



Scott Maier

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February 4, 2025

Dear Board Applicant:

Thank you for expressing an interest in serving on the Gateway Technical College District Board. The information being provided is designed to familiarize you with the Wisconsin Technical College System (WTCS), its Boards, and the application/selection process for District Board membership.

Materials include:

- The Affidavit of Qualifications for WTCS District Board Membership (this is the application)
- Gateway Technical College Board of Trustees Governance Policies 1.3, 1.5 and 4.1
- WTCS Overview
- FAQs

Completed Affidavit of Qualifications must be received by **noon, Wednesday, February 26, 2025**. Applications received after this date and time will not be considered.

Please note that all **applicants must submit at least two (2) letters of reference supporting their nomination to the District.** A cover letter is also recommended.

All applicants must attend the **IN PERSON Monday, March 24, 2025 Public Hearing** of the District Board Appointment Committee and be interviewed.

Sincerely,

Scott Maier
Racine County Supervisor, District 16

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Affidavit of Qualifications for Wisconsin Technical College District Board Membership

Wisconsin Statutes establish requirements for the process of selecting members who will serve on the district boards of the 16 local colleges that make up the Wisconsin Technical College System. Applicants must submit this affidavit if applying for any of the 16 WTCS Boards, except Milwaukee Area Technical College. Please be sure to download a copy of this affidavit form before filling out; certain fillable fields may not work properly when viewed on a web browser.

Do not use this affidavit if you are seeking to serve on the Milwaukee Area Technical College Board. Those applying to serve on the Milwaukee Area Technical College Board must apply using the “Application Affidavit Milw FINAL 2024” available at [Documents for District Board Applicants](#).

To become a candidate who is considered to serve on the board of a Wisconsin Technical College you must:

1. Submit a properly completed and signed affidavit of your qualifications to the district board appointment committee by the deadline established in the published announcement requesting applications;
2. Attend a district board appointment committee public hearing and be interviewed; and
3. Submit at least two letters of reference supporting your candidacy.

If approved to serve on a district board, you are required to abide by the [State of Wisconsin Code of Ethics](#) and must file annual financial disclosure statements with the State of Wisconsin Ethics Commission.

Board members serve without salary or per diem. Actual and necessary expenses incurred in the performance of their duties are reimbursed.

Each year, three members are appointed to serve a three-year term that begins on July 1. According to Wisconsin Statutes, each of the 15 boards (excluding Milwaukee Area Technical College) must include the following nine members:

- [2 employers;](#)
- [2 employees;](#)
- [1 school district administrator;](#)
- [1 elected official;](#) and
- [3 additional members.](#)

Identification and Residency

Eligible candidates must reside in the technical college district for which they are seeking to be appointed as a board member.

Name of Candidate-please print or type
Street Address, City, Village, Town, ZIP Code
County and Area Code and Phone Number
Email Address

I am a resident of the _____ Technical College District and I meet the requirements for serving on a district board as outlined in [s. 38.08, Wis. Stats.](#)

Minority Status: You will be considered a minority if you indicate any of the following categories, as defined in [TCS 2.02\(9\)](#):

- American Indian or Alaskan Native
- Black/African American
- Asian
- Native Hawaiian and Other Pacific Islander
- Hispanic
- Two or More Races

Gender Assigned at Birth:

Gender Identity:

Board Membership Category

Please identify all board membership categories for which you may qualify; many people qualify for membership in more than one category. For instance, you automatically qualify as an additional member for the college where you live. If you are working, you might also qualify as an employer or employee member.

Do not use this form if you are applying for membership on the Milwaukee Area Technical College District Board. Instead, applicants for the Milwaukee Area Technical College Board must use the specific Milwaukee Area Technical College affidavit form.

Check all that apply:

Employer: To qualify as an employer, you must receive earnings as payment for your service and possess the power to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees or adjust employee grievances or effectively recommend such action if in connection with the exercise of such power the person exercises independent judgment in relation to the power. Employer does not include a person acting in the capacity of officer or agent of a labor organization. At the time of their appointment, employers also must be actively engaged in business and employ others.

