature provided for three forms of county government. Those forms are the County Executive, County Administrator, and County Administrative Coordinator. The state provides for all counties to have an elected Board of Supervisors comprised of members of the electorate with powers authorized by Section 22, Article IV of the Constitution and specified by Section 59.10 of the statutes. In Wisconsin, there is no provision for a commission form of government where individual county supervisors are directly responsible for the operational aspects of any county department. In a true commission form of government, which still exists in some other states, members of the elected body are assigned responsibility for specific departments, i.e. an elected “commissioner” is assigned to supervise a specific department such as the highway department, veterans affairs, social services, etc. The elected official so assign actually supervises and directs the operations of that department and controls that department’s budget. While this is considered by some to be desirable because it places an elected person directly in charge of a government operation, this form of government has been in long-term decline because it has frequently been seen to encourage non-productive competition between commissioners and their respective departments; it distracts from the elected official’s primary responsibility of policy making and planning; and it places a person in charge of a department who frequently has no training or experience in government departments which have become increasingly complex. In the most severe cases, this form of government has also been considered more prone to official corruption. Hence, the Wisconsin legislature and statutes do not provide for this form of government. The title “supervisor” appears to be a primary source of the misinterpretation of the duties of Wisconsin County Boards of Supervisors. They do not directly “supervise” under Wisconsin law; they “oversee” through their policy making and budgeting authority.

County Executive. In the County Executive form of county government, a County Executive is elected by the citizens specifically to act in the capacity of Chief Executive Officer (CEO) of the county. While Milwaukee County is required to have a County Executive, any county in the state may choose this form of executive structure. This form of government is generally chosen due to such reasons as political climate, complexity of governmental issues in that county, projected growth, or some other issue or issues for which the citizens feel the need for a full-time elected CEO who answers directly to the citizens.

The County Executive coordinates and directs all administrative and management functions, appoints (subject to county board confirmation) and supervises department heads; appoints members to boards and commissions; also subject to board confirmation; submits the annual budget; and holds veto authority over board decisions, ordinances, resolutions, and appropriations. The county board can override vetoes of the County Executive with a 2/3 majority vote. In short, the County Executive is the highest level political leader in the county with powers and relationship with the board which can be generally equated to those between a Mayor and city council or the Governor and Legislature. While the county board of supervisors is restricted to legislative duties and oversight, the County Executive literally manages and supervises all departments and activities, both day-to-day and long-term via planning. This includes every county action and service except those performed by constitutional officers, such as the Sheriff, where the County Executive's authority is essentially limited to budgetary control.

County Administrator. The second form of county government provided for by the legislature is the County Administrator form. The County Administrator form of government is an optional form of government. It can be chosen but its adoption is not required anywhere by statute. This form of county government is very closely related to the City Manager form of government at the municipal level and is often chosen because population, growth, and/or complexity of government issues within the county are seen to require a full-time professional manager/administrator to ensure efficient service provision. The County Administrator is the Chief Administrative

Officer (CAO) of the county and is appointed by the county board “solely on merit” with no weight given to residence, political affiliation, etc. The County Administrator is responsible for coordinating all administrative and management functions of the county government and appoints and supervises department heads subject to county board confirmation. The statutes provide for the County Administrator to appoint members to boards and commissions, where statutes give this authority to county board or its chairperson, subject to board confirmation but, in a practice which is not uncommon, county boards sometimes retain this authority for the Board Chairperson. The County Administrator is responsible for preparing and submitting the annual budget, which must be approved by the Board of Supervisors before it becomes official, and answers to the county Board of Supervisors as a whole, not to the county board Chairperson.

A key point here is that the County Administrator “supervises” versus “coordinates”. Those department directors, who are not elected or Constitutional officers, work for, report to, and are evaluated by the County Administrator. Through this supervisory authority, the County Administrator is expected to manage/administer the daily business of county government. The County Administrator has hiring authority (subject to county board approval) and firing authority over department heads unless that authority is revoked by local ordinance by the Board of Supervisors. However, constitutional officers and elected department heads do not fall into this category. They do not “work for” the County Administrator but must recognize his/her authority regarding coordination between departments, resource allocation, and management issues outside of the non-supervised department which require coordination and support from other county departments. Essentially, the County Administrator must foster a relationship of trust and cooperation with those officer and department heads not under his/her supervisory control to effectively manage county operations. County Administrators commonly assume additional duties, especially in smaller populated and rural counties, such as Human Resources Director, Emergency Management Director, Media Spokesperson, and even IT Director, which further exemplifies the need for a broad education and experience level for prospective County Administrators.

