

Washburn County Board of Supervisors Resolution No. _____

RULES OF PROCEDURE, PART II

The Washburn County Board of Supervisors ordains the adoption of the County Board Rules of Procedure, Part II, as follows:

Fiscal Impact: None

Recommended for adoption by the Executive Committee this 8th day of November 2023.

Lolita Olson, Chair

_____,
Tim Kessler, First Vice Chair

Hank Graber, Second Vice
Chair

Stephen Smith, Member

Linda Featherly, Member

Part 2 of the County Board Rules of Order

**COMMITTEES OR ORGANIZATIONS OVER WHICH THE BOARD OF
SUPERVISORS OR ITS CHAIR HAS AUTHORITY**

Preface

Appointments are made in accordance with County Board Rules of Order Part I, paragraph 4.3 or specific statutes. Rule 13 governs committee procedure.

[Rule 4.3 Appointments, states the County Board Chair appoints members to committees authorized by the Board. Officers of such committees are selected by committee members. (See Rule 13.1) The Chair makes other appointments as authorized by statute.

Addition to Rule 13: The Board grant of authority to committees shall be liberally interpreted. The Chair, and first and second Vice-Chairs of the Washburn County Board may substitute for any county committee member as a voting member on those occasions when a committee member will be absent causing a lack of a quorum, at the request of the Committee Chair or Acting Chair.

The Chair of the County Board shall serve as an ex-officio member of all county committees. The Chair will vote only in case of a tie.]

I. COUNTY BOARD COMMITTEES (including the Health and Human Services Board)

1. AGING & DISABILITY RESOURCE CENTER (ADRC) COMMITTEE

The ADRC and Unit on Aging are fully integrated agencies in Washburn County, Wisconsin. The Washburn County Aging & Disability Resource Center (ADRC) Committee is designated as the Washburn County Commission on Aging.

MISSION STATEMENT

The Mission Statement of the ADRC of Washburn County is to provide older adults and people with physical disabilities or intellectual disabilities the resources needed to live with dignity and security, and achieve maximum independence and quality of life.

1) Membership

The ADRC Committee shall be comprised of five (5) County Board Supervisors. These elected officials, have a term limit on the ADRC Committee of three two-year terms. They can return to this committee after a break in service of at least one year.

2) Duties and Responsibilities

A) At the organizational meeting, the members shall elect a Chair and Vice Chair from members of the Committee.

B) Review Department annual budget and financial reports to refer it to the Finance Committee for further action.

C) The Committee shall confer and have policymaking responsibilities for the ADRC of Washburn County Department.

D) The ADRC Committee follow the policies and procedures as determined by the:

I. Aging & Disability Resource Center (ADRC) Network

a) WI Department of Health Services Division of Long Term Care Bureau of Aging & Disability Resources - ADRC contract Scope of Services requirements for the services provided by, the organization of, and the procedures performed by Aging and Disability Resource Centers (ADRCs). ADRCs are authorized under Wisconsin Statute §46.283 and subject to the requirements contained in Chapter DHS 10 of the Wisconsin Administrative Code.

II. Aging Network

a) Department of Health & Human Services Administration on Aging Older American's Act.

b) WI Department of Health & Human Services Wisconsin Elders Act Chapter 46.82 Wisconsin Statutes.

c) Wisconsin Bureau on Aging & Disability Resources Wisconsin Aging Network Manual of Policies, Procedures, and Technical Assistance

III. Transportation Network

- a) Wisconsin Department of Transportation Specialized Transportation Assistance Program for Counties 85.21 Wisconsin Statutes.

Quasi-Governmental Organizations:

ADRC GOVERNING BOARD

The Washburn County ADRC Governing Board and Aging Citizen's Advisory Committee is integrated, meeting both the ADRC and Aging network requirements. The ADRC Governing Board is advisory to the separate policymaking committee, ADRC Committee. The ADRC Governing Board meets these statutory requirements:

1. At least 50% of the combined board must consist of older adult representatives.
2. Elected officials must make up less than 50% of the combined board. One (1) county board member representing the ADRC Committee is appointed to the ADRC Governing Board.
3. Combined boards are required to have term limits that comply with the Wisconsin Elders Act. Generally, the term limits are two three-year terms. If the member is an elected official, their term limit may be three two-year terms. After a term limit has been reached, a member may return to the board after at least a one-year break in term service.
4. In Washburn County, the ADRC Governing Board has an odd number of members, comprised of either 9 or 11, depending on the interest from the community.
5. There will be no board members that have a conflict of interest, due to being part of a Managed Care Organization (MCO).

Board Composition Proportionality: Washburn County ADRC Governing Board				
Total Board Membership	Older People or Representative(s)	Adults with Physical Disabilities or Representative(s)	Adults with Intellectual Disabilities or Representative(s)	Non-Client Group
9	5	1	1	2
11-12	6	1-2	1-2	1-4

2 EXECUTIVE COMMITTEE

The Executive Committee strives to support the County mission statement:

Mission

Washburn County government exists to serve and protect present and future citizens, the environment and quality of life in a fiscally responsible way.

Membership

The committee is comprised of five (5) County Board Supervisors. Membership is comprised of the Chairman of the Board of Supervisors, Vice Chair, Second Vice Chair and two (2) additional members appointed by the County Board Chair. The County Board Chair chairs this committee.

Duties and Responsibilities

- A) Advise the Chair as to the County Board agenda.
- B) The Committee shall review county board rules of order and recommend changes, additions and deletions to the full County Board for their consideration.
- C) The Committee shall meet monthly or as needed, at the discretion of the County Board Chair.
- D) The Committee shall facilitate disputes between committee's and be the final authority on those disputes.
- E) Provides input to the County Board Chair for committee assignments.
- F) Committee of jurisdiction for the Administrative Coordinator and Corporation Counsel.
- G) The Committee reviews all legal claims filed against the County.

3 EXTENSION EDUCATION COMMITTEE

The powers and duties of the Extension Education Committee shall be as provided in Chapter 92 of the Wisconsin Statutes and in addition, said committee shall be charged with directing county-based University Extension education programs in the areas of: youth development, health and well-being, natural resources, agriculture and horticulture; and any other extension work that is authorized by local, state or federal legislation.

Statement of Purpose

Extension helps the people of Wisconsin apply university research, knowledge and resources to meet their educational needs wherever they live and work.

Membership

The committee is comprised of five (5) County Board Supervisors.

Duties and Responsibilities

- A) In cooperation with the university extension of the University of Wisconsin, the committee shall have the responsibility to formulate and execute the university extension program.
- B) Make available the necessary facilities to conduct local extension programs.
- C) Oversee programs, including but not limited to the training of group leaders and directing of group activities; individual or group instruction or consultation; demonstration projects, exhibits or other instructional means; group workshops, institutes, and conferences; creation of citizen advisory committees; dissemination of information by any appropriate means including press, radio and television; the imposition of fees for certain desired educational services when sufficient public funds are not available to cover costs; and cooperation with other local, state, and federal agencies.
- D) The committee shall confer with and have policy making responsibilities for the department and budgetary oversight.

- E) The committee shall meet at such intervals as are considered necessary to properly carry-out its functions and responsibilities.

4 FINANCE COMMITTEE

The Finance Committee strives to support the County mission statement:

Mission

Washburn County government exists to serve and protect present and future citizens, the environment and quality of life in a fiscally responsible way.

Membership

The committee is comprised of five (5) County Board Supervisors. The County Clerk and County Treasurer shall act as ex-officio members.

Duties and Responsibilities

- A) Prepare the annual budget and tax levy for County Board approval.
- B) Review and establish financial and investment policies.
- C) Monitor the operating and capital budgets and approve and recommend adjustments.
- D) Recommend resolutions for appropriations to the County Board.
- E) Have supervision of all general fiscal policies.
- F) Review and approve property and general liability insurance policies with the assistance from the Finance Director and County Administrative Coordinator. Review department's annual budgets and financial reports. Refer to the Finance Director or County Administrative Coordinator for further action if needed.
- G) Audit all current claims and accounts against the County.
- H) Approve bonds for county officers.

Departments of Jurisdiction

Finance	Clerk of Court
County Clerk	District Attorney
Register of Deeds	Judge, et al
Treasurer	Coroner

5 FORESTRY, PARKS AND RECREATION COMMITTEE

Mission

The Mission of the Washburn County Forestry is to manage, conserve, and protect natural resources on a sustainable basis for present and future generations. Natural resources, such as those provided by the Washburn County Forest, are the base for addressing the ecological and socioeconomic needs of society.

The primary powers, duties, procedures and functions of this committee are provided in Section 28.10 & 28.11 of the Wis. Stat., (County Forest Law), and in the 15 year County Forest Comprehensive Land Use Plan. In addition thereto, said committee shall be responsible for and have jurisdiction of all recreation activities on County Forest and other Forestry related county-owned lands.

- A) Said committee shall report annually to the County Board, and shall prepare budget and fee schedules for these facilities, reporting same to the Board for their approval.

Membership

This committee is comprised of five (5) County Board Supervisors.

Duties and Responsibilities

- A) Supervise the operation of the County Forest.
- B) Have general policy making responsibility for parks and recreation property operated, maintained and developed by the County.
- C) Set policies and recommend funding levels for establishing and implementing Park programs and activities in the Parks and recreation properties.
- D) Review Department annual budget and refer to the Administrative Coordinator/Finance Director for further action and review financial reports.
- E) The Committee shall confer and have policy making responsibilities for the Department.

6 HEALTH AND HUMAN SERVICES BOARD

By-LAWS of THE WASHBURN COUNTY HEALTH AND HUMAN SERVICES BOARD

ARTICLE I Introduction

The County Board of Supervisors have the primary responsibility for the overall health of the residents of the county which includes; the well being, treatment and care of persons experiencing social, mental and physical disabilities, the access to public health services for every member of the community and immediate emergency services for those individuals in need. These services are provided through a Department of Health and Human Services established by the County Board of Supervisors under Chapter 46.23 and 251, Wisconsin Statutes.

ARTICLE II Authorization

The Washburn County Health and Human Services Board (WCHHSB) was created and authorized to function by resolution of the Washburn County Board of Supervisors on March 13, 2003.

ARTICLE III
Health and Human Services Board Appointments, Composition, Terms, Replacements

Section 1 All appointments to the WCHHSB shall be made by the County Board of Supervisors pursuant to Section 46.23(4)(B).

Section 2 The WCHHSB shall consist of ten members.

Subsection 1 Six members appointed shall be County Board Supervisors.

Subsection 2 The remaining four members appointed shall be community representatives.

Subsection 3 The persons appointed shall have a recognized ability and demonstrated interest in health and human services.

Section 3 Appointments to the WCHHSB shall be for the following terms:

Subsection 1 County Board Supervisors shall serve for the length of their elected term.

Subsection 2 Community Representatives shall serve three-year terms.

Section 4 When it becomes necessary to replace a member before a term expires; the person appointed shall serve for the length of the unexpired term of the person being replaced.