Check all of the actions that are part of your regular responsibilities as an employer:

- | | |
|------------------------------------|--|
| <input type="checkbox"/> Assign | <input type="checkbox"/> Adjust Grievances |
| <input type="checkbox"/> Discharge | <input type="checkbox"/> Discipline |
| <input type="checkbox"/> Hire | <input type="checkbox"/> Layoff |
| <input type="checkbox"/> Promote | <input type="checkbox"/> Recall |
| <input type="checkbox"/> Reward | <input type="checkbox"/> Suspend |
| <input type="checkbox"/> Transfer | |

Employee: You receive payment for work performed but do not qualify as an employer using the definition described above. An officer or agent of a labor organization automatically qualifies as an employee.

The below information applies to both employer and employee categories:

Your Title/Position
Company/Organization
Street Address
City/State/ZIP Code
Business Phone Number
Date appointed to current position
Business Location*

(*Business location within the district if company headquarters are located outside of district; to be eligible, a physical location must be located within the technical college district – [S. 38.08\(1\)\(a\)2, Wis. Stats.](#); [TCS 2.04\(4\)\(c\), Admin. Code](#))

School District Administrator: You are considered an applicant in the school district administrator category if, as defined in [s. 115.001\(8\), Wis. Stats.](#), you are a school district superintendent, supervising principal or other person who acts as the administrative head of a school district.



Elected Official: You are considered an applicant in the elected official category if, as defined in [s. 5.02\(3m\), Wis. Stats.](#), you are a state or local elected official.

- | | |
|---|--|
| <input type="checkbox"/> City Council | <input type="checkbox"/> State Legislature |
| <input type="checkbox"/> Common Council | <input type="checkbox"/> Town Board |
| <input type="checkbox"/> County Board | <input type="checkbox"/> Town Clerk |
| <input type="checkbox"/> School Board | <input type="checkbox"/> Village Board Sheriff |
| <input type="checkbox"/> Other Specify | |

Additional: All residents of a technical college district are eligible to serve as an additional member for that college.

With your affidavit, it is strongly encouraged that you submit a statement up to one single-spaced page describing your reasons for seeking an appointment to the board of your local college, as well as the following documents:

- Resume;
- Employment or work history;
- Membership and positions held in business, professional, or civic groups and labor organizations;
- Educational background and degrees conferred;
- Honors, awards, or citations; and
- Any other information you believe would be helpful for the appointment committee.

Your affidavit is not complete unless it is signed:

I agree that I will provide any additional requested information or respond to questions from the local district board appointment committee, or the Wisconsin Technical College System Board as needed to verify my qualifications for the board member position I am seeking.

I declare under penalty of false swearing under the law of Wisconsin that the foregoing is true and correct.

Signed:

Day
Year
City and State or Country

Candidate Signature

SECTION 1 - GOVERNANCE PROCESS
POLICY 1.3

BOARD RESPONSIBILITY

The Board functions as a collective body to fulfill its governance commitment. The major outcomes of the Board's governance are:

1. Serving as the official governance link between the College and the community at large.
2. Enacting written governing policies which address:
 - a. Ends: College services, impacts, benefits, outcomes, recipients, and their relative worth (what good for which needs at what cost).
 - b. Executive Limitations: Constraints on executive authority which establish the prudence and ethics boundaries within which all executive activity and decisions must take place.
 - c. Governance Process: Specification of how the Board conceives, carries out, and monitors its own tasks.
 - d. Board/Staff Relationship: How authority and accountability are delegated to the President and their proper use monitored.
3. Assuring successful organizational performance.

Included in its responsibilities, the Board as a whole:

1. Employs and evaluates the College President.
2. Annually approves and retains the services of external legal counsel.
3. Annually approves and retains the services of the financial auditor as required by statute
4. Monitors and discusses the Board's process and performance annually. Self-monitoring will include comparison of Board activity and adherence to policies in the Governance Process and Board/Staff Relationship categories.

