

# WASHINGTON COUNTY CODE

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## CHAPTER 4

### COUNTY ADMINISTRATION

#### SUBCHAPTER I - APPOINTED COUNTY OFFICIALS

**4.01(AM 14-2) COUNTY ADMINISTRATOR.** (1)(AM 13-8)(AM 14-2) **Creation.** Pursuant to §59.18, Wis. Stats., there is created the position of County Administrator with all duties and powers as set forth in state law.

(2)(AM 13-8)(AM 14-2) **Appointment, Salary.** The incumbent County Manager shall be appointed to serve as County Administrator. Future vacancies in this position shall be appointed by a 2/3 vote of members of the County Board upon recommendation of the Executive Committee from qualified applicants. The salary and benefits of the County Administrator shall continue the same as authorized for the County Manager, subject to annual review by the Executive Committee and shall be payable as other County employees.

(3)(AM 01-8)(AM 11-3)(AM 13-8)(AM 13-34)(AM 14-2)(AM 16-21) **Powers and Duties.** The County Administrator shall exercise the following powers and duties, subject to the general supervision of the County Board of Supervisors consistent with the powers and duties set forth in state law.

(a) Attend all meetings of the County Board, unless excused, and present recommendations to the Board in all matters within the responsibilities of his or her office.

(b) In consultation with the Board, its officers and the County Attorney, process resolutions, ordinances and meeting agendas for the County Board.

(c) Attend committee meetings upon the request of their Chairpersons or as Administrator deems necessary.

(d) Budget Development. The County Administrator shall prepare and submit the annual budget to the County Board.

1. Meet with the Finance Committee early in each fiscal year to establish the format, target funding levels and procedures for the upcoming budget process. Present preliminary funding levels to County Board. Under supervision of the Finance Committee, perform necessary duties to prepare a proposed County budget.

2. Furnish County department heads with appropriate budget development instructions, forms and assistance in making budget requests.

3. Receive the budget requests of departments and assure that all budgets so submitted shall have received the preliminary approval of the department's liaison committee.

4. Schedule and arrange meetings on the budget with department heads and present the draft budget to the Finance Committee. Department heads shall appear at the Finance Committee at the request of the County Administrator to provide additional explanation and support for the proposed budget.

5. Prepare a final draft budget and present the same to the County Board, upon recommendation of the Finance Committee.

6. Report to the Administrative Services Committee all personnel requests without regard to their fiscal effect prior to submittal of the draft budget to the Finance Committee.

7. Prepare for inclusion in the final draft budget a proposed program of capital expenditures and borrowing as directed by the Executive and Finance Committees.

8. Monitor implementation of the adopted County budget to assure that all expenditures of County funds are in compliance with the budget.

9. Review all requests for transfers within the adopted budget other than those transfers within the authority of department heads, and further review all requests for modifications of allocations in the budget, and make recommendations on said requests to the Finance Committee and Board where necessary.

10. Nothing in this paragraph shall be construed to prevent a department head or Liaison Committee representative from appearing at the Finance Committee to explain or defend the draft budget or to contest the County Administrator's recommendation.

(e) The County Administrator shall oversee the management of investments and the investment of the surplus funds of the County, subject to the general supervision of the Finance Committee and in accordance with the County's financial policies.

(f) The County Administrator shall manage and periodically evaluate the County's Capital Improvement Budget and the current year's operating budget and make quarterly reports to the County Board on the general and financial condition of the County and its departments, particularly advising the Board of financial trends facing the County and necessary policy or budgetary changes to reflect those trends, including long-term financial needs of the County. More frequent reports shall be presented when circumstances require or at the request of the Board or the Executive Committee. Significant initiatives, work plans and policy changes shall be reported to the Executive Committee monthly, at least.

(g) The County Administrator shall maintain and supervise a centralized system of purchasing, emphasizing volume discount purchasing to maximize County purchasing power and to procure supplies at the most advantageous cost. The County Administrator shall supervise the Purchasing Ordinance.

(h) Property Management. Subject to the general supervisory authority of the Finance Committee, the County Administrator shall do all of the following:

1. Be responsible for the maintenance, preservation and care of all personal and real property of the County over which the County has authority, maintain an inventory and record of the property and provide for maintenance of the property to preserve its value to the County.

2. In cooperation with department heads and elected officials, develop a long-range plan for management of County property, including real property, including recommendations for construction of facilities needed to deliver County services.

3. When directed by the County Board or a committee thereof, cause to be prepared plans and architectural specifications for County capital projects authorized by the Board, and coordinate County monitoring of construction progress.