Section 5 Applicants for vacancies of Community Representatives shall complete an application of interest. The WCHHSB shall review and recommend to the Washburn County Board of Supervisors all new Community Representatives.

ARTICLE IV
Definitions

“County Board” means the Washburn County Board of Supervisors.

“Board” and/or “WCHHSB” means the Washburn County Health and Human Services Board.

“Program” means the total range of services to people including, but not limited to: public health services, mental health services, developmental disabilities services, economic support services, alcohol and drug abuse services, services to children, youth and aging, and exceptional educational services.

“Director” means the Director appointed by the Washburn County Health and Human Services Board.

“Department” means the Wisconsin State Department of Health and Family Services.

ARTICLE V
Purpose of the Health and Human Services Board

Section 1 Responsible for developing policy and authorizing direction for all health and human services controlled by Ch 46,48, 51, 54,55 & 251 and 767.

Section 2 The WCHHSB acts as a governing and policy making body that has been authorized by the County to develop programs, plans and budgets for the program areas mentioned above.

ARTICLE VI
Powers and Duties of the Health and Human Services Board

Section 1 Within the limits of available state and federal funds and of county funds appropriated to match state funds, the WCHHSB shall provide for the program needs of persons suffering from social, mental and physical disabilities, assess the health status of the citizens, recommend policies that will improve the needs of County residents and assure that needed health services are provided under the following guidelines:

Subsection 1 Shall determine administrative and program policies within limits established by the Department.

Subsection 2 Shall establish priorities in addition to those mandated by the Department.

Subsection 3 Shall determine whether state mandated services are provided or purchased or contracted for with local providers, and monitor the performance of such contracts.

Subsection 4 Shall determine, subject to the approval of the County Board and with the advice of the Director whether services are to be provided directly by the County Department of Health and Human Services or contracted for with other providers and make such contracts.

Subsection 5 Shall represent Health and Human Service agencies, professionals and consumers of services in negotiations with state and federal government.

Subsection 6 Shall appoint a County Health and Human Service Director subject to the approval of the County Board on the basis of recognized and demonstrated interest in and knowledge of health and human services problems, with due regard to training, experience, executive and administrative ability and general qualification and fitness for the performance of the duties of the Director. The appointment is subject to the Personnel Policies and Procedures established by each County Board of Supervisors.

Subsection 7 Shall appoint advisory committees for the purpose of receiving community, professional or technical information concerning particular policy considerations.

Subsection 8 Shall determine the number and location of outstations when appropriate to meet service demands.

Subsection 9 May recommend the removal of Director for cause to the County Board which participated in the appointment of the County Health and Human Services Board, and such County Board may remove the Director for cause by a two-thirds vote, on due notice in writing and hearing of the charges against the Director.

Subsection 10 Shall develop Human Services Board operating procedures.

Subsection 11 Shall oversee the operation of one or more service delivery systems.

Subsection 12 Shall evaluate service delivery.

Subsection 13 Shall annually prepare a budget of proposed expenditures for the ensuing fiscal year in accordance with s. 46.031(1) & 251.10.

Subsection 14 Shall cooperate to the extent feasible with the school board, health planning agencies, law enforcement agencies, and other human service agencies, committees and planning bodies in the geographic area served by the WCHHSB.

Subsection 15 May perform such other general functions necessary to administer the program.

Subsection 16 Shall comply with state requirements.

Section 2 The Director shall have all of the administrative and executive powers and duties of managing, operating, maintaining and improving the programs of county health and human services. In consultation with the WCHHSB and subject to its approval, the Director shall prepare:

Subsection 1 An annual comprehensive plan and budget of all funds necessary for the program and services in which priorities and objectives for the year are established as well as any modifications of long-range objectives;

Subsection 2 Intermediate-range plans and budget;

Subsection 3 Such other reports as required by the Department and the County Board.

Section 3 The Director shall make recommendations to the WCHHSB for personnel requests and changes in program services.

ARTICLE VII Officers, Elections, Duties

Section 1 The officers of the WCHHSB shall consist of the following: a Chairperson and Vice-chairperson.

Section 2 The officers shall be elected by the WCHHSB for a two-year term.

Section 3 Duties of Officers

Chairperson – The Chairperson presides at all meetings of the WCHHSB and in general performs the duties usually associated with the office of Chairperson.

Vice-chairperson – The Vice-chairperson of the WCHHSB succeeds to the chairmanship in the event of the Chairperson's absence or disability. The Vice-chairperson undertakes such other responsibilities as the Chairperson may assign.

ARTICLE VIII

Standing Committees, Appointments

Section 1 There shall be three (3) permanent committees of the WCHHSB:
Coordinated Services Team
Permanence Planning Review Board
Preparedness Advisory Committee

Subsection 1 All standing committees will report directly to the WCHHSB.

Subsection 2 Composition and duties of each standing committee will be established by the WCHHSB upon recommendation of the director.

Subsection 3 Other Committees will be created by the HHSB as needed.

Section 2 All appointments to committees shall be made by the Chairperson with the approval of the WCHHSB.

ARTICLE IX

Meetings, Notices, Attendance, Voting

Section 1 The regular meeting of the WCHHSB will normally be on the second Monday of the month at the time and place designated. Special meetings of the WCHHSB and meetings of the committees shall be held at any time at the discretion of the Chairperson.

Subsection 1 All members shall be notified and provided with a copy of the agenda of all meetings at least 24 hours in advance.

Subsection 2 A quorum must exist to transact business.

Subsection 3 A quorum means a simple majority.

Section 2 All meetings shall be open to the public and it shall be the duty of the Director to see that the public is properly notified of all meetings through the county newspapers and/or radio stations.

Section 3 All members shall be required to attend all meetings of the WCHHSB unless excused by the chairperson. All committee members shall be required to attend meetings of the committee to which he/she has been appointed unless excused by the chairperson. If a committee member is absent with or without excuse from more than four meetings in a year the Chairperson may ask the County Board Chair to consider replacing the member. Committee members should notify the Chairperson and/or Director prior to the meeting if unable to attend.

Section 4 Each member shall be entitled to one vote for each issue or motion before the WCHHSB.

Subsection 1 The vote of a member shall be counted only if he/she is in person or attending virtually at an open meeting at the time the issue or motion is presented. Members are not allowed to attend or vote virtually in a closed session.

Subsection 2 All voting shall be voice, unless a member requests otherwise, and then only by majority vote of all members present.

Subsection 3 Results of all votes shall be declared by the Chairperson.

Subsection 4 All issues or votes will pass by majority of vote unless a specific majority is required per Wisconsin State Statutes, Washburn County Rules of Order, and or these By-Laws.

ARTICLE X

Resignations, Terminations

Section 1 Any member of the WCHHSB who wishes to resign from the WCHHSB shall send written notice in duplicate addressed to the Chairperson who will refer it to the County Board.

Section 2 All resignations from the WCHHSB, with the exception of the Chairperson, shall be in writing addressed to the Chairperson.

Subsection 1 In the event a WCHHSB member resigns his/her position prior to the completion of his/her term, the Chairperson with the consent of the majority of the WCHHSB members, shall recommend a person to fill the unexpired term of the resigned person to the Executive Committee. This shall be done at the next regular WCHHSB meeting following the date of resignation.

Section 3 The resignation of the Chairperson shall be in writing addressed to the chairman of the County Board of Supervisors.

Subsection 1 In the event the resignation of the Chairperson occurs prior to the end of his/her term of office, the Vice-chair shall assume the Chair position and an election shall be held for to elect a Vice-chair for the remaining term.

Section 4 Any WCHHSB member may be removed from the Board or Office for cause by two-thirds vote of the County Board, with due notice in writing and hearing of the charges against the person.

Subsection 1 A member may bring complaint against another member in writing submitted to the Chairperson.

Subsection 2 The member being removed shall be provided with a written notice thirty (30) days in advance of removal, which shall clearly state the reason(s) for the action.

Subsection 3 The member being removed shall have the right to present his/her case before the WCHHSB.

Subsection 4 A two-thirds vote of all members is necessary to remove a person from the Board or Office.

Subsection 5 Three consecutive unexcused absences shall be cause for termination.

ARTICLE XI

Health and Human Services Board Procedures

Section 1 The Chairperson shall begin each meeting with a request for roll call.

Subsection 1 Each member shall, when his/her name is called, shall indicate his/her presence by voice.

Subsection 2 The records shall notify the Chairperson of the number of members present and the number absent.

Subsection 3 The Chairperson shall determine whether a quorum exists.

Section 2 The Chairperson may request that the recorder read the minutes of the previous meeting.

Subsection 1 Following the reading of the minutes, the Chairperson shall ask for corrections or additions.

Subsection 2 If there are not corrections or additions, the minutes shall stand approved as written or read.

Section 3 The WCHHSB shall conduct its business in accordance with and in the order of the agenda developed for the particular meeting. The order of the agenda may be changed at any time for convenience but only with the approval of the majority of the WCHHSB members present.

Subsection 1 A motion shall not be entertained on any issue that is not a part of the agenda as published.

Subsection 2 On all issues, the Chairperson shall determine exclusively whether a motion is necessary.

ARTICLE XII Parliamentary Authority

Section 1 Robert's Rules of Order shall govern the conduct of business in all cases in which they are applicable and not in conflict with Wisconsin State Statutes, Washburn County Board Rules of Order or these By-Laws.

ARTICLE XIII Approval, Amendments

Section 1 These By-Laws shall become effective on the date they are approved by the County Board.

Section 2 These By-Laws can be amended at any regular meeting of the WCHHSB by a two-thirds vote of all WCHHSB members, provided that the amendment has been submitted in writing at the previous regular meeting. The amendment shall be approved by the County Board before it becomes effective.

7 HIGHWAY COMMITTEE

1) Membership

A five member committee to be elected at the organizational meeting. For the purpose of this election, the County shall be divided into three districts as follows:

District 1- Supervisory Districts 1,2,3,4,5,6,7 (N1/2 Co.)

District 2 -Supervisory Districts 8, 9, 10, 16, 17, 18, 19 (Ctr)

District 3 -Supervisory District 11,12,13, 14, 15, 20, 21 (S 1/4 Co.)

One member of the committee shall be elected from each district. Each member of the committee shall be elected by a separate vote of the entire Board. The remaining two members of the committee shall be selected at large

Nominations shall be by ballot with the two candidates receiving the highest number of votes in such balloting declared the nominees to be voted upon for election, provided the combined vote received by said nominees amounts to at least two-thirds of the total votes cast. The election of each member shall be by ballot.

The term of each elected member shall run from the day of election and shall be for two years to run concurrently with the Supervisory term.

Any vacancy in the committee shall not be filled until the next meeting of the County Board. Vacancies will be filled thru the election process for a specific district or at large.

Mission

The County Highway Committee shall have the general charge of the construction and maintenance of county highways and of all highways maintained by the County, shall have general charge of maintenance and repair of all county owned dams, and shall have the powers and duties delegated in Section 83.015 of the Wisconsin Statutes together with such specific powers and duties as may be from time to time delegated to such committee by specific ordinance or motion adopted by the County Board.