Adopted: August 17, 2000
Revised: June 16, 2016
Reviewed: June 16, 2016, July 9, 2018, July 8, 2019, March 17, 2022, March 23, 2023, October 19, 2023

SECTION 1 - GOVERNANCE PROCESS
POLICY 1.5

BOARD MEMBER'S ROLE

The Board functions as a collective body. The success of the Board depends on each individual Board member exercising responsibility through positive actions in the following areas:

1. Being effective at Board meetings through appropriate preparation, regular attendance, active participation in Board discussions, and willingness to volunteer for ad hoc committee or other Board tasks.
2. Understanding and supporting the Board governance concepts, Board policies, and Board operations.
3. Developing and maintaining an in-depth knowledge of the community and its needs to which the college might respond.
4. Maintaining a working knowledge of the college's organization, programs and services, facilities, and budget.
5. Becoming well informed of the major initiatives of the College, the global perspective of the Wisconsin Technical College System, and related national activities such that each Board member is better able to make the necessary decisions that maintain or strengthen our commitment to the community.
6. Engaging in Board and self-development activities designed to promote Board effectiveness through attendance at state, regional, and national Board association meetings and by utilizing resources available in the College.
7. Attending College events.
8. Presenting a positive image of the College to the community.
9. Referring questions regarding college operations to the President.
10. Serving as an informed volunteer to participate in legislative events and promote the College's legislative agenda as directed by the President.

Adopted: August 17, 2000

Revised: June 16, 2016

Reviewed: June 16, 2016, July 9, 2018, July 8, 2019, April 14, 2022, April 20, 2023

COLLEGE ENDS POLICY

The tri-county community benefits from affordable higher education that allows residents to develop knowledge and skills for family-supporting careers that contribute to the growth and sustainability of the local economy at a cost commensurate with the value of services provided.

1. Students demonstrate the knowledge and skills and self-confidence required for employability, career advancement, a global perspective, and lifelong learning.
2. Businesses benefit from a well-trained, educated workforce and access to customized business and workforce solutions that support a positive business climate.
3. Taxpayers receive a positive return on investment from Gateway's impact on the local tax base, property values, and overall economic development as well as the contributions of graduates to the tri-county community.
4. Families are strengthened by the prosperity of their graduates, reduced unemployment or underemployment, and the availability of local jobs for family members.
5. Educational partners, locally, nationally, and internationally, connect their students to Gateway's well-developed career pathways courses, facilities, and educational resources.

An Overview of the Wisconsin Technical College System

The Wisconsin Technical College System (WTCS) provides education to individuals in programs with specific occupational orientation below the baccalaureate level, including associate degrees, training of apprentices and adult education below the professional level. Its principal purposes, as defined by state statute, are to provide:

- occupational education and training and retraining programs, including the training of apprentices; and
- customized training and technical assistance to business and industry to foster economic development and the expansion of employment opportunities.

Additional purposes include providing:

- educational opportunities for high school age students;
- college transfer, community services, self-enrichment activities and basic skills education; and
- education and services addressing barriers to participation in technical education created by stereotyping and discrimination.

The WTCS consists of sixteen technical college districts, each responsible for providing educational programs and services through the operation of technical colleges. Fifty-one campuses and numerous outreach centers operated by the technical colleges make up Wisconsin's technical education delivery system responsible for meeting the needs, interests and abilities of students and the needs of the labor market.

In the 2022-23 academic year, close to 288,000 students were enrolled in a WTCS District. Students may enroll in over 500 programs leading to employment in areas such as agriculture, business, health sciences, information technology, manufacturing, or public safety and security. Technical colleges offer two-year programs leading to an associate degree, one- and two-year technical diplomas, short-term diplomas, certificates and related instruction for apprentices. The first two years of instruction in liberal arts leading to a baccalaureate degree are also offered at all 16 Wisconsin Technical Colleges. In addition, each technical college district provides basic literacy instruction through Adult Basic Education programs, high school completion or equivalency programs, and instruction in English language learning.

Wisconsin Technical College System Board

The WTCS Board is comprised of thirteen members. Three members serve *ex officio*: the State Superintendent of Public Instruction; the Secretary of the Department of Workforce Development; and the President, or by designation, another member of the University of Wisconsin System Board of Regents. The Governor appoints ten members to staggered six-year terms: one employer of labor, one employee who does not have the power to employ or discharge; one engaged in farming as a principal occupation; and six additional members from the public at large. In addition, the Governor appoints one student to a two-year term. The WTCS Board establishes policy direction for technical college programs across the state. The WTCS Board has statutory authorization to determine the organization, plans, scope and development of technical colleges; to appoint a System President; to approve qualifications of educational personnel and courses of study; and to approve district proposals for facilities

development and land acquisition. In addition, the WTCS Board establishes procedures and criteria for determining course credit, tuition, state aid, uniform accounting for financial programs and other data required of the technical college districts.

