

1
2 **2019 RES-419**
3 **RETAINING AN OUTSIDE EXPERT FOR THE DANE COUNTY BOARD**

4 County government requires a balance of power between the County Board and the County
5 Executive. To set the county's annual budget requires County Board consideration of items
6 proposed by the County Executive. In the absence of details regarding a new allocation proposed
7 by the County Executive, the County Board amended the 2020 operating budget resolution to
8 specify review and approval of program criteria and grant recipients. This is a long-standing
9 process used throughout county government including for grants managed by UW-Extension, the
10 Office for Equity and Inclusion, and the Department of Land and Water Resources. The budget
11 amendment specifying a public process regarding details for new mental health funding was
12 vetoed by the County Executive.

13
14 The Dane County Corporation Counsel has opined that the setting of criteria and award of funds
15 is solely within the purview of the County Executive. The County Board requires outside expertise
16 to review this opinion and offer independent advice regarding the legality of the budget
17 amendment in question.

18
19 The County Board would like to join the County Executive in a collaborative process to identify
20 and research questions of relative powers to more fully define the extent of both the Board's policy
21 making authority and of the County Executive's administrative role. This exercise would bring
22 outside expertise to provide a fresh set of eyes to questions which have been debated in counties
23 with county executives around the state. After definition of key questions, independent
24 investigation of relevant statute and case law, and discussion of areas of commonality and
25 difference between the findings of the Corporation Counsel and outside expertise, the areas in
26 dispute should be forwarded to the Wisconsin Attorney General as a neutral arbiter.

27
28 Forwarding questions to the Attorney General without first engaging in a collaborative process
29 ignores the spirit of collaboration foundational to Dane County government.

30
31 **NOW, THEREFORE, BE IT RESOLVED** that the Dane County Board of Supervisors, using funds
32 already budgeted for policy and program evaluation, hereby approves a contract in an amount
33 not to exceed \$15,000 with Pine Bach LLP for research regarding questions of relative powers
34 and participation in a collaborative process and that bidding requirements are waived regarding
35 this contract.

36
37 **BE IT FINALLY RESOLVED** the County Executive and the County Clerk be directed to execute
38 the contract with Pines Bach LLP.

39