



**COLUMBIA COUNTY
JOINT FINANCE AND PUBLIC SAFETY COMMITTEE MINUTES
SEPTEMBER 14, 2017**

MEMBERS PRESENT: Supervisors John H. Tramburg, Mary Cupery, James E. Foley, Mike Weyh, Dan Drew, Kirk Konkell, and Mark Sleger

ALSO PRESENT: County Board Chair Vern E. Gove, Lois Schepp, Joseph Ruf III, Shonna Neary, Mark Zimmerman, Katie Parlier, Susan Moll, Cathy Karls, Mat Schneider, Andrew Phillips, Darrel Kuhl and Kyle Christianson (WCA).

The Joint Finance and Public Safety Committee meeting was called to order at 9:00 a.m. and was properly noticed and published.

There was a quorum of both committees.

PURCHASING POLICIES AND CONSTITUTIONAL POWERS OF SHERIFFS IN BUDGETARY MATTERS

This meeting was set up at the request of County Board Chair Gove. The Chairman requested assistance from WCA and their legal counsel, Attorney Andrew Phillips, in clarifying specific roles of the County Board and Elected Officials, as they relate to finance, budget, and purchasing.

Attorney Andrew Phillips explained to the committees issues the County Board and constitutional officers may have in county government. These issues are not unique to Columbia County and happen statewide.

Attorney Phillips' main points are as follows:

The Wisconsin Constitution clearly grants the legislative branch of county government, the County Board, with the sole constitutional power to adopt, monitor, and enforce a county budget, as is more particularly set forth in Wis. Stats. § 59.60 and § 65.90. Therefore, because deciding how to set a budget and apportion funds to various departments is within the county board's core zone of constitutional power, any action by an elected official that interferes with the county board's power as it relates to budgetary decisions, would be rendered unconstitutional. No constitution office has independent budget authority.

Depending on the size or structure of a county, either Wis. Stat. § 59.60 or § 65.90 govern the county budget process from start to finish. Columbia County falls under Wis. Stat. § 65.90; governing counties with a population of less than 500,000.

The budgetary process under Wis. Stat. § 65.90, Section 65.90(1) mandates that every county formulate a budget and hold public hearings on such budget prior to making the determination of the sum to be financed in whole or in part by a general property tax, funds on hand, or estimated revenues from any source.

Under Wis. Stat. § 65.90(5)(b), a county board may authorize its standing finance committee to transfer funds between budgeted items of an individual county office or department, if such budgeted items have been separately appropriated.

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In regards to the office of sheriff, specific statutes allow for an inherent authority to enforce laws. Certain immemorial, principal, and important duties of the sheriff at common law that are peculiar to the office of sheriff and that characterize and distinguish the office, are constitutionally protected from legislative interference. However, no constitutional authority exists for functions that do not have the "distinction and character" of the sheriff. The Supreme Court has held that duties which are "mundane or commonplace" do not give character and distinction to the office of sheriff at common law and, thus, are under the control of the legislature, not the office of sheriff. Purchasing, budget, and finance are part of those functions, not distinct to the Sheriff's Department.

The County Board or a specific committee cannot give any department independent authority of finances on budget.

With a legal opinion in place, Columbia County will proceed in development of the Purchasing Manual/Ordinance.

ADJOURNMENT

MOTION: On motion by Drew, second by Weyh, the meeting was adjourned at 10:05 a.m.

Respectfully Submitted:



Mike Weyh, Finance Committee Secretary



~~Adam Field, Public Safety Secretary~~
Dan F. Drew, Public Safety Vice Chair

CC: Finance Committee
County Board Chair
Lois Schepp

Public Safety Committee
Susan M. Moll
Internet

Joseph Ruf III