District Boards

Districts have distinct demographic, geographic and economic characteristics. Consequently, local educational programming is tailored to meet unique local needs.

District boards have statutory authority to levy property taxes, provide for facilities and equipment, contract for instructional services, and appoint a district president who serves as chief executive officer for the district. The district president is responsible for local administration, including setting academic and grading standards, hiring instructional and other staff, and providing auxiliary services and budget management.

The composition of each district board is defined in s. 38.08, Wis. Stats. Each district, except for Milwaukee, is governed by an appointed board composed of nine members who are district residents and serve three-year staggered terms. District boards consist of two employers, two employees, three additional members, a school district administrator as defined in s. 115.001(8), Wis. Stats., and one elected official who holds a state or local office as defined in s. 5.02, Wis. Stats.

Under s. 38.08, Wis. Stats., the Milwaukee District Board is composed of nine members who are residents of the district, seven of whom are residents of Milwaukee County and consist of the following:

- Five persons representing employers. Three of the members will represent employers with 15 or more employees, two of the members will represent employers with 100 or more employees and at least two of the members represent employers who are manufacturing businesses. A person representing an employer will have at least two years of experience managing an organization with at least 15 employees or at least two years of experience managing the finances or the hiring of personnel of an organization with at least 100 employees;
- One school district administrator as defined in s. 115.001(8), Wis. Stats.;
- One elected official who holds a state or local office as defined in s. 5.02, Wis. Stats.; and
- Two additional members.



2022-23 Statistics¹

In 2022-23, 287,951 individuals enrolled in Wisconsin's technical colleges, including:²

- 168,139 in an applied associate degree, technical diploma, or apprenticeship related instruction programs and courses;
- 107,257 students in vocational-adult courses;
- 36,369 in basic education and remedial courses;
- 4,727 in community services courses; and
- 17,636 in collegiate transfer courses.

In addition, of the individuals enrolled in 2022-23:³

- 39,821 were academically disadvantaged;
- 45,344 were economically disadvantaged;
- 10,453 had limited English proficiency; and
- 12,976 students had a disability.

Students of color accounted for 24.1 percent of all enrollees, while female students accounted for approximately 47.1 percent of total enrollments.

The average age of postsecondary students and collegiate transfer students was 24 and 27 years, respectively and 38 years for continuing education students.

In 2022-23, WTCS students enrolled in one of the more than 500 programs offered in agriculture, business, marketing, family and consumer education, service, health, industrial, technical, and general education. An advisory committee provides oversight to each full-time occupational program.

Colleges provide education and economic development services to a broad range of customers, including technical assistance to business and industry, and coordinate curricula with other systems.

Wisconsin's technical colleges employ just over 8,100 full-time and part-time faculty members.

In 2022-23, actual statewide operational expenditures (does not include capital costs, debt service, and auxiliary and public service functions) equaled \$1.2 billion. Major sources of districts' operational revenues totaled \$1.2 billion in 2022-23 and included:⁴

- Local property taxes \$247.1 million
- Tuition and fees \$221.0 million
- State aid \$583.7 million
- Institutional \$89.5 million
- Federal \$72.6 million

There are 52 technical college campuses throughout the 16 WTCS districts. Offerings are also made available in many additional, convenient locations throughout the state, such as secondary schools, municipal and private buildings.

¹ Source: 2022-23 Factbook – Student Data

² This is unduplicated enrollment. The total reported for program categories may exceed the unduplicated total because students often enroll in more than one program.

³ Students may fall into more than one category.

⁴ 2022-23 Cost Allocation Report.

FAQ: DISTRICT BOARD APPOINTMENT PROCESS

The following information is provided in response to frequently asked questions concerning the district board appointment process. These responses are based on administrative interpretations by state staff, decisions by WTCS Board action, and attorney general interpretations of the Constitution, state statutes, and administrative code. Please refer to the appropriate sections of Chapter 38, Wisconsin Statutes and Chapter TCS 2, Wisconsin Administrative Code for additional information.

1. EQUAL CONSIDERATION TO THE DISTRIBUTION OF WOMEN AND MINORITIES WITHIN THE DISTRICT

What are the criteria for giving equal consideration to the general population distribution and the distribution of women and minorities within the district and how should the appointment committees consider that criteria in making their appointments?