Duties and Responsibilities

- A) At the organizational meeting, the members shall elect a Chair, Vice Chair.
- B) Purchase and sell county road machinery as authorized by the Board.
- C) Determine if county construction and maintenance should be done by the Highway Department or by private contract.
- D) Enter into contracts in the name of the County.
- E) Direct the expenditure of highway maintenance funds received from the State and the County.
- F) Review Department annual budget and refer to the County Finance Director for further action and review financial reports.
- G) The Committee shall confer and have policy making responsibilities for the Department.

8 INFORMATION TECHNOLOGY COMMITTEE

1) Membership

The Information Technology Committee shall be comprised of five (5) County Board Supervisors. This Committee should include at least 1 member from the **three (3) of the** five (5) following committees: Finance, Law Enforcement, Personnel, Public Property, and Executive. **Duties and Responsibilities**

- A) At the organizational meeting, the members shall:
 - Elect a Chair and Vice Chair from members of the Committee
- B) Approve Information Technology Department goals and objectives.

- C) Approve Information Technology Department programs and projects.
- D) Approve procedures for county wide access of digital records.
- E) Approve Information Technology Department annual budget and financial reports.
- F) Approve Information Technology usage policy for the county.
- G) Approve long range technology plan for Washburn County.
- H) Review departmental technology to insure integration with county-wide plan.

9 LAND CONSERVATION/LAND INFORMATION COMMITTEE

The powers and duties of the Land Conservation/Land Information Committee shall be as provided in Chapter 92 of the Wisconsin Statutes, as it relates to the Land and Water Conservation Department. The committee shall be charged with the coordination of natural resource management and environmental protection activities in the county relating to agriculture, soil and water conservation, nonpoint source water pollution control, erosion control, groundwater protection, invasive species and wildlife damage.

The committee shall also review activities within the Land Information/Surveyor Office relating to the maintenance and modernization of land information systems within the county as provided in Chapters 47 and 59 of the Wisconsin Statutes.

Said committee shall report annually to the County Board and shall make special reports from time to time as the necessity may arise.

Membership

This Committee is comprised of (5) County Board Supervisors plus a person who is engaged in an agricultural use. "Agricultural use" is defined as crop or forage production; keeping livestock; beekeeping; nursery, sod, or Christmas tree production; floriculture; aquaculture; fur farming; and forest management. The committee may also appoint up to two citizen representatives.

Duties and Responsibilities

- A) Work with Wisconsin Department of Agriculture, Trade and Consumer Protection and the Wisconsin Department of Natural Resources to implement locally led and state funded conservation programs.
- B) Review Department annual budget and refer to the Finance Committee for further action and review financial reports.
- C) Shall have the powers and duties pursuant to Wisconsin Statutes 92.07 through 92.18.
- D) Develop and adopt standards and specifications for management practices to control erosion, sedimentation and non-point source water pollution.
- E) Distribute funds, encourage information and education programs, carry out preventative and control measures for soil erosion, enter into agreements, make tree planting equipment available, administer projects or programs, make and execute contracts, require monetary or service contributions, enter upon lands for planning or surveying purposes without being liable for trespass, and administer and enforce county ordinances.

- F) Review and approve spending of grant dollars issued through the Wisconsin Land Information Program pursuant to Administrative Rule Chapter Adm. 47
- G) Review and approve the County Land Information Plan pursuant to s.59.72(5)(b)(3), Wis Stats., and Adm. Rule 47.06(3)
- H) Review the Land Information/Surveyor Department annual budget and refer to the Finance Committee for further action and review financial reports.
- I) The committee shall confer with and have policy making responsibilities for the Department.

10 LAW ENFORCEMENT AND EMERGENCY MANAGEMENT COMMITTEE

This committee shall be comprised of 5 County Board Supervisors. The chair has the authority to set the agenda for committee meetings, preside over the meetings and make reports and recommendations on the committee's behalf.

Duties and Responsibilities

On behalf of the county board:

LAW ENFORCEMENT

- A) Provide financial oversight of the Sheriff's budget;
- B) Review and process bills;
- C) Inspect the jail once a year as required or more as needed;
- D) Review, modify and recommend for approval the Sheriff's budget proposal;
- E) Assist the Sheriff as needed, in the development and implementation of any proposed program, legislation, resolution, action or recommendation, which is in the best interest of the county and the safety of its citizenry which promotes the efficient, effective and safe operation of the Sheriff's Office and recommend such action to the county board.

EMERGENCY MANAGEMENT

- A) Provide policy direction and financial oversight to the Emergency Management Director;
- B) Ensure the compliance of any applicable Federal Laws, Wisconsin State Statutes and/or County Ordinances, Emergency Preparedness and/or Response Plans, the County-wide Emergency Operations Plan (EOP), Emergency Operations Center (EOC) Plans, any subset/accompanying plan(s) identified therein, and the oversight of the Local Emergency Planning Committee (LEPC) requirements, etc;
- C) Review and process bills;
- D) Review, modify and recommend for approval the yearly budget;
- E) Complete annual performance evaluation for Emergency Management Director.

11 LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)

1) Membership

Superfund Amendments and Re-authorization Act (SARA) Title III (Section 301 (c)) requires that the Committee consist of at least one (1) representative from each of the following groups; Elected State and Local Officials, Law Enforcement, Fire, Emergency Management, Health Professionals, Environmental, as well as representatives of facilities subject to the Emergency Planning requirements, and the Media. The County Board Chair shall appoint members to the Committee for a two (2) year term, subject to confirmation of the Board.

2) Duties and Responsibilities

- A) This Committee is an advisory Committee and not a policy making Committee.
- B) LEPC members shall elect a Chair and a Vice Chair from members of the Committee. The Emergency Management Director serves as the Recording Secretary and Information Director for the committee, and subcommittees. The Emergency Management Director is designated to serve as the Community Emergency Director at the direction of the Law Enforcement/Emergency Management Committee. The County Emergency Management Director will undertake those duties as assigned by the plan created under Title III, Section 33, and other responsibilities and duties assigned by the Emergency Management Committee.
- C) Local Emergency Planning Committee (LEPC)
 - a. Develop the Countywide Hazardous Materials Plan/Strategic Plan and Off-Site Facility Plan and appendixes in coordination with the Emergency Management Director, annually reviews the update and ensures that exercises are conducted as required.
 - b. Review the Off-Site Facility Emergency Plans submitted by facilities.
 - c. Publish annually, a notice in the local newspaper that the Hazardous Materials Emergency Response Plan/Strategic Plan Facility Off-Site Appendixes, Material Safety Data Sheets and Inventory Forms have been submitted under Section 324 of Title III, and are available for public inspection.
 - d. Provide information to the public as required in Section 312 of Title III, consistent with Section 322, Trade Secrets.
 - e. Receive and maintain copies of all EPCRA reports.
 - f. The Emergency Management Director makes the determinations along with the Facility Coordinators, necessary to implement the Hazardous Materials Plan/Strategic Plan.
 - g. Review and update LEPC Bylaws annually.

3. Authority

LEPC authority derives from the federal SARA Title III Legislation and Wisconsin Statutes treat any Local Emergency Planning appointed by a County Board as a department of state government and any member of such a committee as a department of state employee.

12 PERSONNEL COMMITTEE

MISSION STATEMENT:

The Washburn County Personnel Committee works with the Personnel Department to employ necessary, qualified employees and staff to provide the services mandated by the Washburn County Board. To administer to the needs and benefits of those employees as determined by negotiated contract and policy. These tasks are to be accomplished at the most fiscally responsible level possible.

It shall be the designated representative of the County Board relating to labor union negotiations and shall report their recommendations to the Board for action. No contract or agreement shall be considered adopted without County Board approval.

The committee shall act to effect and preserve an equalized scale of wages and salaries for all employees of the county in accordance with the provisions of fair and equitable job classification and compensation plan, or any such plan as may be adopted by the Board.

It shall consider and evaluate all requests and problems relating to wages and salaries of all county employees prior to the same being brought before the Board.

The committee will further be responsible for establishing and maintaining a uniform hiring policy and procedure. The interview panel will be selected and confirmed by the Personnel Office with input by the affected Committee. Generally no more than five individuals will serve on the interview panel. The composition of the interview panel for general positions shall generally consist of the HR Director (or designee), one County Board Member of either the current committee of jurisdiction, or the Personnel Committee, the Department Head and the Department Supervisor, if applicable. The composition of the interview panel for department head vacancies shall generally consist of one member of the committee of jurisdiction, Personnel Committee Chair, HR Director, Administrative Coordinator & County Board Chair. A subject matter expert may be included if the Personnel Director determines it to be appropriate. Careful selection will be made of panel members to ensure objectivity and job knowledge. Relatives or personal friends of the applicants will be excluded from serving on the panel.

1) Membership

The Personnel Committee shall be comprised of five (5) County Board Supervisors.

2) Duties and Responsibilities

A) At the organizational meeting, the members shall elect a Chair and a Vice Chair and provide leadership for setting policy pertaining to wages, benefits, hours, and other conditions of employment for all county employees including jurisdiction for the Personnel and General Administrative Policies.

- B) Administer the disciplinary procedure as outlined in the Personnel and General Administrative Policies.
- C) May review and approve filling budgeted open positions.
- D) Review new position requests that have not been budgeted and make recommendations to the Board for final approval.
- E) Review all new job descriptions.
- F) Review all employee reclassification requests.
- G) Establish parameters for the negotiation of wages, benefits, and other conditions of employment for the county's collective bargaining agreements.
- H) Hears employee grievances in an attempt to resolve employee issues and contractual disputes with the unions.
- I) Responsible for periodic performance appraisals of the HR Director and in conjunction with the Board.
- J) Review Department annual budget and financial reports to refer it to the Finance Committee for further action.
- K) The Committee shall confer and have policy making responsibilities for the Personnel Department.

13 PUBLIC PROPERTY COMMITTEE

1) Membership

The Public Property Committee shall be comprised of five (5) County Board Supervisors. The treasurer, county clerk and corporation counsel shall serve as ex-officio members.

2) Duties and Responsibilities

- A) At the organizational meeting, the members shall elect a Chair and Vice Chair from members of the Committee. General policy-making responsibilities for all building, remodeling, improvements or fixtures on County property, personal property and real estate, whether owned or leased, and operations, repairs and upkeep of such real estate with the exception of the Highway facility and Forestry real estate, shop and recreational facilities.
- B) Responsibility for the purchase and sale of all County land except for Highway right-of-way and County Forest Lands. All purchases and sales require County Board approval.
- C) Work with the Department Head on projects affecting the Department.
- D) Review Department annual budget and refer to County Finance Committee for further action and review financial reports.
- E) The Committee shall confer and have policy-making responsibilities for the Maintenance Department.
- F) Review the delinquent property taxes, tax foreclosures and the subsequent sale of foreclosed property.
- G) Conduct annual land and public property auction to dispose of excess personal property and tax deed land.
- H) Has responsibility for assessing space needs for County departments and plan for future needs and assign space with County Board approval.

