

2021 OA-056

AMENDING CHAPTER 7 OF THE DANE COUNTY CODE OF ORDINANCES,
AMENDING BOARD RULES

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 7.22 is amended to read as follows:

7.22 SCHEDULING, NOTICE AND CONDUCT OF MEETINGS OF COMMITTEES. (intro.) When *committee* is used in this section and secs. 7.225 and 7.23, it shall mean and include all committees, subcommittees, commissions, boards or other agencies exercising delegated powers of the board or otherwise subject to the control, selection or approval by the board.

(1) All meetings of the board and committees shall be conducted in strict accord with the open meetings laws of the State of Wisconsin.

(2) Copies of the Wisconsin Open Meetings Law shall be available for review in the Office of the County Board and County Clerk's Office.

(3)(a) When closed or executive sessions are permitted by statute, the chairperson shall publicly announce the closed or executive session and explain briefly the reasons as authorized by statute. The announcement and reason shall be duly recorded in the minutes. Any case of doubt as to legality shall be resolved in favor of an open meeting.

(b) A county official or employee shall not disclose confidential information that has been acquired by being present at a closed session authorized by Wisconsin Statutes s. 19.85. For purposes of this section, "confidential information" means any communication in a closed session that is specifically related to the agenda item that is authorized to be considered in closed session.

(4) The board and committees may conduct public meetings in the following formats:

(a) In-person – all members and the public attend in the same physical location.

(b) Virtual – all members and the public attend via teleconferencing, video conferencing, or web conferencing without meeting at a physical location.

(c) Hybrid – simultaneously held in-person and virtually.

(45) Open meetings shall be held in public buildings or other places, including virtual venues, accessible to the general public, including individuals with disabilities handicapped as well as to the general public.

(a) Board and committee members are expected to attend meetings in person: a member must notify the chair prior to an in-person or hybrid meeting for an exception to attend virtually.

(b) The public may participate and provide public testimony in person or virtually.

(c) In case of adverse weather or an emergency, the chair may declare that any board or committee meeting shall be held virtually and not at a physical location with 24 hours notice and reasonable access to the public.

47 ~~(56) There shall be no smoking at a board or committee meeting.~~
48 ~~(7)(a) In order to encourage civic participation, meetings of the County Board~~
49 ~~and committees shall not be scheduled on holidays or on the day of any~~
50 ~~statewide or countywide election. If necessary for consideration of time-sensitive~~
51 ~~matters, committees may meet on the day of an election at the direction of both~~
52 ~~the committee chair and board chair. The County Board chair shall consider~~
53 ~~holidays and elections when developing the annual schedule of County Board~~
54 ~~meetings.~~
55 ~~(b) The Tamara D. Grigsby Office for Equity and Inclusion shall annually issue~~
56 ~~a memorandum delineating days and times on which meetings should not be~~
57 ~~scheduled.~~
58 ~~(8) A child under the age of 18 of any parent otherwise authorized to be present~~
59 ~~at a board or committee meeting is authorized to be seated with their parent at~~
60 ~~the meeting.~~
61 ~~(6) A copy of the agenda, including the time and place of the meeting and of the~~
62 ~~matters to be discussed, shall be given to the county clerk by noon on the Friday~~
63 ~~prior to the week in which the meeting will occur for posting on the bulletin board~~
64 ~~in his or her office and such other place(s) in the City-County Building which~~
65 ~~provide prompt and sufficient notice to the public as soon as possible after~~
66 ~~scheduling but no less than 24 hours prior to the meeting.~~
67 ~~(a) Resolutions and ordinances shall be placed on an agenda by including a~~
68 ~~clear reference to the ordinance amendment's or resolution's title and number.~~
69 ~~(b) The chairperson of a committee to which a resolution or ordinance has been~~
70 ~~referred shall place the item on the committee's agenda within 60 days of the~~
71 ~~date of referral unless requested by the sponsor to delay consideration.~~
72 ~~(c) A committee chair may place any resolution or ordinance amendment on the~~
73 ~~committee agenda, even if the item has not been referred to the committee by~~
74 ~~the Board chair. The vote on such an item shall be considered advisory and is~~
75 ~~not required to return the item to the full County Board for consideration.~~
76 ~~(7) No committee may take action on any item which has not been posted with~~
77 ~~the agenda as specified in subsection (6) hereof (24 hour notice) unless:~~
78 ~~(a) A delay to comply with the provisions of subsection (6) hereof would result in~~
79 ~~needless expense to Dane County, would endanger health or safety or would~~
80 ~~render any action of the committee meaningless, and~~
81 ~~(b) There can be demonstrated a good faith effort to provide as much notice as~~
82 ~~possible to the public and the news media of the consideration of the item to be~~
83 ~~added to the agenda, and~~
84 ~~(c) The special consideration is not an attempt to avoid the provisions of the~~
85 ~~Dane County Board rules, and~~
86 ~~(d) Notice of the special consideration has been posted with the committee~~
87 ~~agenda for at least two hours as required by sec. 19.84(2), Wis. Stats.~~
88 ~~(8) The minutes of any meeting during which an item receives such special~~
89 ~~consideration shall indicate that the consideration was an addition to the posted~~
90 ~~agenda and that the minimum posting requirements have been met.~~
91