Administrative Coordinator. County Administrative Coordinator is the third form of county government authorized by the state legislature and is probably the most misunderstood form. The legislature has mandated that, if a county has not adopted the County Executive or County Administrator form of government, it MUST adopt the Administrative Coordinator form of government. Commonly, those counties who do not employ a full-time professional as an Administrative Coordinator comply with this statutory requirement by appointing either the County Board Chair or a department head, such as the County Clerk, with the title and duties of Administrative Coordinator, almost as an additional duty. This usually occurs in smaller, more rural counties where the coordination of county services can be managed by someone on a part-time/additional duty basis.

The duties and authority of an Administrative Coordinator are similar to that of a County Administrator but the Administrative Coordinator does not have appointment authority and “coordinates” rather than “supervises.” The Administrative Coordinator’s duties can be compared to those of a city or Village Administrator who works under a mayor or village president. A Village Administrator coordinates daily municipal operations but must defer to the Village President for final decisions on non-routine matters. The county Administrative Coordinator performs in a similar manner with the County Board Chair holding final approval authority over non-routine decisions. However, remembering that Wisconsin counties have administrative home rule authority, the position of Administrative Coordinator can be made as strong or as weak as the Board chooses via local ordinance. Although the statutes do not give the Administrative Coordinator supervisory authority over department heads, the Board of Supervisors may give a limited amount of such authority to the Administrative Coordinator under their Home Rule authority if they so wish. The Administrative Coordinator can, like the County Administrator, be assigned additional duties that need to be performed but no other staffer exists to perform them. The Administrative Coordinator reports and answers to the Board of Supervisors and the Board Chair.

When a county comes to the conclusion that it requires a full-time professional to perform the duties of either County Administrator or

Administrative Coordinator, there are a number of criteria commonly considered essential for that person to be qualified for the position. Persons selected for these positions are generally expected to possess at least a Bachelor's Degree in Public Administration, Business Administration, Finance, Planning, or some other closely related field. A Master's Degree is often listed as "preferred" on advertisements for such positions. Experience in a staff position and/or as an assistant administrator or coordinator is commonly expected. Often, a period of five years of such experience before entering that primary administrative position is required. Candidates for either of these positions are routinely screened via background checks, criminal history checks, financial records checks, and reference checks prior to an offer being made for the position. A residency requirement is common in rural areas but less so in more urban areas. In short, a county with a County Administrator or full-time Administrative Coordinator should be able to count on an experienced, well-educated manager and leader to keep daily operations and service provision in order and operating at an acceptable level of efficiency while the Board of Supervisors concentrates on long-term visioning and legislation.

County Board of Supervisors. Now that we've discussed the three forms of county government provided for by the legislature via the statutes, the question arises, "How does the Board of Supervisors fit into this?" The Board of Supervisors role, as well as that of the individual supervisors, is collective and primarily legislative. There is NO operational authority vested in any individual supervisor. The County Board Chair holds operational authority when assigned the duty of Administrative Coordinator but not when there is a County Executive or County Administrator. Direction is given to the County Administrator, Administrative Coordinator, and department heads via the collective decision of the County Board, committees, and commissions via majority vote on a policy, resolution, ordinance, or simple vote for decision. The title of "Supervisor" does not denote actual supervisory authority. Individual supervisory authority over department directors occurs only in "Commission" forms of government, as noted earlier, which are not authorized in either the Wisconsin constitution or statutes. The board and supervisors direct the operations and service provision of the county through legislation (ordinances and resolutions), directives, plans (land use plans, capital

plans, etc.), and, probably most important, approving a budget. Controlling the finances is a far more effective tool for ensuring the desires of the board are met than attempting to perform on-the-ground supervision.

In reviewing the relationships in each of these forms of government, useful comparisons can be made using other levels of government and industry to better facilitate understanding. The relationship between the County Executive and the County Board can be seen largely as a local version of the same relationship as between the Governor and Legislature. The County Administrator can be easily compared to a Wisconsin City Manager working under the oversight of an elected City Council or a corporate CEO operating under the oversight of a board of directors. The relationship between an Administrative Coordinator and the Board of Supervisors is more complex because the Coordinator's level of authority is dependent upon how the Board of Supervisors view and define the position. Comparisons with a Chief of Staff or Executive Officer in higher levels of government or military organizational structure compare well in some cases. In others, it may closely mimic that of a County Administrator with just a few instances of operational authority retained at the board level.

Understanding the forms of government and the legitimate roles of elected officials, appointed officials, and staff departments is essential to good county government.