14 SOLID WASTE

This committee shall be composed of a minimum of four Board members and three citizens appointed by the County Board Chair.

The primary responsibilities of the committee will be to establish an orderly plan for the handling of all county solid waste including recyclables, and present such a plan to the Board for its approval. Said committee will be the committee of authority for the maintenance and administration of the County Solid Waste Handling and Recycling Program.

15 VETERANS AND MILITARY AFFAIRS COMMITTEE

1) Membership

The Veterans and Military Affairs Committee shall be comprised of five (5) County Board Supervisors. Committee member preference will be Supervisors who are Veterans.

2) Duties and Responsibilities

- A) Assist and approves, at committee level the annual budget for the Washburn County Veterans Service Office.
- B) Oversees the operations of the Washburn County Veteran's Peace Memorial Wayside stones.
- C) Oversees the operations of the Washburn County Veteran's Service office.
- D) Communicates and coordinates with the Veteran's Commission for Washburn County.

16 ZONING COMMITTEE

The Zoning Committee will oversee the administration of the County Zoning Ordinances, conducting necessary hearings on proposed amendments and/or changes to such ordinances and reporting such recommendations to the County Board for their consideration. The committee shall also examine plats of proposed subdivisions, hold hearings on such proposals and submit their recommendations concerning them to the County Board.

1) Statutory Authority

The Washburn County Zoning Committee is hereby designated as the zoning agency pursuant to Wis. Stat. § 59.69(2)(a). The Zoning Committee shall be responsible for performing all duties and maintaining all rights and obligations set forth in Wis. Stat. § 59.69 or as otherwise delegated to a zoning agency.

2) Membership

The Zoning Committee shall be comprised of five (5) County Board Supervisors, and a designated additional County Board Supervisor as an alternate member.

3) Duties and Responsibilities

- A) At the organizational meeting, the Committee members shall elect a Chair and a Vice Chair.
- B) Review Department annual budget and refer to the Finance Committee for further action and review financial reports.
- C) The Committee shall oversee the following ordinances:
 - i) Wisconsin Statutes § 59.69 - Planning and Zoning Authority.
 - ii) Wisconsin Administrative Code NR 115 - Shoreland Zoning.
 - iii) Wisconsin Administrative Code NR 116 - Floodplain Zoning.
 - iv) Wisconsin Administrative Code DSPS 383 - Private Sewage Septic.
 - v) Wisconsin Statutes § 236.45 - Local Subdivision Regulation.
 - vi) Washburn County Ordinances Chapter 38- Land Development.
 - vii) Washburn County Ordinances Chapter 62 – Subdivisions.
 - viii) Washburn County Ordinances Chapter 74 – Utilities.
- D) Adopt policies used in the implementation of the Ordinances identified above, and recommend approval to the County Board.
- E) The Committee shall confer and have policy making responsibilities for the Department.

4) Rules and Bylaws of the Washburn County Zoning Committee

- A) Definitions
 - i) “Aggrieved person” means any person whose substantial interests are adversely affected by a determination.
 - ii) “Applicant” means any person, company, business entity or governmental body requesting permission from the County, which such action falls within the County Zoning Committee’s jurisdiction and requires the Zoning Committee’s approval to do or take such action that requires County approval.
 - iii) “Application” means any application, petition, or other written request made to the County by an individual, company, business entity or governmental body for permission to do or take such action that requires County approval and falls within the Zoning Committee’s jurisdiction.

- iv) “Bylaws” mean these Rules and Bylaws of the Washburn County Zoning Committee.
- v) “Chairperson” means the Washburn County Zoning Committee Chairperson.
- vi) “County” means Washburn County.
- vii) “County Board” means the Washburn County Board of Supervisors.
- viii) “Findings of Fact” means a statement of the Zoning Committee’s rationale behind the decision and facts that support the decision.
- ix) “Moot Question” means a hypothetical question or a question relating to a controversy that does not exist.
- x) “Substantial Evidence” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an Applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.
- xi) “Zoning Administrator” means the Washburn County Zoning Administrator.
- xii) “Zoning Committee” means the Washburn County Zoning Committee, which is also the designated zoning agency pursuant to Wis. Stat. § 59.69(2) (a).

B) Bylaws

- i) Adoption of Bylaws and Amendment of Bylaws.
 - (1) These Bylaws may be changed or amended from time to time by a majority vote of the Zoning Committee at any regular or special meeting.
 - (2) These Bylaws are hereby adopted pursuant to the statutory authority set forth in Wis. Stat. § 59.69(2)(c).
- ii) Interpretation of Bylaws.
 - (1) These Bylaws are supplementary to the provisions of the County Zoning Ordinance as they relate to the procedures of the Zoning Committee. In the event of a conflict between these Bylaws and the County Zoning Ordinance, the terms of the County Zoning Ordinance shall control.

- (2) These Bylaws are subject to and preempted by the Wisconsin Statutes, and any other applicable law or regulation. In the event of any conflict between these Bylaws and the Wisconsin Statutes or other applicable law or regulation, the Wisconsin Statutes, applicable law or regulation shall apply.

C) Jurisdiction, Powers, Duties, and Authority of the Zoning Committee

i) Committee of Jurisdiction.

- (1) In addition to the obligations set forth in Wis. Stat. § 59.69(2), the Zoning Committee shall be the Committee of Jurisdiction for the following:

- (a) The County Zoning Department.
- (b) Hear and make recommendations to the County Board for Applications for zone district changes.
- (c) Hear and make recommendations to the County Board for amendments to the County Zoning Ordinance.
- (d) Review and act on Applications for conditional use permits and special use permits.
- (e) Conduct public hearings when necessary as required by the Statutes, the County Zoning Ordinance, or other applicable law.

- (2) The Powers & Duties of the Zoning Committee include the following:

- (a) Draft Zoning Ordinances, Subdivision Ordinances and Sanitation Ordinances, and prepare any proposed amendments to Zoning Ordinances, Subdivision Ordinances and Sanitation Ordinances.
- (b) Make recommendations to the County Board for its action on proposed Zoning Ordinances, Subdivision Ordinances or Sanitation Ordinances, and any amendments thereto.
- (c) Hear and review proposed individual Zoning District amendments and make recommendations to the County Board on such proposed amendments.
- (d) Conduct public hearings that are required pursuant to the Wisconsin Statutes or the County Zoning Ordinance for

matters within the powers of the Zoning Committee's jurisdiction.

- (e) Hear, review and decide land divisions pursuant to Wis. Stat. Ch. 236, Wis. Admin. Code Ch. NR 115, and the Subdivision Control Ordinance.
- (f) Hear, review and decide Applications for conditional uses that are authorized and listed within the County Zoning Ordinance.
- (g) Oversee the administering of the County Zoning Ordinances.
- (h) Waive specific provisions of the Bylaws in a specific matter and upon request, set forth in herein upon due consideration of a matter's specific facts and circumstances.

- (3) At all times, the Zoning Committee shall act pursuant to the Wisconsin Statutes, the County Zoning Ordinances and any other applicable law or regulation that takes legal precedence over these Bylaws and applies to the work of the Zoning Committee.

ii) Limitations. Nothing herein shall be construed to give or grant to the Zoning Committee any of the following:

- (1) The power or authority to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official.
- (2) The power to grant or otherwise authorize any such variance from the terms and conditions of the County Zoning Ordinance.
- (3) Any other power that is within the jurisdiction of the County Board of Adjustment pursuant to Wis. Stat. § 59.694.

D) Officers and Duties

i) Zoning Committee Chairperson

- (1) Appointment; Election. The Zoning Committee shall elect the Zoning Committee Chairperson at the first Zoning Committee meeting following the organizational meeting of the County Board.
- (2) Duties. The Chairperson shall:
 - (a) Preside over and direct the conduct of all Zoning Committee meetings and hearings of the Zoning

Committee. In the event of a hearing conducted before the Zoning Committee, the Chairperson may administer oaths and compel the attendance of witnesses.

- (b) Report on all official transactions that have not otherwise come to the attention of the Zoning Committee.
- (c) Subject to these Bylaws and further instructions from the Zoning Committee:
 - (i) Direct the official business of the Zoning Committee.
 - (ii) Supervise the work of the Zoning Committee.
 - (iii) Request necessary help when required, coordinate the Zoning Committee's needs to the appropriate Staff, and assist the Zoning Administrator with preparation of Zoning Committee meeting agendas.
 - (iv) Decide all points of procedure or order, unless otherwise directed by a majority of the members in attendance on motion duly made and approved.

ii) Zoning Committee Vice-Chairperson

- (1) Appointment; Election. The Zoning Committee shall elect the Zoning Committee Vice-Chairperson at the first Zoning Committee meeting following the organizational meeting of the County Board.
- (2) Duties: The Vice-chairperson shall perform all the duties of the Chairperson in the event the Chairperson is not able to perform those duties.

iii) Zoning Committee Secretary

- (1) Election: The Zoning Administrator shall appoint a Secretary.
- (2) Duties: The Secretary, or the Secretary's designee, shall perform the following duties:
 - (a) Record and maintain permanent minutes of the Zoning Committee's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating the absence and reason for failure to vote.
 - (b) Keep records of its official actions.

- (c) Summarize accurately the testimony of those appearing before the Zoning Committee and keep an audio recording of all hearings.
- (d) Record the names and addresses (if provided) of all persons appearing before the Zoning Committee in person, or by attorney.
- (e) Subject to the Zoning Committee and Chairperson's discretion, conduct the correspondence of the Zoning Committee and have published in a local newspaper public notices of meetings or hearings as required by law.
- (f) File the Zoning Committee minutes and records in the office of the Zoning Department.
- (g) Act as the record custodian of all minutes, records and other materials deemed public records pursuant to a record retention policy adopted by the County or applicable state laws.
- (h) County staff, including, but not limited to, the Zoning Department staff and the County Clerk, shall assist the Secretary of the Zoning Committee in performing these duties.

E) Zoning Committee Meetings

- i) Time and Place of Meetings.
 - (a) Zoning Committee meetings and hearings shall be held on the fourth Monday of each month, unless otherwise determined by the Zoning Committee Chairperson.
 - (b) Zoning Committee meetings and hearings may otherwise be held, or may be cancelled, upon the determination of the Zoning Committee Chairperson, provided that all Zoning Committee members are notified by the Secretary at least 48 hours prior to such meeting or hearing, or within at least 48 hours prior to the cancelled meeting or hearing.
- ii) Open Meetings. All Zoning Committee meetings and hearings shall be open to the public and conducted in accordance with applicable Wisconsin law.
- iii) Closed Session Meeting. The Zoning Committee may call a closed session in accordance with Wis. Stat. § 19.85 upon the request of the Zoning Committee Chairperson and after a motion to go into closed session that is approved by majority vote.

