

Jefferson County



REPORT

County Board Size

2006

Jefferson County
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County Board Size

Background

State statutes dictate that counties with between 50,000 and 100,000 population may have up to 39 supervisors. Jefferson County has 30 supervisory districts. That size was set in 1981 when the County Board reduced it from 38. In 2001, the County Board considered but did not adopt a proposal to downsize to 26 districts. The decision was in response to data showing that the total savings from reducing four districts would be about \$2,700 annually. This was based on a fee of \$45 per meeting multiplied times 12 county board meetings each year per supervisor plus \$135 each annually in mileage. The 2001 discussion was prompted by the requirement to reapportion districts following the availability of 2000 census data.

On January 4, 2006, Governor Doyle signed Act 100 which allows county boards to reduce their size in between the decennial census, which forms the basis for reapportionment of electoral districts. Until Act 100 was signed, only Milwaukee County had the statutory right to change its county board size between censuses.

The law also allows citizens to seek a reduced county board size through a referendum process. The referendum must state the size of county board that is sought by the petition. It can be **any** number the petitioners choose, as long as it is less than the current size. The referendum must have signatures of 25 percent of the voters who voted in the last supervisory election. County Clerk Barb Frank calculates this to be 1,743 signatures.

Act 100 stipulates that the change in the county board size, whether it is prompted by county board action or referendum, can not take effect before 2008. A reduction under this law can occur only once between censuses. Presumably, at the earliest, the new districts would have to be set by November 2007 because that is when candidates must take out their nomination papers to seek supervisory office in the April 2008 election.

Discussion

On January 5, the Legislation and Rules Committee took up a discussion of the new law. The committee agreed that a primary concern for any resizing of the county board is the number of committee seats that need to be filled. Issues around identifying proper committee size include: large enough size to prevent lack of quorums; large enough size to prevent illegal meetings (this is especially of concern with committees of only 3 members when two members run into each other in the community and “chat” about issues on their mind) and large enough size to provide for diverse geographic representation. Most county board committees currently have five members. A few have only three. Still fewer have seven. The committees with larger numbers are driven by statutory requirements of who must be on the committee.

The Legislation and Rules Committee sent several resolutions to the County Board in February proposing changes to the Board’s current committee structure. This proposed restructuring was part of the normal “housekeeping” the County Board conducts before every supervisory election. However, the discussion created by Act 100 prompted the committee to be more aggressive about combining or reducing committees.

In its examination of the issue, the Legislation and Rules Committee identified several issues it thought county board members should consider in their review and evaluation of Act 100.

Cost of having 30 county board districts

The County Board’s 2005 budget for salaries, per meeting fees, and expenses for 30 supervisory districts was \$165,627. This budget is based on supervisors each being paid \$55 per meeting that they are authorized to attend, and a \$50 per month salary.

The difference in a per diem payment system and a salary system is an important distinction. A salary system, such as in Waukesha County means the county pays regardless of how much work a supervisor performs. The per diem system, such as in Jefferson County, means the county pays only if a supervisor attends the committee meetings he/she is assigned to.

Therefore, cutting a supervisor in a salary system brings greater savings than cutting a supervisor in a per diem system. In Waukesha County, cutting a supervisor saves \$9,121 salary per year. In Jefferson County, cutting a supervisor saves \$1,320 in annual salary and board meeting fees. The per meeting fee will still need to be paid to the supervisor who is assigned the committee duties of the eliminated supervisor. Therefore, substantial savings from reducing the number of supervisors are not found in the per meeting payment system, unless the number of committees and/or committee meetings are reduced.

Thus, the challenge for the Jefferson County Board is to determine if the public believes that proper oversight of county government can be performed with fewer committees and committee meetings.

County Board oversight

The County Board that was elected in 2004 provided unprecedented tax reduction for county taxpayers. Jefferson County was the only county in the state to cut its budget on all counts in 2005. The Board cut actual spending, cut the tax levy, and cut the mill rate. This cutting occurred while equalized valuation increased. The Board cut the tax rate again in 2006.

These tax cuts came about through the vigorous work of county board committees. Under the leadership of the new board chairman and vice chairmen, the County Board cut \$1.4 million in annual spending without reducing services.

