



OUTAGAMIE COUNTY

410 S. WALNUT ST. APPLETON, WISCONSIN 54911

OFFICE OF THE COUNTY EXECUTIVE

Thomas Nelson, County Executive

Telephone 920-832-1684
FAX 920-832-1534
Thomas.Nelson@outagamie.org

May 3, 2016

**TO THE HONORABLE,
THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS**

LADIES AND GENTLEMEN:

Please be advised that the terms for the County Board Supervisor representatives on the East Central Wisconsin Regional Planning Commission expired in April 2016. The following County Board Supervisors have agreed to serve on the Commission:

- Daniel Rettler, Ag Committee
- Kevin Stum, Finance Committee
- Nadine Miller (alternate), Finance Committee

I hereby nominate the aforementioned County Board Supervisors to the East Central Wisconsin Regional Planning Commission for a two-year term expiring in April 2018.

Thank you in advance for your consideration.

Sincerely,

Thomas Nelson
County Executive

cc Eric Fowle, Executive Director
East Central Wisconsin Regional Planning Commission

OUTAGAMIE COUNTY CORPORATION COUNSEL

410 South Walnut Street
Appleton, Wisconsin 54911
Telephone: (920) 832-1522
FAX No. (920) 832-4770

MEMORANDUM

TO: County Executive Thomas Nelson
County Board Chair Judy Schuette

FROM: Joe Guidote, Corporation Counsel

DATE: April 27, 2012

RE: Appointments to East Central Wisconsin Regional Planning Commission

ISSUE

Does the County Executive or the County Board Chair have the authority to appoint members to the East Central Wisconsin Regional Planning Commission?

SHORT ANSWER

The authority to appoint members to the East Central Wisconsin Regional Planning Commission (Commission) lies with the County Executive, subject to County Board confirmation, pursuant to sec. 59.17(2)(c) Wis. Stat.. Although there are six Outagamie County members on the Commission, there are only two County Executive appointments. The balance are comprised of automatic appointments and one gubernatorial appointment, according to the Commission's by-laws. A recent county board rule change states that the finance committee shall make a recommendation to the county executive for one appointment. (Sec. 2-164 County Code) The County Executive is not bound by the Finance Committee recommendation.

OPINION

In order to determine the appointment process and membership composition for Outagamie County members of the East Central Wisconsin Regional Planning Commission, I reviewed the

Commission's by-laws and found that, consistent with the statutes, Outagamie County has 6 commission members. Composition of the county's delegation, according to the by-laws, are as follows:

1. The County Board Chair and the County Executive are automatic members;
2. One commission member from the county, appointed by the Governor;
3. Three additional members, based upon population (one member per 50,000 in population), one of which must be the Mayor of the largest municipality.

The formula in the by-laws leaves two commission members to be appointed by "... the County Board Chairman or the County Executive." (Section 3 By-Bylaws) That language caused some confusion as to which official had the appointment powers. The choice between the County Board Chair or the County Executive exists because the Commission contains counties that have a County Executive and those that do not. In counties without a county executive, the appointment would lie with the county board chair. In a county with a county executive, however, Sec. 59.17(2)(c) provides the operative language and states that:

...The duties and powers of the county executive shall be, without limitation because of enumeration, to:

(c) Appoint the members of all boards and commissions where appointments are required and where the statutes provide that the appointments are made by the county board or by the chairperson of the county board. All appointments to boards and commissions by the county executive are subject to confirmation by the county board.

The above statutory language clearly grants the appointment powers of the two remaining commission members to the county executive, subject to confirmation by the county board.

One additional provision may have an impact on the appointment process. Ordinance I 2011 -2012 recently amended the county board rules, and among other changes, added the following duty to the Finance Committee under Sec 2-164 of the County Code:

Recommend to the Executive for appointment one committee member and one alternate to serve as liaison to the ... East Central Wisconsin Regional Planning Commission.

Ordinance I was passed on February 28 and published on March 20, 2012 according to the County Clerk. Finance Committee would, therefore, issue a recommendation to the County Executive on one of the two appointments. The recommendation would not be binding on the Executive and the appointment would be subject to County Board confirmation.

If there are any further questions with regard to the appointment process, please do not hesitate to contact me.

cc: Legislative Services

Helen Nagler, Finance Committee Chairperson
Eric Fowle, Director of East Central Regional Planning