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The Wave of the Future

Winnebago County

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M E M O R A N D U M

TO: David Albrecht, Chairman
Winnebago County Board of Supervisors

FROM: John A Bodnar

DATE: September 9, 2013

SUBJECT: Resolution Number: **193-42013**
Authorize Execution of Five-Year Rental
Agreement Between Winnebago County and Tri-
County Recreation Association Inc

The purpose of this Memorandum is to address Supervisor Guy Hegg's request for a recommendation to the Winnebago County Board of Supervisors as to the status of "Resolution Number 193-42013: Authorize Execution of Five-year Rental Agreement Between Winnebago County and Tri-County Recreation Association Inc."

To briefly recap, this Resolution was brought before the Board at its April 16, 2013, meeting. After considerable debate, a motion was carried by the majority of those Board members present to postpone further action or debate upon this Resolution until the August 20, 2013, Board meeting. Unfortunately the Resolution was inadvertently omitted from the August 20, 2013, County Board Agenda. At the time of the meeting, Supervisor Hegg brought to the Chair's attention the fact that the Resolution had been omitted and then requested an opinion or a recommendation to the Chair as to the future status of the Resolution.

Prior to composing this Memorandum, I presented the facts with regard to this situation separately to three individuals with expertise in the field of parliamentary procedure. These individuals are:

Memorandum to David Albrecht, Chairman of the Winnebago County Board of Supervisors

RE: Resolution Number 193-42013.

Authorize Execution of Five-Year Rental Agreement Between
Winnebago County and Tri-County Recreation Association Inc

August 27, 2013

- A. Professor Larry Larmer: Local Government Center Outreach Specialist and authority on *Robert's Rules of Order* for the University of Wisconsin Extension Local Government Center. Professor Larmer served for over nine (9) years as the Parliamentarian for the University of Wisconsin Faculty Senate;
- B. Attorney Phillip J. Freeberg: Local Government Law Educator at the University of Wisconsin Extension Local Government Center. Attorney Freeberg has lectured throughout the State to local government elected representatives and employees regarding *Robert's Rules of Order*, and
- C. Michael Blaska: Former Dane County Board member and parliamentary resource for the Wisconsin Counties Association.

I received the same advice separately from all three of the above-named individuals. They all indicated that in that the Resolution had been omitted from the August 20, 2013, County Board Meeting Agenda despite the previous direction of the Board, such Resolution should be included on the September 17, 2013, County Board Meeting Agenda. All three gentlemen indicated that had this not been a meeting of a governmental body, and if the omission had been called to the attention of the Chair during a part of the meeting referred to in *Robert's Rules of Order* as "call for the orders of the day," the item would have been added to the Agenda at the time of the meeting, in that its placement on the Agenda had been previously ordered in April by the County Board. Given the provisions of the Open Meetings Laws, which require, in non-emergency situations, at least 24 hours notice to the public of the Agenda, this could not be legally accomplished. Consequently, in that the County Board had recommended that the Resolution be placed on the Agenda at the August 20, 2013, meeting, and such inclusion was inadvertently omitted, the Resolution should be placed on the regular September 2013 County Board Meeting Agenda to fulfill the direction of the County Board.

None of the gentlemen whom I spoke with believed that the Resolution had been disposed of or killed during the session of the Winnebago County Board of Supervisors on April 16, 2013, in that no final determination upon the Resolution had been made by the County Board.

At the August 20, 2013, meeting, I did voice concerns to Supervisor Roh and Supervisor Brennand before thoroughly researching this matter as to whether *Robert's Rules of Order* prevented postponement of an item past the next regular business meeting in that there is a statement in the volume as follows: "In cases where no more than a quarterly time interval will lapse between **sessions** (emphasis added), a question can be postponed until, but not beyond the next regular business session." *Robert's Rules of Order*, 11th Edition, Section 14, Page 183.