- iv) Meeting Notices and Publication. The Zoning Committee Secretary, or the Zoning Committee Secretary's designee, shall comply with all applicable laws and regulations regarding publication and notices for Zoning Committee meetings and any hearing held before the Zoning Committee.
- v) Quorum. A quorum must be present to conduct the business of the Zoning Committee. A quorum shall consist of a majority of all members of the Zoning Committee. No action may be taken except by a majority vote of such quorum.
- vi) Order of Business
 - (1) The Zoning Administrator, with the input of the Chairperson, shall prepare an agenda for each Zoning Committee meeting, listing the matters of business at all meetings in the following order:
 - (a) Roll call.
 - (b) Approval of minutes of previous Zoning Committee Meeting.
 - (c) Call Public Hearing to Order.
 - (d) Statement, or summary of statement, by the Chairperson concerning public hearing procedures.
 - (e) Application requests and any accompanying public hearings required for each Application request in the following order:
 - (i) Rezoning Applications.
 - (ii) Conditional use permit Applications and special use Applications.
 - (iii) Ordinance amendments.
 - (f) Call Business meeting to order.
 - (g) Public Comments for Business Meeting.
 - (h) Review of Zoning Department Vouchers.
 - (i) Zoning Administrator's Report.
 - (j) Business Meeting Agenda Topics as Noticed.
 - (k) Unfinished business.

- (1) Adjournment.
 - (2) The order of business at any Zoning Committee meeting may be amended by consent of a majority of Zoning Committee members present at the given Zoning Committee meeting.
- vii) Robert's Rules of Order. Unless provided elsewhere in these Bylaws, Robert's Rules of Order shall govern the actions of the Zoning Committee and conduct of the meetings if not covered by these Rules.
- F) Proceedings of Public Hearings and Meetings
 - i) Appearances, Adjournments. At the time of the public hearing and meeting, the Applicant may appear on the Applicant's own behalf or be represented by a representative or agent. A motion passed to postpone, recess or adjourn until a date certain that is made at a noticed meeting date, to a future time and place certain, is adequate notice to the Zoning Committee members, the Applicant and the public of a new meeting date.
 - ii) Witnesses. The Chairperson may compel the attendance of witnesses and may require those wishing to testify to state their names and interests in the matter before the Zoning Committee. Testimony may be taken under oath administered by the Chairperson.
 - iii) Order of Public Hearings.
 - (1) A public hearing conducted at the same Zoning Committee meeting at the discussion or decision on that Application shall occur immediately prior to that decision or discussion on the agenda.
 - (2) Public hearings shall proceed as follows:
 - (a) Reading of the Application or a summary of the Application by the Zoning Administrator or Chairperson, as the Chairperson may determine.
 - (b) Determination of jurisdiction, if requested.
 - (c) Submission of the file to the Zoning Committee, which may include, but is not limited to information such as:
 - (i) The Town Board decision, Findings of Facts or other information from the Town.
 - (ii) Any City Council decision, Findings of Facts or other information from the City.

- (iii) Any Village Board decision; Findings of Facts or other information from the Village.
 - (iv) Zoning Administrator Report.
 - (v) Maps or surveys.
 - (vi) Inspection reports or other expert reports such as engineering reports, traffic studies, environmental report, soil test or other test results, and surveyor information.
 - (vii) Opinion letters, emails, and other letters of correspondence. Such letters and emails must be submitted to the Zoning Department by 4:30 p.m. on the Thursday prior Zoning Committee Meeting to be considered by the Zoning Committee. Letters and emails submitted after 4:30 p.m. on the Thursday prior Zoning Committee Meeting will not be considered. The Zoning Committee Chairperson shall conduct a roll call of the Zoning Committee Members to verify each letter or email has been read by each Zoning Committee Member. If a letter or email has not been read by all Zoning Committee members then the letter or email shall be read orally at the meeting.
 - (viii) Plot plans or sketches.
 - (ix) Photographs.
 - (x) Any other information that the Zoning Administrator deems relevant for the Zoning Committee to consider.
- (d) Applicant's statements and presentation of evidence, including but not limited to, further comments or presentation of additional evidence presented to the Zoning Committee.
- (i) An Applicant has the burden of proof to present evidence to support the Applicant's request. Such proof may include, but is not limited to, the following:
 - a. Letters from real estate professionals attesting to a positive impact of the proposal set forth in the Application on surrounding property values.

- b. Data supporting positive economic impact on the surrounding community and the County.
 - c. Data supporting the Applicant's statements regarding impact of such things as noise, increased light pollution, potential impacts on ground water or other environmental impacts.
 - d. Professional test results or reports such as traffic studies, environmental reports or soil testing.
 - e. Information regarding future development or plans should the Application be approved.
- (e) Members of the public in support of Application may make statements and present evidence.
- (f) Members of the public in objection to the Application may make statements and present evidence.
- (g) Members of the public who speak must state their full name and their township, county and state of residence before giving testimony. Speakers should also state whether they represent a client, group, or other association, whether the Speaker is in favor or opposes the proposal on which the testimony is being given, and other pertinent information. Speakers should confine their testimony to the facts and matters presented. Speakers should avoid repetitive testimony, and Speakers are encouraged to state that they agree or disagree with other comments to avoid repetitive testimony. A Speaker's testimony will be limited to three (3) minutes, unless additional time is provided for by the Zoning Committee Chair. When a Speaker chooses to be represented by an agent or attorney, as authorized under Sec. 38-3 of the Washburn County Code of Ordinances, said agent or attorney shall identify whom the Speaker is speaking for and shall be authorized to speak for the amount of time the Speaker would otherwise be allowed to speak. Orderly procedures require that each Speaker proceeds without interruption by others. All testimony will be addressed to the Zoning Committee and there will be no questions or arguments between individuals. The Zoning Committee is under no obligation to answer questions posed by the Speaker during the public hearing.

- (g) Staff recommendations.
 - (f) Questions by Zoning Committee members.
 - (g) Rebuttals as permitted by the Zoning Committee Chairperson.
- iv) Preliminary Matters. Following the reading of the application or petition, the Zoning Committee may hear arguments on the question of jurisdiction and request that briefs be filed on the point. The Zoning Committee may proceed with the hearing and the taking of testimony in any event and reserve its determination on a jurisdictional question until after hearing all testimony and render a decision on the merits as if it had jurisdiction. The Zoning Committee may make an immediate determination and close the hearing upon finding that it lacks jurisdiction. If the Zoning Committee determines by motion that it lacks jurisdiction, the Secretary shall record the decision as a vote to deny the request.
- v) Interruption; Decorum.
 - (1) Orderly procedure requires that all individuals proceed without interruption and all discussion be directed to the Zoning Committee.
 - (2) Members of the public, an Applicant's or an Applicant's representatives shall not engage in questioning or arguments during a public hearing or otherwise when the Zoning Committee is in session.
 - (3) The Chairperson may order any individual to leave the Zoning Committee meeting if the person does not engage in respectful and proper decorum, as determined within the Chairperson's reasonable discretion.
- vi) Questions and Debate. During the public hearing, the Chairperson, Zoning Committee members, and members of the staff may ask questions and make appropriate comments pertinent to the case; however, no member should debate or argue an issue with the Applicant. The Chairperson and Zoning Committee members may direct any question to the Applicant or to any person speaking in order to bring out all relevant facts, circumstances and conditions affecting the case and may call for questions from members of the staff.
- vii) Presentation of Evidence. All supporting evidence for and against each case shall be presented to the assembled Zoning Committee. The Applicant shall be responsible for the presentation of all information supporting his/her case.

- viii) Additional Evidence. The Zoning Committee may take a case under advisement for later consideration and determination, or may postpone additional action whenever it concludes that additional evidence is needed or future study is required.
- ix) Rules of Evidence.
 - (1) The Zoning Committee shall not be bound by rules of evidence set forth in Wis. Stats. Chs. 901, 904 and 910.
 - (2) The Zoning Committee shall be bound by applicable state laws, including but not limited to the presentation of Substantial Evidence in the request for a conditional use permit and rendering its determination based on Substantial Evidence, as set forth in Wis. Stat. § 59.69(5e).
 - (3) The Zoning Committee may exclude irrelevant, immaterial, incompetent, unduly argumentative or repetitious testimony, or evidence. For Applications requesting a conditional use permit, the Zoning Committee may exclude testimony or evidence that it does not deem to be substantial evidence.
- x) Chairperson to Rule on Admissibility. The Chairperson shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Zoning Committee present.
- xi) Record of Hearing and Meeting. All proceedings at a hearing and meeting shall be recorded by audio recording. The Secretary shall prepare a summary of motions, witnesses, appearances, roll call, votes, and all other matters constituting the substance of the proceedings. Verbatim transcripts of recorded proceedings shall not be prepared unless ordered by the circuit court by a writ of certiorari. The proceedings shall become part of the written record filed in the office of the Zoning Committee and open to the public.
- xii) Adjournments. When all Applications cannot be disposed of on the day set, the Zoning Committee may adjourn from day to day or to a day certain, as it may order, and such adjourned day shall be construed as a continuance of the hearing. Notice of such adjournment shall be given to the absent members of the Zoning Committee.
- xiii) Withdrawal of Applications. An Applicant may withdraw an Application at any time prior to the Zoning Committee's decision, but a pending motion to grant or deny the application shall have precedence over withdrawal. Withdrawal of the Application shall not entitle the Applicant to reimbursement of any Application fees paid by the Applicant to the County.

G) Decisions of the Zoning Committee

- i) Majority Vote Required. The concurring vote of a majority of the quorum of the Zoning Committee members present shall be necessary to approve, deny, or postpone any Application or other matter upon which it is required to under any Zoning Ordinance.
- ii) Decisions to be written. All decisions shall be in writing and contain the facts upon which the decision is based.
- iii) Decisions to be mailed.
 - (1) Within 30 days of the close of the hearing or meeting to which the Zoning Committee's decision relates, written copies of such decision shall be mailed to the Applicant, the local municipality, and when applicable, any other governmental body or state agency.
 - (2) The approval or granting by the Zoning Committee is deemed to constitute an order to the zoning official to issue a permit. A denial of the application or petition by the Zoning Committee is deemed to be an order to deny the permit.
 - (3) On matters in which the Zoning Committee is a recommending body for final decision by the County Board, the decision shall be mailed within 30 days after the County Board's decision on the application to the Applicant, the local municipality, and when applicable, any other governmental body or state agency.
- iv) Findings. In acting on any matters before it, the Zoning Committee shall make Findings of Fact supporting its action. The Zoning Committee may rely upon recommended Findings of Fact set forth by the Zoning Administrator or legal counsel in rendering its findings.
- v) Conflict of Interest; Disqualification; Abstention. The Zoning Committee shall adhere to the Washburn County Board of Supervisors Policy and Procedures Manual's provisions regarding conflicts of interest, disqualification and abstention.
- vi) Decision to Relate to Specific Property.
 - (1) The decision of the Zoning Committee shall be deemed as applying to the property that is the subject of the Application, rather than to the Applicant or owner of the property.
 - (2) Notwithstanding the foregoing, the Zoning Committee may determine and require that a conditional use permit be issued only to an individual Applicant or property owner for operation on a specific property that is included in the Application.