Because the distribution of males and females throughout the districts and state is nearly equal, fewer than three of either sex on a district board does not qualify as giving equal consideration to the general population distribution. The WTCS Board will generally not approve any appointment that would reduce the representation of either sex on the district board below three.

Minority representation is based on the total of all minorities within a district. A minority appointment must be made to a district board if the total percentage of minorities within a city of the first class or a technical college district exceeds 6.5 percent of the general population. Minority appointments are encouraged for every technical college district board regardless of their percentage of the general population. Reasonable representation of minorities is interpreted to require a minority representative in districts where the minority population exceeds 6.5 percent of the district population.

(See s. 38.10(2)(c), Wis. Stats.)

2. RESIDENCY

How is “residency” defined for determining eligibility for a district board seat?

A candidate for Technical College District Board membership must be a resident of the technical college district in which they apply. A resident is defined as a person whose domicile (whether owned or rented) is located within the boundaries of the technical college district. (See s. 38.08(1)(a), Wis. Stats.; see also below relating to location of business and industry within the district.) What is a “domicile”? A “domicile” is a person’s true, fixed and permanent home where a person intends to remain permanently and indefinitely and to which a person has the intention of returning, whenever absent. It is often referred to as “legal residence.” A person may be physically present or living in one place but maintain a domicile in another. A person only has one domicile at any point in time.

3. CONTINUED RESIDENCY WITH THE DISTRICT REQUIRED

A candidate selected by the appointment committee moves out of the district. Can they continue to serve?

No, being a resident of the district is a basic requirement of statutes. If a candidate moves out of the district, they vacate their membership. Other status changes do not affect a candidate’s eligibility until they apply for a new three-year term (except for elected officials as noted above).

(See s. 38.08(1)(a), Wis. Stats.)

4. LOCATION OF BUSINESS AND INDUSTRY

What are the requirements for the location of employers and employees within the district?

Employer and employee candidates must reasonably represent the businesses and industries in the district by being:

– Employed at a location within the boundaries of the district; or

– Employed at a location outside the boundaries of the district by a corporation, partnership, sole proprietorship, labor organization, or association whether or not operated for profit, that maintains an office, factory, warehouse, or other business facility within the boundaries of the district where other employers or employees of that organization are regularly employed.

(See s. 38.08(2), Wis. Stats.; TCS 2.04(4)(c), Admin. Code)

5. LABOR UNION OFFICIALS

Are there instances of labor union officials qualifying as “employer” for appointment purposes?

No, labor union officials acting in the capacity of officer or agent of a labor organization qualify as employees or additional. (See TCS 2.02(4) and (5), Admin. Code)

6. SOLE PROPRIETORS

How would you classify individuals who are sole proprietors? Must sole proprietors be actively engaged in business to qualify as employers?

The legal form of business, whether the business is operated as an independent contractor, sole proprietor, partnership, or corporation or is for-profit, not-for-profit, or a unit of government, plays no role in determining whether an individual is an employer or employee. If a sole proprietor is actively engaged in business based within the district, receives earnings as payment for services performed as part of their business, and has one or more employees for whom they determine or effectively recommend the actions as required of other employer, they should be considered an employer for the purpose of district board appointments.

7. SCHOOL DISTRICT ADMINISTRATORS AS EMPLOYER

If a school district administrator applies for a position other than as the school district administrator member, what category would that person be in?

School district administrators applying for a district board member position other than the school district administrator designated position are considered employers. They would also qualify as additional members.

8. LIMITATIONS ON ADDITIONAL MEMBERS

What criteria affect filling vacancies for “additional members” on the board?

Of the three additional members on a technical college district board, no more than two may be employers, no more than two may be employees, no more than three may be school district administrators, and no more than three may be elected officials.

No two members of the district board may be officials of the same governmental unit. No district board member can be a member of the school board that employs the school district administrator member serving on the board. (See s.38.08(1)(a)(2), Wis. Stats.)

9. ELECTED OFFICIAL AS EMPLOYER OR EMPLOYEE

Can elected officials, appointed as such to the district board, also meet the employer or employee categories?

No, members appointed in the Elected Official category are not considered employers or employees.