92 ~~(9) The procedures in this rule shall apply to meetings called under emergency~~
93 ~~situations insofar as practicable. In no case may an emergency meeting be held~~
94 ~~without at least a two-hour notification and an attempt to inform the news media~~
95 ~~of the time, place and subject matter to be considered.~~

96 ~~(10) Members constituting at least one less than a majority of the committee may~~
97 ~~call a meeting of the committee or place a particular item on the agenda if, after a~~
98 ~~request to do so, the chairperson fails or refuses to call a meeting or place any~~
99 ~~particular item on the agenda.~~

100 ~~(11) In the event a scheduled meeting must be canceled, the chairperson shall~~
101 ~~provide timely notification to the county clerk and other committee members and~~
102 ~~to the public. In the event a committee meeting is cancelled on the day of the~~
103 ~~scheduled meeting, the chair shall arrange for conspicuous written notice to be~~
104 ~~posted at the entrance of the location where the meeting was to be held, and on~~
105 ~~the county website.~~

106 ~~(12)(a) In order to encourage civic participation, meetings of County Board and~~
107 ~~committees shall not be scheduled on holidays or on the day of any statewide or~~
108 ~~countywide election. If necessary for consideration of time sensitive matters,~~
109 ~~committees may meet on the day of an election at the direction of both the~~
110 ~~committee chair and board chair. The County Board chair shall consider holidays~~
111 ~~and elections when developing the annual schedule of County Board meetings.~~

112 ~~(b) The Office of Equity and Inclusion shall annually issue a memorandum~~
113 ~~delineating days and times on which meetings should not be scheduled.~~

114 ~~(13) A child under the age of 18 of any parent otherwise authorized to be present~~
115 ~~at a committee meeting is authorized to be seated with their parent at the~~
116 ~~meeting.~~

117 ~~(14) Committee members are expected to attend meetings in person, but may~~
118 ~~participate in a meeting via telephone or other electronic media if such~~
119 ~~participation is specifically noted on the agenda at least 24 hours prior to the~~
120 ~~meeting.~~

121 ~~(15) An audio recording of all standing committee meetings shall be made and a~~
122 ~~link to the recording posted with the agenda and minutes of the meeting on the~~
123 ~~legislative tracking public website.~~

124
125 Section 3. Section 7.223 is created to read as follows:

126 **7.223 CONDUCT OF COMMITTEE MEETINGS.**

127 (1) A copy of the agenda, including the time, place, and format of the meeting
128 and of the matters to be discussed, shall be given to the county clerk by noon on
129 the Friday prior to the week in which the meeting will occur for posting on the
130 bulletin board in his or her office and such other place(s) in the City-County
131 Building that provide prompt and sufficient notice to the public as soon as
132 possible after scheduling but no less than 24 hours prior to the meeting.

133 (a) Resolutions and ordinances shall be placed on an agenda and include a
134 clear reference to the ordinance amendment's or resolution's title and number.

135 (b) The chairperson of a committee to which a resolution or ordinance has been
136 referred shall place the item on the committee's agenda within 60 days of the
137 date of referral unless requested by the sponsor to delay consideration.

- 138 (c) A committee chair may place any resolution or ordinance amendment on
139 the committee agenda, even if the item has not been referred to the committee
140 by the Board chair. The vote on such an item shall be considered advisory and is
141 not required to return the item to the full County Board for consideration.
142 (2) No committee may take action on any item that has not been posted with
143 the agenda as specified in subsection (6) hereof (24 hours notice) unless:
144 (a) A delay to comply with the provisions of subsection (2) hereof would result
145 in needless expense to Dane County, would endanger health or safety or would
146 render any action of the committee meaningless, and
147 (b) There can be demonstrated a good faith effort to provide as much notice as
148 possible to the public and the news media of the consideration of the item to be
149 added to the agenda, and
150 (c) The special consideration is not an attempt to avoid the provisions of the
151 Dane County Board rules, and
152 (d) Notice of the special consideration has been posted with the committee
153 agenda for at least two hours as required by sec. 19.84(2), Wis. Stats.
154 (3) The minutes of any meeting during which an item receives such special
155 consideration shall indicate that the consideration was an addition to the posted
156 agenda and that the minimum posting requirements have been met.
157 (4) The procedures in this rule shall apply to meetings called under emergency
158 situations insofar as practicable. In no case may an emergency meeting be held
159 without at least a two-hour notification and an attempt to inform the news media
160 of the time, place and subject matter to be considered.
161 (5) Members constituting at least one fewer than a majority of the committee
162 may call a meeting of the committee or place a particular item on the agenda if,
163 after a request to do so, the chairperson fails or refuses to call a meeting or place
164 any particular item on the agenda.
165 (6) In the event a scheduled meeting must be canceled, the chairperson shall
166 provide timely notification to the county clerk and other committee members and
167 to the public. In the event a committee meeting is cancelled on the day of the
168 scheduled meeting, the chair shall arrange for conspicuous written notice to be
169 posted at the entrance of the location where the meeting was to be held, and on
170 the county website.
171 (7) An audio, or audio and video, recording of all standing committee meetings
172 shall be made and a link to the recording posted with the agenda and minutes of
173 the meeting on the legislative tracking public website.