(3) The Zoning Committee may determine and require that any conditional use permit issued may not be transferrable or otherwise conveyed to any successor or assign.

- vii) Informal Advice or Statements Not Binding. Any advice, opinion or information given by any Zoning Committee member, the Zoning Administrator, or any other official or employee of the County, shall not be binding on the Zoning Committee.
- viii) Cases to be Determined Individually. No action of the Zoning Committee shall set a binding precedent. Each Application shall be decided upon its merits, upon the attendant circumstances, based on the evidence or information presented. The Zoning Committee shall not act arbitrarily or capriciously.
- ix) Order for Permit Valid for One Year. An order or approval by the Zoning Committee requiring a zoning official to issue a permit shall become void after one (1) year unless the Applicant shall have obtained such permit from the zoning official within such time, provided that the time may be extended when so specified by the Zoning Committee.
- x) Decisions to be filed with State. Copies of decisions on conditional uses and map or text amendments within the shorelands or affecting the Wetland/Shoreland District shall be sent to the appropriate district office of the Department of Natural Resources or as otherwise required by law. When required by applicable law, copies of decisions shall be provided to or filed with other governmental bodies or state agencies.
- xi) Appeals of Zoning Committee Decision. Any Applicant or other Aggrieved Person aggrieved by a conditional use, special use or any other decision in which the Zoning Committee is the decision-making authority may commence an action with the Washburn County Board of Adjustment to review the Zoning Committee's decision, in whole or in part, within 30 days of the date following the date of the signing of the Zoning Committee's decision letter. The date following the date of the signing of the Zoning Committee's decision letter is the first day of the 30-day appeal filing period.

H) Refiling and Rehearings

- i) One-Year Refiling Rule. No matter which has been acted upon by the Zoning Committee concerning the same or part of the same property shall be considered again within one (1) year from the date of the action, except as hereinafter provided.
- ii) Reopenings and Rehearings Limited. The Zoning Committee may not reopen any case upon which a previous hearing has been held, except to correct a manifest error.

- iii) Closure of Case. A case will be considered as heard and closed at such time as the Zoning Committee approves or rejects an Application or when it is considered closed by operation of these Bylaws.
- iv) Reconsideration on Zoning Committee Decision. A decision of the Zoning Committee may be reconsidered: (1) by motion to reconsider made at the same Zoning Committee meeting, which may be immediately disposed of without further notice, or (2) upon direction of the County Board of Supervisors, in which event the matter shall be placed on the Zoning Committee calendar for a subsequent public hearing and a new notice given without additional fee.
- v) Reconsideration Tolls Appeal Period. The filing of a motion for reconsideration shall stop the running of the 30-day period in which a petition to the County Board of Adjustment must be made. The 30-day period will run in such event from the date a decision not to reconsider is made by the Zoning Committee, or if the matter is reconsidered, from the date the decision on the reconsidered matter is filed in the Zoning Committee's office.
- vi) Procedures for Reconsideration. A simple majority vote shall be sufficient to reconsider a previous decision. If reconsideration is refused to an Applicant or Aggrieved Party who has requested reconsideration, the Zoning Committee shall enter on the minutes the basis of the request, the reason why it was refused, and the vote of the Zoning Committee members thereon.
- vii) Waiver of Requirements. The above provisions of H) Refilings and Rehearings may be waived by the Zoning Committee upon a majority vote of the Zoning Committee members present.

II. QUASI-GOVERNMENTAL ORGANIZATIONS

1 INDUSTRIAL DEVELOPMENT AGENCY

INDUSTRIAL DEVELOPMENT AGENCY LTD.
A NONPROFIT NONSTOCK CORPORATION

7/21/2008
ARTICLE 1

OFFICES

- Section 1 PRINCIPAL AND BUSINESS OFFICES: The Corporation may have such principal and other business offices, within Washburn County, Wisconsin, as the Board of Directors may designate.
- Section 2 REGISTERED OFFICES: The registered office of the corporation, as required by the Wisconsin Non Stock Corporation Law, to be within Washburn County,

Wisconsin, and said registered office need not be identical with the principal office in Washburn County, and the address of the registered office may be changed from time to time by the Board of Directors.

ARTICLE II

BOARD OF DIRECTORS

- Section 1 GENERAL POWERS: its Board of Directors shall manage the business and affairs of the corporation.
- Section 2 NUMBERS, CLASSES, AND QUALIFICATIONS: Pursuant to sec. 59.071, Wis. Stats. The total number of authorized directors of the corporation shall be eight (8). The Board shall consist of two classes of directors known as county directors and public directors. There shall be five (5) authorized county directors and three (3) public directors. The County Directors shall consist of the chairperson of Washburn County Supervisor and Washburn County Finance Committee, the Treasurer, and the Washburn Corporation Counsel, and Extension Resource Community Educator. If the County Board Chairperson and Finance Committee Chairperson are the same person, and additional County Officer appointed by the County Board shall serve as the County Director. Washburn County Industrial Development Agency Board Members shall nominate the public director and the final Board will be appointed by a majority vote of the County Board.
- Section 3 OPEN MEETING LAW: All meetings shall comply with Wisconsin's Open Meeting Law.
- Section 4 REGULAR MEETING: An annual meeting of the Board of Directors shall be held without other notice than this bylaw on the last Thursday in April beginning with the year 1989. The Directors may provide, by resolution, the time and place, for holding of additional regular meetings.
- Section 5 SPECIAL MEETINGS: Special meetings of the Board of Directors may be called by or at the request of the president, secretary, or any two directors. The president or the secretary calling the meeting of the Board of Directors may fix any place within Washburn County, as the place for holding any special meeting of the Board of Directors.
- Section 6 NOTICE; WAIVER: Notice of each meeting of the Board of Directors shall be given by written notice delivered or mailed in the regular mail (OR E-MAIL), to each director at his or her business address or at such other address as such director shall have designated in writing filed with the secretary, and in each case, not less than 72 hours before the time set for the meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail so address, with postage thereon, prepaid. WHENEVER ANY NOTICE WHATEVER IS REQUIRED TO BE GIVEN TO ANY DIRECTOR OF THE CORPORATION UNDER THESE BYLAWS, OR ANY PROVISIONS OF THE

LAW, A WAIVER THEREOF IN WRITING, SIGNED AT ANY TIME, WHETHER BEFORE OF AFTER THE DATE OF THE MEETING, BY THE DIRECTOR ENTITLED TO SUCH NOTICE CONSTITUTE A WAIVER OF THE NOTICE REQUIREMENTS). The attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends and objects there-at to the transaction of any business because the meeting was not properly called or conveyed.

- Section 7 QUORUM: A majority of the number of directors set forth in section 3 shall constitute a quorum for the transaction on business at any meeting of the Board of Directors, but a majority of the directors present (no less than such quorum) may adjourn the meeting from time to time without further notice.
- Section 8 MANNER OF ACTING: The act of the majority of the directors present at the meeting in which a quorum is present shall be the act of the Board of Directors, unless law requires the act of a greater number.
- Section 9 TENURE: Each County Director shall hold the office of director for so long as that individual holds the County Office or remains on the County Board. Each public director shall hold the office for a term of two (2) years. A public director may be removed from office, at any time and with cause, by an affirmative vote of a majority of the Board of Directors. A public director may resign at any time by filing his written resignation with the president. Public directors shall have (OR HAD) business interests Washburn County but need not be a resident of Washburn County, Wisconsin.
- Section 10 CONDUCT OF MEETING: The president, or in his absence, the vice-president, and in their absence, any director chosen by the directors present, shall call meetings of the Board of Directors to order and shall act as chairman of the meeting. The secretary of the corporation shall act as secretary of all meetings if the Board of Directors, but in the absence on the secretary, the presiding officer may appoint any member of the Board of Directors to act as secretary at the meeting.
- Section 11 VACANCIES: Any vacancy occurring due to removal, resignation or sickness of any public director shall be ratified by the County Board pursuant to Sec. 59.071 (5) (e) Wis. Stats.
- Section 12 COMPENSATION: The Board of Directors, by an affirmative vote of the majority of the directors then in office may establish reasonable compensation of all the directors for services to the Corporation as directors or officers.

2 WASHBURN COUNTY HIGHWAY TRAFFIC SAFETY COMMITTEE

Mission

The Highway Safety Committee strives to encourage and foster traffic safety in the county and its villages and towns.

Membership

The committee is composed of at least nine (9) members. Membership is comprised of the following:

- A) The County Highway Commissioner or designee.
- B) The Chief County Law Enforcement Officer or designee.
- C) The County Highway Safety Coordinator, designated by the County Board.
- D) An Education Representative designated by the County Board.
- E) A Medical Representative designated by the County Board.
- F) A Legal Representative designated by the County Board.
- G) A Division of State Patrol Representative designated by WisDOT.
- H) A Highway Traffic Engineering representative designated by WisDOT.
- I) A Traffic Safety Representative designated by WisDOT.
- J) Additional representation is encouraged.

Duties and Responsibilities

- A) Represent the interests of their constituency.
- B) Offer solutions to traffic safety related problems that are brought to the Commission.
- C) Report back to their constituency.
- D) Meet at least quarterly.
- E) Post meetings notice at least one week prior to meeting dates.
- F) Review traffic crash data from the county/city.
- G) Review other traffic safety related information.
- H) Prepare and maintain a spot map of traffic crash locations.
- I) Send recommendations for corrective actions in writing to appropriate government officials, businesses and other interested groups.
- J) File a report on each meeting with the Bureau of Transportation Safety.

Applicable Statutes

Section 59.07(34)(m), Section 62.135, Section 66.0485 and Section 83.013

3 LAND INFORMATION COUNCIL

Mission

The land information council is set forth in Wis. Stat. 59.72(3m). The Mission of the Land Information Council is to assist and advise the Land Information Office in the modernization of land records within the county.

Membership

The council shall consist of not less than 8 members as follows:

1. Register of Deeds or designee
2. County Treasurer or designee
3. Real Property Lister or designee

4. One County Board Member.
5. A representative of the land information office
6. A realtor or member of the Realtor Association employed within the county
7. A public safety or emergency communications representative employed within the county
8. The county surveyor.
9. Any other members of the board or public that the board designates.

Duties and Responsibilities:

- A) The council shall review the priorities, needs, policies and expenditures of the land information office and advise the county on matters affecting the land information office.
- B) Review and approve the County Land Information Plan pursuant to §.59.72(5)(b)(3), Wis Stats., and Adm. Rule 47.06(3).
- C) Provide the Land Information Office direction and oversight of grant dollar spending received through the Wisconsin Land Information Program pursuant to Administrative Rule Chapter Adm. 47.

4 VETERANS SERVICE COMMISSION FOR WASHBURN COUNTY

The Veteran's Commission for Washburn County is commissioned by the State of Wisconsin under Wisconsin Statutes 45.81 through 45.86 and is interpreted by the Attorney General and Washburn County Corporation Counsel.

Mission

The Commission strives to assist all eligible Veterans' of Washburn County with qualifying needs.