These cuts came as a direct result of supervisors attending more meetings and using more temporary committees than previous county boards. This effort – and the per meeting reimbursements that financed it – produced significant savings for the taxpayers.

This experience seems to confirm a 2003 Wisconsin Taxpayers Alliance study that found that larger boards actually save money. The non-partisan group found that spending per taxpayer decreases approximately \$8 to \$10 with each additional supervisor on a county board.

Workload of county supervisors

County supervisors are each expected to serve on two to three committees. Some supervisors serve on four or five committees. Others serve on only one. Committees meet once or twice a month. Meetings last from one to five hours. And on rare occasion, some committees meet all day. The County Board meets one night per month for 2-3 hours. In addition, supervisors are expected to spend time preparing for meetings by reading materials and asking questions in advance. They also handle concerns and inquiries from constituents.

In a recent survey of current county board members, supervisors reported working between seven and twenty hours per month. Several report serving ten or more hours per week.

While many supervisors are happy with the results of their tax cutting during the 2004-2006 session, several also noted that they were “maxed out” and could not absorb any more work or meetings than was required of them these past two years.

Jefferson County supervisors each represent 2,600 citizens. The statewide average for county supervisors is 2,700. Of the state’s ten counties with similar size population to Jefferson County, five have larger county boards and four have smaller county boards than Jefferson County.

County Clerk Barb Frank reports that many citizens seeking information about county board seats choose not to run when they learn the time commitment required. She notes that reducing the number of supervisors would increase the workload on each supervisor and would probably deter more people from running for county board.

With levy caps, it is quite possible that more work will be required, as supervisors will have to make many difficult choices about which programs to fund and which to eliminate.

Changing the number and size of County Board committees

Reducing county board size requires reducing the number and size of county board committees. The Legislation and Rules Committee conducted a review of county board committees. They identified which committees are mandated by state statute and which are not.

Currently, the current county board committee structure requires about 109 committee assignments. This means about three committee assignments per supervisor. In an effort to reduce those assignments, capture any possible savings now – and to prepare the way for the board to consider a downsizing plan – the committee is suggesting several substantial committee changes. Their recommendations would reduce assignments to the low 80s. The proposals will be taken up and reviewed by the County Board at its March meeting. If approved, there would be an estimated savings of \$15,000 to \$20,000 annually now, without a reduction in the board size.

In the long run, whether or not these committee reductions produce the expected cost savings depends on a number of factors. If the committees are overloaded because fewer members are handling the workload, will they require additional meetings? Currently if a meeting runs beyond four hours, the county pays each supervisor an additional \$25 meeting fee to compensate supervisors for their time. It is uncertain if more of these fees will be paid because meetings are longer as a result of two or more committees being merged into one.

It should be noted that the ability to reduce county committees is easier said than done. In large part, this is due to state mandates.

For example, the state does NOT mandate a Board of Health. This led the Legislation and Rules Committee to discuss eliminating the county's 7-member board. When the public balked at this proposal, the committee discussed reducing the committee to three members. This was deemed problematic because state statutes require that if a county has a Board of Health, at least three members must be public appointees, which would result in a Board of Health with no elected officials. In the end, the Legislation and Rules Committee opted to recommend a five member board with three public members appointed by the County Administrator and two elected officials. While this sacrifices control of the Board of Health by elected officials, it eliminates two committee assignments for supervisors.

Cost of reducing the County Board

The work of reducing county supervisory districts falls to the County Clerk and the County Land Information Office, which is responsible for drawing the maps that create the supervisory districts.

This is a complicated but necessary process that must respect the constitutionally mandated "one man, one vote" doctrine. This has been tested in Wisconsin courts in the past. The current system for apportioning supervisory districts is a result of a 1965 court case brought by a Milwaukee Sentinel editor. The court ruled that supervisory districts must be apportioned by population to preserve the 14th Amendment's guarantee of equal representation.