174
175 Section 4. Section 7.225(1) is amended to read as follows:

176 **7.225 PUBLIC APPEARANCES AT COMMITTEE MEETINGS.**

- 177 **(1)(a)** The agenda for each committee meeting shall contain an item titled ‘public
178 comment,’ at which point on the agenda any member of the public shall be
179 allowed to speak on any issue which is not on the agenda or, with the consent of
180 the committee, any issue over which the committee has jurisdiction.
181 **(b)1.** Members of the public wishing to address the committee virtually shall file
182 with the clerk an electronic registration form 30 minutes prior to the start of a
183 virtual or hybrid meeting, giving their name, address, the subject on which they

184 wish to speak, and such other information as required. The registration form shall
185 be made available electronically via a link provided on the meeting agenda, as
186 well as the online legislative information center. Before addressing the
187 committee, such persons shall file with the clerk a registration form giving his or
188 her name, address, the subject on which he or she wishes to speak, and such
189 other information as required. Copies of the form shall be made available at the
190 meeting.

191 2. In order to address the committee in -person, members of the public shall
192 file a paper registration form with the committee clerk giving their name, address,
193 the subject on which they wish to speak, and such other information as required.
194 The registration form shall be made available at the meeting.

195 (c) Notwithstanding any other provisions of this chapter, if the committee meets
196 remotely by telephone or other electronic media and not at a physical location,
197 members of the public wishing to address the committee must register
198 electronically at least 30 minutes prior to the commencement of the meeting.
199 Those wishing to register their position on an issue being considered by the
200 committee but not speak, shall also be able to register electronically, instructions
201 for electronic registration shall be included in the public notice of the meeting.
202 For in-person or hybrid meetings, those physically attending in-person and
203 wishing to register their position, but not speak, on an issue being considered by
204 the committee, shall also be able to register with a paper form.

205

206

207 Section 5. Section 7.62(9) is rescinded:

208 **COUNTY BOARD MEETINGS; CONDUCT.**

209 ~~(9) Board members are expected to attend meetings in person, but may~~
210 ~~participate in a meeting via telephone or other electronic media if such~~
211 ~~participation is specifically noted on the agenda at least 24 hours prior to the~~
212 ~~meeting.~~

213

214 Section 6. Section 7.63 is amended to read as follows:

215 **7.63 COUNTY BOARD MEETINGS; REGISTRATIONS.**

216 **(1)(a)** Members of the general public and others who are not members of the
217 county board may address the county board on any matter pending before the
218 board, as printed on the calendar, except that no registrations shall be in order
219 on Special Matters and Announcements or procedural motions ~~which that~~ are on
220 the calendar. Before addressing the board, such persons shall file with the clerk
221 a registration form giving ~~his or her~~their name, address, the subject on which
222 ~~they he or she~~wishes to speak, and such other information as required.

223 ~~(b)1. Notwithstanding any other provisions of this chapter, if the county board~~
224 ~~meets remotely by telephone or other electronic media and not at a physical~~
225 ~~location,~~ Mmembers of the public wishing to address the county board virtually
226 must register electronically at least 30 minutes prior to the commencement of the
227 virtual or hybrid meeting.

228 **2.** In order to address the board at an in-person or hybrid meeting, members of
229 the public physically attending in -person and wishing to address the county
230 board can register at the meeting.

231 (c) Those wishing to register their position, but not speak, on an issue being
232 considered by the board at a meeting held [virtually](#) remotely but not speak, shall
233 also register electronically. Instructions for electronic registration shall be
234 included in the public notice of the meeting. For in-person or hybrid meetings
235 those attending in -person and wishing to register their position, but not speak,
236 on an issue being considered by the board, shall also be able to register with a
237 paper form.

238 **(2)** If the county board has taken testimony on an item and considers action on
239 the item at a separate meeting, the public shall not have the opportunity to testify
240 when that same item appears on subsequent county board calendars.

241 **(3)** ~~Such R~~ egistration forms shall be available [through an electronic link on](#)
242 [the meeting agenda and the online legislative information center for hybrid and](#)
243 [virtual meetings.](#) Paper registration forms shall be available at the meeting
244 location for those physically attending in-person or hybrid meetings. ~~-in the~~
245 ~~county clerk's office during normal working hours and sufficient blank copies shall~~
246 ~~be placed in a convenient location in the county board meeting room on the date~~
247 ~~said board is scheduled to meet. However, the forms are to be used only to~~
248 ~~register appearances before the county board, and not by those who are not in~~
249 ~~attendance and simply wish to indicate their positions on issues.~~

250

251 Section 7. Section 7.64(4) is amended to read as follows:

252 **7.64 COUNTY BOARD MEETINGS; VOTING.**

253 **(4)** Supervisors must be in their seats, or if attending [virtually](#), have their camera
254 [turned on, if device is equipped with one, for](#) a roll call vote.

255

256 *[EXPLANATION: This amendment revises the Board Rules.]*