10. LIMITATIONS ON ELECTED OFFICIALS

Are there any limitations on how many elected officials may be on the board or requirements that elected officials come from any specific unit of government?

The statutes specify that at least one member of the board must be an elected official. That official may represent any level of government, as long as he is a resident of the district. However, no two members of the district board may be officials of the same governmental unit. If the elected official loses his elected position during his term, he no longer qualifies after his last day office, and a new appointment must be made.

Additionally, no more than three technical college district board members in the “additional member” category may be elected officials. (See 38.08(1)(a)2, Wis. Stats.; TCS 2.02(4)(d), Admin. Code.)

11. PERMISSIBILITY OF SHERIFFS TO SERVE ON DISTRICT BOARDS

Historically, county sheriffs were prohibited from serving on district boards. Is that still true?

No, county sheriffs may serve on technical college district boards. Despite the annotation that appears at the end of s. 38.08, Wis. Stats. referring to an opinion of the Attorney General about the incompatibility of offices of district board membership and the sheriff, due to a subsequent constitutional change, the prohibition on county sheriffs holding any other public office has been repealed.

12. INCOMPATIBILITY OF OFFICES

For purposes of district board appointments, are there incompatible offices?

Yes, incompatibility of office exists if the applicant is both a technical college district board member and a technical college district employee. (*Otradovec v. City of Green Bay*, 118 Wis 2d 393, 347 N. W.2d 614 (Ct. App. 1984)). Therefore, a technical college district employee cannot serve as a member of a technical college district board. Additionally, a WTCS Board member and district board members are considered incompatible, and a person may not serve on both boards at the same time. (See 77 Atty Gen. 256.)

13. CONFLICT OF OFFICE—TECHNICAL COLLEGE DISTRICT EMPLOYEES

Is it permissible for employees of a technical college district who are also elected officials to serve on the local technical college district board?

No. A technical college district employee cannot serve as a member of a technical college district board regardless of category. (*Otradovec v. City of Green Bay*, 118 Wis. 2d 393, 347 N.W.2d 614 (Ct. App. 1984)).

14. CHANGE IN STATUS OF APPOINTEE

If a candidate’s status changes after action by the appointment committee, do they qualify in the category to which they were appointed?

No. Appointees must maintain eligibility status for employers, employees, additional members and school district administrators up to the time they take the oath of office. They may continue to serve if their status changes after they take the oath of office. Elected officials, though, will cease to be a member upon vacating their office as an elected official.

15. USE OF TELECONFERENCING OR VIDEOCONFERENCING TO HOLD PUBLIC HEARING

May the appointment committee use teleconferencing or videoconferencing technology to hold any required public hearings?

Yes, to encourage greater participation by appointment committee members and the public, the appointment committee may hold any required public hearings at multiple sites using teleconferencing or videoconferencing technology, providing that the meetings are properly noticed and meet the following criteria:

– Individuals participating at any one site are able to communicate with individuals participating at any other site; and

– All of the locations of the meeting must be physically in the State of Wisconsin, open to the general public and press, including to the extent possible, any interested individuals with disabilities, to permit them to be physically present and participate in the public hearing; i.e., in the interest of encouraging broader participation in the appointment process, individual members of the appointment committee may not participate from a private location not open to the public.

16. PARTICIPATION OF CANDIDATES THROUGH CONFERENCE CALL OR VIDEOCONFERENCING

We have had candidates ask if they can participate in the public hearing by videoconference. Is that permissible?

Yes, appointment committees may hold their public hearing using online live videoconferencing technology, such as Microsoft Teams, Zoom, Webex, or any other platform that allows the candidate to fully participate in the meeting as if it were taking place in-person. If the committee chooses to hold the public hearing virtually, they must provide the candidate(s), committee member(s) or any member(s) of the public with the necessary accommodation so that their participation in the meeting is not restricted.

17. EXCLUSION OF CANDIDATES FROM PORTION OF PUBLIC HEARING

May our appointment committee interview the candidates one-by-one, asking the other candidates to leave the public hearing until it is time for their interview?

No, the law provides for candidates to appear at a public hearing or public meeting to be interviewed by the appointment committee. During the public hearing, the appointment committee is not holding job interview, but is reviewing the qualifications of each of the candidates for appointment to public office. The intent of the law in requiring the holding of a public hearing is to provide for the greatest participation by all members of the public in the appointment process. Therefore, it would be improper for an appointment committee to exclude any member of the public, including any candidate for district board membership, from the public hearing unless the behavior of the individual was disruptive to the hearing process.

