



# Resolution No. 2009-94

## IN SUPPORT OF LEGISLATION RELATING TO THE VACATUR OF ARBITRATION AWARDS

### DOOR COUNTY

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD			
BEMMANN			
BOGENSCHUTZ			
BRANN			
DeBAKER			
DeWITT			
FISHER			
FONTAINE			
GUNNLAUGSSON			
HAINES			
LIEBE			
MEYER			
MOELLER			
MULLIKEN			
NEINAS			
OLSON			
RUNQUIST			
SAVARD			
SCHULTZ			
VIRLEE			
ZIPPERER			

*Vote Vote*

#### BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve      Adopted

1st Fisher      Defeated

2nd Moeller

Yes: \_\_\_\_\_ No: \_\_\_\_\_ Exc: \_\_\_\_\_

Reviewed by: [Signature], Corp. Counsel

Reviewed by: [Signature], Administrator

**FISCAL IMPACT:** There is no direct fiscal impact with the adoption of this resolution. sms

**Certification:**

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 24th day of November, 2009 by the Door County Board of Supervisors.

[Signature]  
Jill M. Lau  
County Clerk, Door County

### TO THE DOOR COUNTY BOARD OF SUPERVISORS:

1        **WHEREAS**, Pursuant to Chapter 788 Wisconsin Statutes, Wisconsin Courts  
2        have limited power to vacate arbitration awards; and  
3  
4        **WHEREAS**, Essentially, the Courts' role is supervisory in nature, ensuring that  
5        the parties received what they bargained for when they agreed to resolve their  
6        dispute through final and binding arbitration; and  
7  
8        **WHEREAS**, Courts should not overturn an arbitrator's decision for "mere errors  
9        of fact or law, but only when perverse misconstruction or positive misconduct [is]  
10        plainly established, or if there is a manifest disregard of the law, or if the award  
11        itself is illegal or violates strong public policy."; and  
12  
13        **WHEREAS**, The Wisconsin Court of Appeals has, in a series of recent  
14        decisions, set aside arbitration awards on what may fairly be described as vague  
15        public policy grounds ... and not of such a magnitude as to violate strong public  
16        policy; and  
17  
18        **WHEREAS**, It is essential that parties considering arbitration can rely on the  
19        fact that the procedure will be relatively expeditious, fair, and final; and  
20  
21        **WHEREAS**, If parties are unable to know with certainty that the course they  
22        have chosen to resolve their dispute will be decided with finality, the presumptive  
23        result is that fewer persons will submit their issues to arbitration and will rather  
24        submit to court determination; and  
25  
26        **WHEREAS**, This presumptive result is not in accord with the overall philosophy  
27        of the efficient resolution of disputes and consequent reduction of court caseloads  
28        through alternative dispute resolution methods such as arbitration; and  
29  
30        **WHEREAS**, The proposed legislation clarifies that an arbitration award cannot  
31        be set aside on public policy grounds except in an extraordinary case in which the  
32        award clearly violates carefully articulated fundamental policy .... and not from  
33        general considerations of supposed public interests.  
34  
35        **NOW, THEREFORE, BE IT RESOLVED**, That the Door County Board of  
36        supervisors expresses its strong support for the proposed legislation  
37  
38        **BE IT FURTHER RESOLVED THAT**, the County Clerk is directed to transmit a  
39        copy of this Resolution to all state legislators  
40        representing constituents within Door County and to Governor Jim Doyle.

#### SUBMITTED BY: ADMINISTRATIVE COMMITTEE

[Signature]      [Signature]  
Leo W. Zipperer, Chairman      John Neinas

[Signature]      [Signature]  
Daniel Austad      Merrell Runquist

[Signature]  
Kenneth Fisher