Membership

The Veterans Service Commission shall be comprised of three (3) residents of the County. The residents shall be Veterans appointed by the County Board Chair to staggered 3 year terms. The Commission shall elect a chairperson on or before the 2nd Monday of December each year.

Duties and Responsibilities

- A) The Commission has been charged by County Board Resolution to provide transportation to all ambulatory Washburn County Veteran's having appointments at VA Medical Centers and establish the policies necessary to complete the service.
- B) Annually provide a budget and report to the Washburn County Board.
- C) Communicate and coordinate with the Veteran's and Military Affairs Committee.

- D) Provide assistance to needy Veterans, spouses, surviving spouses, minor and dependent children of Veterans.
- E) Provide care of Veterans graves including the graves of Veterans spouses.

5 ZONING BOARD OF ADJUSTMENT

SECTION I General Provisions

1. Authority:

This Board has been established pursuant to Section 59.694 of the Wisconsin Statutes, and assumes thereby, all responsibilities, duties, and powers as provided therein and by related statutes. A copy of these rules shall be filed with the County Clerk, and kept as public record. These rules are supplementary to the Zoning Ordinance provisions of the County as they relate to the procedures of the Board of Adjustments, and available to the public.

2. Title:

The Official title of the Board is: The Washburn County Board of Adjustments.

3. Membership:

The Board shall consist of five (5) members who shall be appointed by the Chairperson of the County Board, with approval of the County Board, for terms in accord with § 59.694 (2)(a), Wis. Stats., together with two (2) alternate members as prescribed in § 59.694(2)(am), Wis. Stats.

4. Conflicts of Interest:

A member of the Board who has any direct or indirect interest, personal or financial, in any matter coming before the Board for a hearing, shall disclose said interest to the Board in advance of the hearing. No such member shall participate in the hearing or in the following deliberation, nor shall such member vote on such matter. A conflict of interest requiring disqualification shall include the following:

- a) When a member or his or her spouse is applying to the Board on an appeal or for a variance or is related within the third degree of consanguinity to the applicant.
- b) When a member is the employer or employee of the applicant or is a member or stockholder in a partnership, corporation or other form of association or is a sole proprietor of an entity seeking to appeal a decision or asking for a variance.
- c) If a member owns real estate within 300 feet of the property that is the subject of the application for a hearing.

In all other situations, each member shall be guided by Wisconsin law and Washburn County Ordinances as to whether a conflict of interest exists, requiring or recommending to an individual member that he or she should choose not to participate.

5. Limitations:

Nothing herein, shall be construed to give or grant to the Board, the power or authority to alter or change the Zoning Ordinance or zoning of other official maps of the County, which authority is reserved to the Zoning Committee and County Board of Supervisors.

6. Board's Office:

The office of the Board shall be located at the Zoning Administrator's office. All records of the Board shall be available for public inspection during office hours, 8:00 a.m. to 4:30 p.m., Monday thru Friday, except legal holidays.

SECTION II Officers and Duties

1. Officers:

The Board shall elect a Chairperson, and a Vice-Chairperson, from among its regular members. The officers shall hold office until their successors are elected. The Board may, at any meeting or hearing, elect from among the membership, the replacement for an officer who for whatever reason is unable to perform the duties of his/her office.

2. Duties of Officers:

The Chairperson, if present, otherwise the Vice-Chairperson, shall preside over and direct the conduct of all meetings and Hearings of the Board and may administer oaths, and compel the attendance of witnesses. The Chairperson shall report on all official transactions that have not otherwise come to the attention of the Board. The Chairperson shall direct the official business of the Board; supervise the work of the Board. The Chairperson, or the presiding officer, shall decide all points of the procedure or order, unless otherwise directed by the majority of the members in attendance on motion duly made and approved.

- a) The Board shall record minutes of the Board's proceedings, showing the vote of each member on each question or, if absent or excused from participation, the fact of said absence or recusal. The Board shall also maintain records of its official actions and shall keep a verbal record of all hearings which shall include the names and addresses of all persons appearing before the Board in person or by an attorney and it shall publish in the official newspaper the notices of meetings and hearings as required by law. The Board shall file all of its records with the County Zoning Administrator, who shall act on behalf of the Chairperson of the Board in maintenance and preservation of those records. At all times the Chairperson of the Board, subject to delegation of duties under this provision, shall be deemed to be the custodian of the Board records in accord with the Public Records Law.

- b) Staff of the Zoning Department shall perform clerical duties and functions on behalf of the Board.
- c) Minutes of closed sessions shall be separated from those of open sessions and shall remain confidential until such time as when, in accord with Wisconsin Law, they shall be deemed to be subject to a public records request.

SECTION III Meetings

1. Time:

Meetings and hearings of the Board shall be held at the call of the Chairperson, provided that all Board members are notified at least 48 hours in advance of any meeting or hearing. In the alternative, if a majority of the regular members of the Board deem it necessary or appropriate to call a meeting and the Chairperson does not agree, such majority of the regular Board may call a meeting on 48 hours notice, as well. Meetings and hearings may be cancelled upon notice at least 24 hours in advance thereof.

2. Open Meetings and Hearings Format; Closed Sessions:

All meetings and public hearings held by the Board shall be open to the public. The only exception to this shall be those portions of meetings, which are duly convened into closed session in accord with § 19.85, Wis. Stats. No closed session shall be held by the Board under § 19.85 (1) (a), Wis. Stats., for deliberation purposes except in relationship to an evidentiary hearing held under § 19.85 (1) (b), Wis. Stats.

3. Quorum:

A quorum shall consist of a majority of all members of the Board and no action may be taken except by a vote of the members present. If a quorum is not present, a lesser number of members may adjourn the meeting to a time certain.

4. Parliamentary Procedure Guide:

The Board shall be guided by but shall not be considered to be bound by the rules of procedure set forth in Robert's Rules of Procedure.

5. Notice of Meetings:

All hearings and meetings of the Board shall be held upon notice to the public and to interested persons, which shall be posted, published or personally served or mailed in accord with the relevant provisions of Wisconsin Law. In addition, for notice purposes, the Board shall comply with the Open Meetings Law, Subch. IV, Ch. 19, Wis. Stats., with respect to the timing, means of noticing and contents of such notices.

SECTION IV Appeals and Variances

The powers and duties of the Board of Adjustments are identified in Sections 59.694 (7) of the Wisconsin Statutes and in the Washburn County Zoning Ordinance. The Board shall have the following general powers:

APPEALS:

- ❑ To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of the Zoning Ordinance. In exercise of its power to grant or deny appeals, the Board may affirm or reverse the administrator, in whole or in part, or it may modify the order, requirement, decision, or determination in question and may make such order, requirement, decision or determination as ought to be made and to this effect shall have all of the powers of the administrator from whom the appeal is taken.

VARIANCES:

- ❑ To authorize, upon appeal in specific cases, such variance of the Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in un-necessary hardship and so that the spirit of the ordinance shall be observed, public welfare and safety secured and substantial justice done.
- ❑ In accord with Osterhues vs. Bd. of Adjustment for Washburn County, 282 Wis. 2d 228 (2005), before proceeding to a hearing on the merits on such appeal, the Board shall decide whether or not it wants to determine the case solely upon the basis of the record of evidence presented to the administrative official, in which case it shall render an independent decision on that basis alone or, in the alternative, whether it wants to take new testimony and evidence to supplement the record from below, in which event its determination shall be based upon the evidence as supplemented in the form of a de novo hearing. In making the decision of whether or not to allow the supplementation of the record from below, the Board shall be guided by its analysis of whether the said record is sufficiently complete as to allow the Board to rely upon it as presenting to it a factual basis upon which to render its determination. To this extent, the Board may choose to perform a review of the record to enable it to make this preliminary determination.

A Variance:

- ❖ Shall be consistent with the spirit and intent of the Zoning Ordinance, for which the stated purpose of the Zoning Ordinance or state law may act as a guide.
- ❖ Shall not permit a use which is inconsistent with the law governing the granting of use variances.
- ❖ Shall not be granted unless it is shown that the variance will not be contrary to the public interest or damaging to the rights of other persons or property values in the area.

- ❖ Shall not be granted for land uses or spatial purposes, which logically require pursuit of an amendment to the Zoning Ordinance.
- ❖ Shall not be granted on the basis of economic gain or loss.
- ❖ Shall not be granted for a self-created hardship.
 - Be responsible for the interpretation of any of the provisions of the Zoning Ordinance, which may to be clarified in regard to a specific situation or peculiarity.
 - Hear and decide Appeals on the extension of structures, buildings, or premises devoted to non-conforming uses.
- ❖ Shall not be granted in the Floodway or Wetland/Shoreland Zoning Districts.
- ❖ In determining whether to grant or deny a variance, the Board shall be guided by the principle that it is only under circumstances where the applicant will suffer an unnecessary hardship that a variance is allowed. For the purposes of “area” variances, the standard to be applied is that “compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. For purpose of “use” variances, the standard to be applied is that in the absence of the variance, the owner will have no reasonable use of the property. State v. Kenosha County Board of Adjustment, 218 Wis. 2d 396 (1998) and State v. Waushara County Board of Adjustment, 271 Wis. 2d 547 (2004).

SECTION V Application and Appeal

To implement its powers in the hearing of appeals from the decisions and determinations of administrative officials, the Board may choose at the onset of the public hearing held in the matter of such an appeal to first determine whether or not to take additional evidence. If it decides to do so, it may either proceed to hold the hearing at that time or it may vote to adjourn the hearing to another date and time. If it decides not to take additional evidence, the applicant shall proceed to present his or her case to the Board for its consideration in conjunction with the record from below.

1. The applicant or appellant, his/her agent, or attorney shall file applications to the Board and appeals from the Zoning Administrator’s decision, with the Zoning Administrator. Appeals may be filed by any person aggrieved or by an officer, department, Board, or by the Town affected by the Zoning Administrator and/or Zoning Committee’s decisions on Conditional Use Permits. Appeals from the Zoning Administrator and Zoning Committee’s decisions, must be filed within thirty (30) days after the decision, in writing, is made and filed.

Each appeal or application shall be considered by the Board at its next available meeting, provided there is sufficient time between the date of the filing and the date of the meeting for the required Hearing Notices to be published, as established by law.

2. State Reasons:

The reason for the application or Appeal, must be stated and the reasons why the request should be granted, must also be stated by the applicant:

- a) If a variance, facts should be stated upon which findings may be made by the Board to justify the granting of the Variance.
- b) If an appeal is based on an alleged error or abuse of discretion of the Zoning Administrator, facts should be stated as to the nature thereof.

The Board may refuse to hear a case upon the failure of the applicant to supply the required information called for, on the forms, and as further required by the Zoning Administrator.

3. Notices:

The Zoning Office shall transmit notices to the Board of Adjustments, copy in Zoning Office files, to Clerk of the Town Board, and where applicable, affecting property within the shore lands, notice to the Department of Natural Resources.