18. ROLL CALL VOTE REQUIRED

Is it necessary to conduct a roll call vote in the selection of District Board Members?

The statutes provide that unless otherwise specifically provided by statute, no secret ballot may be utilized to determine any election or other decision of a governmental body except the election of the officers of such body in any meeting. Therefore, an appointment committee may not use a secret ballot to select members of a district board. It is the recommendation of the WTCS Board that the vote be a recorded roll call vote. (See s. 19.88(1), Wis. Stats.)

19. CLOSED SESSIONS OF DISTRICT BOARD APPOINTMENT COMMITTEE

When is it permissible to have closed sessions of District Board Appointment Committees?

The law permits closed sessions only in the case of an appointment committee member having information about a candidate that would have a substantial adverse effect upon the reputation of any person referred to. The fact that some damage may occur to an individual's reputation is probably not sufficient, since the law requires a "substantial adverse effect." Discussion in closed session can only involve the item that has a substantial effect. A vote to go into closed session must occur in open session and the appointment committee is required to return to open session to vote on the candidates. The appointment committee must notice the possibility of going into closed session during discussions of applicants' qualifications. (See 85 Atty. Gen. 15; See also s. 19.85(1), Wis. Stats., for the criteria governing the permissibility for a public body to convene in closed session; for further guidance on holding closed sessions, please see Wisconsin Open Meetings Law: A Compliance Guide, published by the Wisconsin Department of Justice.)

20. LETTERS OF REFERENCE REQUIRED

Is it essential for candidates to submit letters of reference?

Yes, all candidates must submit at least two (2) letters of reference supporting their candidacy before they may be appointed as a district board member. These letters should be submitted with the candidate's application/affidavit or presented at the district appointment committee hearing. (See 38.10(2)(d)(3), Wis. Stats.)

21. HANDLING VACANCIES OUTSIDE THE ANNUAL APPOINTMENT PROCESS

How should the Appointment Committee handle vacancies that occur outside of the annual appointment schedule?

Unexpected vacancies occurring 120 days prior to the spring election (1st Tuesday in April) may be filled anytime up to 60 days after the spring election. This provision was originally intended to allow appointment committees greater latitude in filling unexpected vacancies such as those created when elected officials lose their elected office and thus automatically lose their district board position. The greater latitude allows the appointment committee to combine the recruitment process to fill the unanticipated vacancy while filling annual vacancies. This eliminates the need to conduct two separate but simultaneous recruitment processes. (See 38.10(2)(a)(2), Wis. Stats.)

22. OATH OF OFFICE REQUIRED

How should the local districts handle an oath of office?

A written sworn (notarized) oath of office is required for every new appointment or reappointment and must be filed with the district board secretary. Copies do not have to be submitted to the WTCS Board. An oral oath may be used for ceremonial purposes only. Failure to have a written sworn oath could result in a disqualification of the appointee to hold public office and potential impact any actions taken by district board members.

23. EFFECTIVE DATE OF RESIGNATION

What is the effective date of resignation?

Resignations of technical college district board members take effect upon receipt of the resignation letter by the district board secretary or upon the date as specified in the letter of resignation. Elected official vacancies occur when the official is no longer in office.

24. REGISTRATION WITH WISCONSIN ETHICS COMMISSION REQUIRED?

Do district board members have to register with the Wisconsin Ethics Commission?

Yes, upon appointment, all district board members are local public officials of the State of Wisconsin, must abide for the state's Code of Ethics, and are required to file an annual statement of economic interests with the Wisconsin Ethics Commission (See ss. 19.44; 19.59, Wis. Stats.)

25. APPOINTMENT AUTHORITY RESERVED FOR COUNTY BOARD CHAIR, SCHOOL BOARD PRESIDENT, OR THEIR DEGISNEES

What role do county administrators or county executives play in appointing district board members?