Memorandum to David Albrecht, Chairman of the Winnebago County Board of Supervisors

RE: Resolution Number 193-42013.
Authorize Execution of Five-Year Rental Agreement Between
Winnebago County and Tri-County Recreation Association Inc

August 27, 2013

I discussed this issue with all three gentlemen and, again, all three were of the same opinion that there is a differentiation between a "session" and a "meeting" of the County Board, with a session being viewed as the complete term of office for that County Board, in this case, from April 2012, through March 2014. In fact, Section 1.2 of the 2012-2014 Rules of the Winnebago County Board of Supervisors states, "The Board shall be in continuous session from day to day until adjournment to a day certain or *sine die*." Thus, there is a differentiation within the Board Rules between the words "session" and "meeting." Moreover, both Mr Larmer and Mr. Blaska reminded me that if there was a perceived violation of the County Board Rules or *Robert's Rules of Order*, an objection to such a violation had to be made pursuant to a point of order prior to debate on such motion beginning. Failure to raise a point of order in a timely manner bars such an objection from being further considered. *Robert's Rules of Order*, Id., Page 250.

Thus, my recommendation to the Board would be that Resolution Number 193-42013, be placed on the Agenda for the September 17, 2013, Meeting of the Winnebago County Board of Supervisors. I will await direction from you prior to placing this Resolution on the Agenda. I ask that you contact either the Winnebago County Clerk or my paralegal, Linda Staffaroni, as to providing further directions regarding this matter.

Attachment

cc: Susan T. Ertmer, Winnebago County Clerk

Local Call

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Postpone or Table? Parliamentary Procedure Advice

It frequently happens at meetings. Now does not seem the time to discuss or act on an issue. But there the issue is ready for you on your meeting agenda. Do you move to **table**, **postpone** or something else? What is the difference? We asked Professor Larry Larmer, Local Government Center Outreach Specialist and authority on Roberts Rules of Order for advice. Here is his answer:



There are two types of "postponement." One is to postpone indefinitely, that is, to set a pending motion aside with no particular intention of ever taking it up again. If a body postpones something indefinitely, it cannot be taken up again in the same meeting except through reconsideration. It can be renewed (i.e., put on the agenda) at a future meeting, although there may be some time limitations specific to the body. For example, if a village is following the **League of Municipalities model procedures**, a matter that is voted down may not be brought up again within 30 days. It's not entirely clear, but this limitation would probably also apply to a matter that has been postponed indefinitely since postponing indefinitely has the same effect as voting something down.

Postponing to a definite time is quite different. The body does want to resume deliberation on the matter but for a variety of reasons wishes to do so at a later time – either later in the same meeting or in a future meeting. When a body agrees to postpone a matter to a specific time, it has ordered that the agenda include the item. The body may postpone something to a specific meeting or until after an event takes places, e.g., "until after the vacancy is filled." This latter approach, while often used, does not really assure the body that they will actually get back to the matter, only that it will not take up the matter until the event has occurred.

When a matter is **tabled**, it is set aside and the body doesn't specify when or whether it will take up the matter again. Once an item is set aside by tabling, the body must agree to take it from the table in order to get back to it. Here is an example I observed while watching the county board on cable TV. While deliberating a matter, it was discovered that a relevant piece of information was not available in the chamber, but it was in the clerk's office. The body tabled the matter so that the information could be retrieved and went to other matters on the agenda. When the information was brought back to the chamber, the body could decide when to get back to it. They may, also, prefer to take care of other business first, thus the motion to take the matter from the table enable them to take up the issue at the time they chose.

The confusion between "postpone to a definite time" and "table" comes from the frequent habit of members moving to "table until next meeting (or some other future time)" when they probably want to get back to the matter at a specific time and technically should say "postpone." Usually, it doesn't matter if we know what is meant although I know of one example when a city council got itself unnecessarily confused when they started to take up a matter that has been "tabled" to the current meeting and a member said, to this effect, "wait, this matter has been tabled, so we need a motion to take from the table before we can take it up." Using the correct terminology is of some importance. If a matter is not taken from the table by the end of the next regular meeting, it must be renewed within any time limits specific to that body. Thus, both table and postpone indefinitely are sometime used to defeat measures without the body having expressed itself one way or the other.