Notice of each Hearing will include:

- a) Publication of a Class 2 Hearing notice in the designated County Newspaper.
- b) Notice to the applicant, and where required, Department of Natural Resources, ten (10) days before the Hearing.
- c) Notice to the Town Clerk and Chairperson, no less than one week prior to the Hearing.
- d) Notice of hearing to City Clerk, Village Clerk, or Village President, when property affected, lies within 1½ miles of the closest city or village limits. The municipality (town, city, village) will be requested to submit their decision on each application involved in their jurisdiction. This decision shall be signed by the Board members and attested by the Clerk

The Board of Adjustments, in granting or denying the variance requested, may consider the decision of the municipality.

- e) Notice and the applicant's request, shall be sent to property owners within three hundred (300) feet of the perimeter of the affected property. The Board may consider comments from the surrounding property owners.

Failure of such opinion letter to reach any property owner shall not invalidate any decision made on a Variance.

4. Effect of Appeal:

An appeal shall stay all proceedings and furtherance of the action appealed from, unless the officer, from whom the appeal is taken, shall certify to the Board of Adjustments, after notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stated, otherwise than by a restraining order, which may be granted by the Board of Adjustments, or by a court of record on application and notice to the officer from whom the appeal is taken, and on due cause shown.

5. Fees:

The applicant shall pay such fee as established by the Zoning Committee, and shall be deposited to the Zoning Office, for each application, before a public hearing will be scheduled.

SECTION VI Hearing Procedure

1) Appearances:

Effect of Non Appearance; Adjournments; Production of Witnesses and Evidence Upon Demand of Chairperson

- a) Each applicant shall appear before the Board at the time and on the date scheduled for a hearing on his or her matter. Appearances shall be made in person and each applicant may choose to be represented by an attorney or agent of his or her choice. The failure of an applicant to appear may result in dismissal of his or her appeal or variance application
- b) In its sound discretion, the Board may move to table an application or adjourn the hearing in the matter to a date and time certain.
- c) The Chairperson may request the attendance of witnesses or the production of evidence, if deemed necessary and not produced by the parties to an appeal or application.

2) Order of Hearings:

Hearings on cases shall normally follow as:

- a. Application read, and reason for denial by the administrative official.
- b. Determination of jurisdiction, if requested.

- c. Applicants file which may include: The Town Board's decision when applicable, City or Village Council decision; maps or surveys; inspection reports; opinion letters; correspondence; soil test results; plot plan or sketches; and application.
- d. Applicant's statements and presentation of evidence of a hearing.
- e. Others in support of applicant, making statements, and if any, presentation of evidence.
- f. Objector's statement, and if any evidence, presentation.
- g. Staff recommendations, when requested.
- h. Questions by Board members.
- i. Rebuttals as permitted by the Board.
- j. Deliberations and decisions by the Board.

The Board reserves the right, on a case by case basis, to deviate from the above stated format.

3) Preliminary Matters:

Following the reading of the application, or appeal, the Board may hear arguments on the question of jurisdiction and request that briefs be filed on the point. The Board may proceed with the hearing and taking of testimony; in any event, and reserve its determination on a jurisdictional question until after hearing all testimony and render a decision on the merits as if it had jurisdiction. The Board may make an immediate determination and close the Hearing, finding it lacks jurisdiction. If the Board determines by motion, that it lacks jurisdiction, the decision shall be recorded as a vote to deny the request.

Orderly procedure requires that each side shall proceed without interruption by the other; that all arguments shall be addressed to the Board, and that there be no questioning or arguments between individuals.

Witnesses shall be identified to the Board by the parties who call upon them to testify. In the case of other interested persons who seek to testify for or against the applicant, each such person shall identify him or herself to the Board as well as to state their interest in the proceedings. All testimony shall be addressed to the Board.

4) Questions and Debate; Evidence:

During the hearing, the Chairperson, Board members, or its legal counsel, together with staff of the Zoning Department, may ask questions of the applicant and all witnesses participating in the hearing. Such questioning shall be for the purpose of

bringing out relevant facts, circumstances and conditions which may affect the matter and assist the Board in arriving at its decision.

All supporting evidence for and against each case shall be presented to the Board. The applicant is responsible for presentation of information supporting his/her case. The Board may take notice of relevant facts on its own motion or that of a party to the proceedings.

5) Additional Evidence; Rules of Evidence:

The Board may take a case under advisement for later consideration and determination, or may “table” or defer action whenever it concludes that additional evidence is needed, or at the Board's discretion, on-site inspections, or further study is required.

The Board shall not be bound by court rules of evidence, but it may exclude irrelevant, immaterial, incompetent, unduly argumentative, or repetitious testimony, or evidence.

The Chairperson shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Board members.

Persons having an interest in the case may attend the hearing and may request an opportunity to testify provided they identify themselves.

6) Record of Hearing:

All proceedings at a hearing shall be tape recorded or, at the option of the Board, recorded by a court reporter. On record there will be a summary of motions, witnesses, appearances, roll call votes, and all other matters constituting the substance of the proceedings. Verbatim transcripts of recorded proceedings shall not be prepared unless ordered by the Circuit Court by a Writ of Certiorari. The proceedings shall become part of the written record filed in the Zoning Office, and open to the public.

7) Adjournments:

When the applications or appeals cannot be disposed of on the day set, the Board may adjourn from day to day or to a certain, as it may order, and such adjourned day shall be construed as a continuance of the hearing. Notice of adjournment shall not be given to the absent members of the Board.

8) Application Withdrawal:

An applicant or appellant may withdraw an application or appeal at any time. Withdrawal of an application or Appeal shall not entitle the applicant to a refund of the filing fee.

SECTION VII Decisions of the Board

1. Majority Vote Required:

The concurring vote of a majority of all members present and who participated in a hearing shall be necessary in order to approve, deny, or table any matter, which comes before the Board for its consideration.

2. Decisions:

Each decision shall be in writing and shall set forth the ultimate facts upon which it is based. The Board may choose, in its discretion, to file formal findings of fact and conclusions of law but if it does not do so in a given case, the record of the proceedings, upon the basis of which decision was made, shall be substituted for formal findings and conclusions.

Within thirty (30) days of the close of the hearing to which the decision relates, written notice of such decision shall be mailed to the applicant, and town clerk, when within the shore lands, or affecting the Wetland/Shore land district, to the Department of Natural Resources. The approval or granting by the Board is deemed to constitute an order to the Zoning Office to issue a permit. A denial of the application or appeal is deemed to be an order to deny the permit.

The decision of the Board shall apply solely to the parcel of real estate, which is identified as being the subject of the application for a variance or appeal. No Decision shall apply to any other property, nor shall any decision of the Board be considered to create precedent. Unless otherwise set forth in the decision, both variances and appeal decisions shall be deemed to run with the identified parcel.

No action of the Board shall set a binding precedent. Each case shall be decided upon its merits and attendant circumstances, provided the Board shall not act arbitrarily or capriciously.

3. Findings of Fact:

In acting on any matters before it, the Board shall make “findings” supporting its actions. In every case where a Variance from the Zoning Ordinance is granted, the minutes of the Board shall affirmatively show that an un-necessary hardship or practical difficulty exists, and the records of the Board shall clearly show in what particular and specific respects an un-necessary hardship or practical difficulty is created.

4. Informal Advice:

The Board shall not give informal advice, nor shall any of its members, acting outside of a meeting of the Board purport to advise any person concerning the Zoning Ordinance, including but not limited to officials, employees of the County or any other person.

5. Valid Permit:

In the event that the result of a hearing held by the Board requires that the applicant or appellant apply for and obtain a permit from the Zoning Department, each such permit shall be obtained within a period of two (2) years after the date of the filing of the Board decision or the decision granting authorization to obtain such permit shall be deemed to be null and void. Such period of time within which to obtain permits may be extended on motion of the Board for a period not to exceed five (5) years from and after the date of the filing of the decision.

6. Circuit Court Action:

Any persons, jointly, or severally aggrieved by any decision of the Board of Adjustments, or any taxpayer, or any officer, department, board, or Bureau of the County, may commence an action in Circuit Court for Writ of Certiorari to review the legality of such decision in whole or in part, within thirty (30) days after the filing of the decision in the Zoning Office.

SECTION VIII Refilings and Rehearings

- a. No matter which has been acted upon by the Board concerning the same or part of the same property, shall be considered again within one (1) year from the date of the action, except, as hereinafter provided.
- b. The Board may not reopen any case upon which a previous hearing has been held, except to correct a manifest error.
- c. A case will be considered as heard and closed at such time as the Board approves or rejects and application or Appeal, by motion, or when it is considered closed by operation of these rules.
- d. A decision of the Board may be reconsidered by motion to reconsider, made at the same meeting, which may be immediately disposed of without further notice.
- e. The filing of a motion for reconsideration shall stop the running of the thirty (30) day period in which a petition to the Circuit Court must be made. The thirty (30) day period will run in such event from the date of a decision not to reconsider, is made by the Board, or if the matter is reconsidered, from the date the decision on the reconsidered matter is filed in the Zoning Office.
- f. A simple majority vote shall be sufficient to reconsider a previous decision. If reconsideration is refused the person requesting it, the Board shall enter on the minutes, the basis of the request, reason it was refused, and the vote of the Board members.

SECTION IX Annual Report

The Board of Adjustments Annual Report of its activities, may be included in the Zoning Department's Annual Report, and submitted to the County Board.

SECTION X Definitions

Certain terms or words used herein are defined as follows:

- Aggrieved person: Any person whose substantial interests are adversely affected by a determination. Aggrieved persons may file Appeals, or appear in opposition to an application.
- Appeal: An action seeking the review by the Board of an alleged error of fact or of law in any order, requirement, decision, or determination made by an administrative official.
- Application: A request for a variance from the specific requirements of the Zoning Code.
- Appellate Body: A body authorized to review the judgments made by other people. The Board of Adjustment hears Appeal of the decisions of the Zoning Administrator or the Zoning Committee. The Circuit Court hears Appeals of the Board's decisions.
- Certiorari: Judicial review of the decision of an administrative body, such as the Board, in which the Court Generally reviews the record of that body to which it applies the following standards: (1) Did the Board have jurisdiction over the subject matter? (2) Did the Board commit an error of Law? (3) Was there substantial evidence placed before the Board in support of the decision made? and (4) Did the Board act arbitrarily and capriciously, exercising its will as opposed to its judgment?
- Closed Session: A session closed to the public based on a majority vote of the members for the purpose of deliberating quasi-judicial matters or conferring with legal counsel.
- Findings of Fact: A statement of the Board's rationale behind the decision and facts that support the decision.
- Hearing De Novo: To hear anew, as in the case of an appeal from a decision of an administrative official in which to Board determines that the factual record is insufficient and accordingly causes a record to be made in the proceeding before it.
- Variance: An authorization granted by the Board to make use of property subject to the Zoning Code in a manner, which is inconsistent with spatial or use requirements imposed there under, under circumstances in which the absence of such variance, the owner or occupant of the property would be subjected to an unnecessary hardship.

- Un-necessary Hardship: Circumstance where special conditions which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height, or density, un-necessarily burdensome, or unreasonable in light of the purposes of the Zoning Ordinance.

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