Although, in general, county administrators or county executives are responsible for appointing members of boards or commissions who would otherwise have been appointed by a county board or chairperson of a county board subject to the confirmation of the county board, this authority does not extend to the appointment of members of a technical college district board. Instead, the power to appoint technical college district board members is the sole responsibility of a duly constituted local appointment committee as described in s. 38.10(1), Wis. Stats. With the exception of three districts that were organized by school boards (Fox Valley, Milwaukee Area, and Southwest Wisconsin), state statutes require the appointment committee to be composed of the chairs of the county boards that make up the district. This statutory responsibility of a county board chair to serve on the local appointment committee supersedes any duties or powers of a county administrator

or county executives provided by county code and is not in conflict with those powers of a county administrator or county executive enumerated in other sections of state statutes. This power of the county board chair to act for the county on the local appointment committee for members of district boards of technical colleges even if there is a county administrator or county executive was affirmed by an opinion of the Attorney General (60 Atty. Gen. 257).

Wisconsin statutes provide that in counties with a population of less than 500,000, the county board may choose to appoint a county administrator to serve as the chief administrative officer for the county (s. 59.18(1), Wis. Stats.). Among the duties and powers of a county administrator is the responsibility to "Appoint the members of all boards and commissions where the statutes provide that such appointment shall be made by the county board or by the chairperson of the county board. All appointments to boards and commissions by the county administrator shall be subject to the confirmation of the county board" (s. 59.18(2)(c), Wis. Stats.). Similarly, the statutes provide that in counties with populations of 500,000 or more, the county must elect a county executive (s. 59.17(1), Wis. Stats.) and give to the county executive similar responsibilities to appoint members of boards and subject to the review and approval of a majority of the county board.

However, the process of appointing members of a technical college district board is described in s. 38.10, Wis. Stats. Unlike the appointment of members of county-wide citizen councils, boards, or commissions, the Legislature has explicitly reserved the power to appoint technical college district board members for a multi-jurisdictional local appointment committee, not an individual county administrator or county executive (s. 38.10(1), Wis. Stats.). By statute, this local appointment committee is constituted of county board chairs or school board presidents or their designates depending on the way the district was organized (s. 38.10(1)(a) or (b), Wis. Stats.). Finally, the statutes provide that technical college district board appointments, unlike those made by county executives and county administrators, are subject to review and confirmation by the Wisconsin Technical College System Board, not county boards. (See, 38.10(2)(c), Wis. Stats.)

26. WHEN DOES AN ELECTED OFFICIAL'S TERM OF OFFICE END?

The term of office of the current local elected official on a district board ends either with:

the effective date of the individual's resignation from the district board;

when the term of office of his or her elected position ends (when successor takes office after the election (NOTE: this may vary by county; exact date is available from county clerk); or

June 30 if the local elected official's term has not ended but the individual has not been reappointed to the district board. (s. 38.08(2m), Wis. Stats.)

27. WHEN DOES A NEWLY APPOINTED ELECTED OFFICIAL MEMBER TAKE OFFICE?

All district board appointments are subject to confirmation by the State Board (s. 38.10(2)(c)). The term of office of the newly appointed local elected official on a district board begins with all other newly appointed district board members on July 1 unless the individual has been appointed to fill the term of a district board member that has not yet ended (s. 38.08(1)(b), Wis. Stats.). In that case, the newly appointed district board member may begin serving on the district board as soon as his or her appointment is confirmed by action of the State Board.

28. WHAT IS THE MINIMUM AGE FOR A DISTRICT BOARD MEMBER?

State Statutes don't list a minimum age, but district board members are local public officials, so the minimum age by default to other statutes on the qualifications of public officials is age 18. By saying "anyone who resides in the district," the statutes and code are making no distinction on labor force status. (Anyone also includes retired persons.)

29. MILWAUKEE AREA TECHNICAL COLLEGE ONLY. VERIFICATION THE EMPLOYER REPRESENTS A MANUFACTURING BUSINESS.

For Milwaukee Area Technical College, at least 2 of the members shall represent employers who are manufacturing businesses. According to the Wisconsin Department of Revenue (DOR), a manufacturing operation is engaged in the assembling, processing, fabricating, making or milling. To meet the qualification under this category, the candidate must meet the requirements outlined by DOR. If the business activity meets the requirements for a manufacturing classification, DOR sends the business written confirmation that DOR classified the business as a manufacturing activity. If the appointment committee has questions regarding the candidate meeting the manufacturing qualification, the candidate has the ability to provide written documentation that DOR has classified the business as manufacturing activity.