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*The Wave of the Future*

## **Winnebago County**

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### **MEMORANDUM**

TO: Shiloh Ramos, Chairman  
Winnebago County Board of Supervisors

FROM: Mary Anne Mueller, Corporation Counsel

DATE: August 15, 2018

SUBJECT: Interpretation of Rule 7.7 of the Rules of the Winnebago County Board of Supervisors

Pursuant to your request at the July 17, 2018, County Board Meeting, I have reviewed the question regarding the interpretation of Rule 7.7 of the Rules of the Winnebago County Board of Supervisors. My review has included legal research as well as conversations with colleagues (attorneys, other corporation counsels, and members of the judiciary).

Rule 7.7 states, "Any resolution that is presented for the purpose of expressing support or opposition regarding any pending or proposed State or Federal legislation shall require a three-quarters vote of those member present for passage." It is well-settled in Wisconsin that statutory language is construed based on its common and ordinary meaning. *Ervin v City of Kenosha*, 159 Wis 2d 464, 484 (1991). If the language is plain and unambiguous, the analysis stops there. *Kangas v Perry*, 2000 WI App 234, 239 Wis 2d 392. The language in Rule 7.7 is clear—it contemplates pending or proposed legislation. To ignore those words would render them superfluous.

In Wisconsin, bills that do not reach the Governor's desk are dead. By reviewing a bill's history, you can determine its status. If you see language that says "failed to pass/adopt pursuant to Senate Joint Resolution 1," this means the bill died. To be resurrected, the bill would have to be reintroduced in the new session and would have a new bill number assigned. During the 2017-2018 session, there were nine (9) bills introduced dealing with marijuana and 1 bill introduced dealing with conversion therapy. All ten (10) bills died on March 28, 2018. Accordingly, in terms of marijuana or conversion therapy, there is no pending or proposed legislation—all the bills are dead. The only bills that can be considered between now and the end of the year are special session bills. None of the bills involving marijuana or conversion therapy were special session bills.

If the Board is not happy with the words used in Rule 7.7, Rule 3.8 allows the Board to amend their Rules. Rule 3.8 states, "The Rules of the Board shall be amended during the two-year period only by a two-thirds vote of those present at a meeting, except at the Annual Organizational Meeting, at which time a majority of those present shall rule."

The opinion I rendered during the July Board Meeting stands. If you have any further questions, please contact me.

cc: Mark Harris, Winnebago County Executive