In addition, there are three key requirements in Wisconsin Act 100:

1. "the districts are substantially equal in population according to the most recent countywide federal census"
2. "the districts consist of contiguous whole wards in existence at the time at which the redistricting plan is adopted"
3. "to the extent possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district"

According to Land Information Office Director Andy Erdman, the current supervisory district plan of 30 districts had an average district size of 2,525 residents based on the 2000 census block statistics. The targeted population in

each supervisory district was no more than a 5% plus (2,651) or minus (2,399) variation. We believe this met the one person one vote doctrine of equal representation in a reasonable manner.

A reduction in districts to a number that can be divided equally into 30, such as 15 or 10, could be achieved by combining one or more supervisory districts. In a supervisory district plan with any other number of districts, it most likely would be impossible to meet the plus or minus 5% target district population, without modifications to local ward plans, Erdman said. Modification of wards is not allowed in this process, notes Corporation Counsel Phil Ristow.

A note of caution. There is consensus among the Legislation and Rules Committee, the County Board Chairman, the County Administrator, the County Clerk, and the County Corporation Counsel that reducing the board to 15 or fewer supervisors could increase operating costs because it may move the position to a part-time or full-time job requiring support staff, offices, and the payment of benefits, as determined by the smaller board..

In addition, any future County Board can establish higher salaries for the next term. This could happen if the work load doubles. Getting a majority vote to make such a change is far simpler on a smaller board. Hence, the likelihood of a pay raise increases when there are fewer supervisors voting.

If the County Board chooses a size not evenly divisible into 30, it becomes very difficult to draw legally compliant maps, according to Erdman. Here's why: There are 90 wards in Jefferson County that vary in size from 2 persons in the Village of Lac la Belle ward 2 to 1,715 persons in the 10th ward of the City of Whitewater. Building a new supervisory district plan involves a trial and error process of adding adjacent ward population counts together to hit a district population that falls within or close to the target population range.

For example, if a 25 district plan was selected, each district should have an average census population of 3,030 persons. To adhere to plus or minus 5% target, each district could have between 2,879 and 3,181 residents. A preliminary investigation into building a plan with 25 districts from "contiguous whole wards in existence" indicates that variations in district population could be 12% or more. This would not appear to meet the one person one vote doctrine of equal representation, and would be subject to legal challenge, according to Corporation Counsel Phil Ristow.

In summary, Erdman said, the two requirements of "substantially equal district populations" and "the use of existing whole wards" required by Act 100 for reducing district numbers are in conflict with each other, given our current local ward plans.

Erdman estimates that it will cost \$15,000 in staff time to develop county maps for districts not divisible by 30.

At current salary and per diem rates, the county could save \$1,320 annually for each supervisor it cuts. The savings come from the \$55 monthly county board meeting per diem and \$55 monthly salary paid each supervisor. The cost of per diems for committee meetings, however, are not saved because attendance at those meetings is shifted to remaining supervisors. In addition, there would be annual savings in mileage of an estimated \$0 to \$200 per supervisor annually, depending on the distance the supervisor travels to attend county board meetings.

Conclusion

Reducing the county board size is a complicated process because of state mandates regulating the structure of supervisory districts and the number of committees mandated to oversee county government.

The savings from reducing the board are relatively small because Jefferson County uses a per diem payment system, rather than the more expensive salary system found in neighboring counties.

However, significant cost savings can be obtained by reducing county board committees. Reducing committee size and number raises policy issues about open and clean government. Does the new committee size make it harder to obtain quorums? Does it inadvertently increase chances of illegal meetings because fewer supervisors make a quorum and run into each other in the community and engage in informal chats that briefly touch on county

business? Will committee meetings run longer, thus reducing the pool of candidates willing or able to meet the time commitment of the office? Will the county have to pay more \$25 fees for meetings over four hours?

If the County Board chooses to reduce its size, it may want to target the reduction to take effect after the 2010 census when all municipalities will have to redistrict and will have the money in their budgets to do so. At that time, municipal wards are redrawn to fit the proposed county board size, as well. This would reduce the probability of a successful legal challenge based on large percentage differences in population between supervisory districts, because when properly planned, variations can be kept to a minimum.

Action Needed

Discussion and input to the Legislation and Rules Committee. The committee will take the input under advisement and potentially offer a resolution to the County Board in the coming months.

Prepared on: 3/6/06

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