Larry Larmer

Posted: December 28th, 2011 under **Parliamentary Procedure, Parliamentary procedure and Effective Meetings.**

Tags: **Meetings, Procedure**

Dates of Local Call posts

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RESOLUTION: Authorize Execution of Five-Year Rental Agreement Between Winnebago County and Tri-County Recreation Association Inc

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:

WHEREAS, Winnebago County recognizes that the Tri-County Recreation Association Inc wishes to rent the Tri-County Ice Arena facility in order to hold recreational- and exposition-related events over a period of five (5) consecutive years; and

WHEREAS, it is in the best interests of Winnebago County to permit such use of the facility to promote continued recreational activities within Winnebago County; and

WHEREAS, it is in the best interests of Winnebago County to promote tourism and the even industry within Winnebago County; and

WHEREAS, the relationship between Winnebago County and the Tri-County Recreation Association Inc has been historically beneficial to both parties; and

WHEREAS, it is in the best interests of Winnebago County to permit the long-range scheduling of said facility to allow the Tri-County Recreation Association Inc to secure necessary agreements with user groups, sponsors, and event promoters.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and the Winnebago County Clerk to execute a rental agreement between Winnebago county and the Tri-County Recreation Association Inc, effective July 1, 2013, through June 30, 2018.

Respectfully submitted by:

PARKS AND RECREATION COMMITTEE

Committee Vote: **4-1**

Vote Required for Passage: **Majority of Those Present**

Approved by the Winnebago County Executive this ____ day of _____, 2013.

Mark L Harris
Winnebago County Executive

WHEREAS, it is fitting that Winnebago County recognize the importance of making walking, biking, and use of public transit a safe means of mobility for those who depend upon them for their primary means of transportation.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby declares the month of May as "Multi-Modal Transportation Month" in order to create awareness of multi-modal transportation and strengthen the quality of life for all Winnebago County residents.

Submitted by:

PARKS AND RECREATION COMMITTEE

Motion by Supervisor Finch and seconded to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 193-42013: Authorize Execution of Five-Year Rental Agreement Between Winnebago County and Tri-County Recreation Association, Inc.

WHEREAS, Winnebago County recognizes that the Tri-County Recreation Association Inc wishes to rent the Tri-County Ice Arena facility in order to hold recreational- and exposition-related events over a period of five (5) consecutive years; and

WHEREAS, it is in the best interests of Winnebago County to permit such use of the facility to promote continued recreational activities within Winnebago County; and

WHEREAS, it is in the best interests of Winnebago County to promote tourism and the event industry within Winnebago County; and

WHEREAS, the relationship between Winnebago County and the Tri-County Recreation Association Inc has been historically beneficial to both parties; and

WHEREAS, it is in the best interests of Winnebago County to permit the long-range scheduling of said facility to allow the Tri-County Recreation Association Inc to secure necessary agreements with user groups, sponsors, and event promoters.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and the Winnebago County Clerk to execute a rental agreement between Winnebago county and the Tri-County Recreation Association Inc, effective July 1, 2013, through June 30, 2018.

Submitted by:

PARKS AND RECREATION COMMITTEE

Motion by Supervisor Finch and seconded to adopt.

Motion by Supervisor Norton and seconded to postpone until August 20, 2013. Ayes: 28. Nays: 5 – Ramos, Smith, Widener, Neubauer and Farrey. Excused: 3 – Englebert, Hamblin and Reynolds. CARRIED.

RESOLUTION NO. 194-42013: Authorize Execution of Airport Lease Between Janie Gee Aviation, Inc. and Winnebago County

WHEREAS, Janie Gee Aviation Inc desires to lease Building L809-C at Wittman Regional Airport for a three (3)-year period, with rent to be established at \$369.17 per month plus sales tax during the first year of the lease, \$380.25 plus sales tax during the second year of the lease, and \$390.66 plus sales tax during the third year of the lease; and

WHEREAS, said lease would run from February 1, 2013, through January 30, 2016; and

WHEREAS, the Aviation Committee believes that said lease is in the best interests of Winnebago County and has approved said lease.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves a three (3)-year lease between Winnebago County and Janie Gee Aviation Inc for Building L809-C at Wittman Regional Airport pursuant to those terms as stated above. A complete copy of said lease is available upon request from the Wittman Regional Airport Manager and incorporated herein by reference as a part of this Resolution.

Submitted by:

AVIATION COMMITTEE

Motion by Supervisor Warnke and seconded to adopt. Ayes: 32. Nays: 0. Abstain: 1 – Hegg. Excused: 3 – Englebert, Hamblin and Reynolds. CARRIED.

RESOLUTION NO. 195-42013: Authorize an Increase of \$350,000 in Winnebago County's Road Maintenance Budget to Cover Increased Costs of Labor and Materials Used During the 2013 Winter Season

WHEREAS, the Highway Department budgeted \$565,000 for winter maintenance activities in calendar year 2013, which includes snow and ice control operations; and