4. Allocate space to County departments and agencies.

(i) Insurance Administration. The County Administrator shall be primarily responsible for assuring that insurance coverage is solicited and maintained by the County in such amounts as are available and affordable and are adequate to protect the County from financial loss. Therefore, the County Administrator shall:

1. Serve as custodian of all insurance policies held by the County, filing duplicates thereof with any appropriate department head or agency.

2. Under the supervision of the Administrative Committee, procure through bidding or other means as deemed proper by the committee, insurance coverage for the property, casualty, employee health, life and other insurance risks. The County Administrator shall continuously evaluate the County's coverage and recommend County policies which will protect the County from unreasonable risk of loss.

3. Process all insurance claims and refer them to the County Attorney and committees of the County Board, as appropriate.

4. Be responsible for all loss-control activities.

(j) To oversee, manage and implement the County Board adopted Emergency Management Plan and the Continuity of Operations Plan.

(k) Appointment of Department Heads, Staff and Assistants. The County Administrator shall appoint all department heads, staff and technical staff of his or her office as authorized by the County Board, except those elected by the people. Department Head appointments shall be made in consultation with the appropriate Liaison Committee. The County Administrator shall train and supervise department heads regardless of the appointing authority. The County Board elects to waive confirmation of the Administrator's Department Head appointments.

(l) Supervision and Discipline of Department Heads and Officers. Except for department heads elected by the people, the County Administrator shall evaluate and discipline all department heads and officers. Notwithstanding any Code provisions to the contrary, the County Administrator shall supervise and have disciplinary authority for the heads of all departments, except for the removal of the County Attorney and those elected by the people.

(m) The County Administrator shall have the following general powers:

1. To assure that all resolutions, ordinances and regulations of the County Board are faithfully executed, whether by the coordinator or department heads.

2. To supervise and coordinate the operations of all County departments except where the County Board has directed otherwise, and conduct regular department head meetings.

3. To update and maintain the County Code with the professional assistance of the County Attorney.

4. To make recommendations to the County Board for reorganization of the County departments, assignment of responsibilities to other agencies, merger, consolidation or abolition of County agencies, positions and programs; and report these recommendations to the Board.

5. To monitor developments in State, Federal and other relevant laws and governmental affairs, and to advise the County on recommended policy positions to advance which will improve County administration and operations.

6. To recommend proposed resolutions, ordinances or regulations to the County Board as are necessary to promote improved County services to the public interest, and provide all requested information, data and reports requested by the County Board to the extent such information is available.

7. To generally represent the County before governmental agencies, at public functions, at inter-governmental meetings, in business transactions, negotiations and administrative proceedings unless otherwise directed by the County Board.

8. To develop and maintain personnel policies and procedures and to evaluate department heads at least annually.

9. To provide administrative services and support and fiscal liaison to the County Historical Society and the County Library Board.

(n) Board and Commission Appointments. The County Board's right to elect and appoint its own officers and committees as set forth in §59.12, Wis. Stats., is codified in Chapter 2 of the Code and is reaffirmed. Pursuant to §59.18(2)(c), Wis. Stats., the County Administrator shall appoint the members of boards and commissions, subject to the confirmation of the County Board.

(4)(AM 13-8) **Bonding.** The County Administrator shall be included in the County's public employee blanket position bond, and shall be indemnified in the amount of \$10,000.

(5)(AM 13-8)(AM 14-2) **Term.** The County Administrator shall serve at the pleasure of the County Board and may be removed at any time that the County Administrator's conduct becomes unsatisfactory by 2/3 vote of all members of the board.

**4.02 COUNTY ATTORNEY.** (1) **Office Established.** There is established the office of Corporation Counsel, to be known as County Attorney, pursuant to the provisions of §59.42(1) and (3), Wis. Stats.

(2)(AM 14-2) **Appointment.** The County Attorney shall be appointed by the County Administrator who shall recruit, examine, evaluate candidates for the office.

(3) **Qualification.** The County Attorney shall be an attorney-at-law, duly licensed to practice before all courts of the State of Wisconsin.

(4) **Salary.** The salary of the County Attorney shall be determined by the County Board on the recommendation of the Administrative Services Committee and shall be payable as other County employees.

(5)(AM 01-8)(AM 03-42)(AM 14-2) **Duties.** The duties of the County Attorney shall be generally limited to civil matters which shall include giving legal counsel and opinions to the County Board and its committees, all elected County officials, all department heads; and interpreting the duties and powers of the County Board and County officers and departments. In addition to the foregoing general duties, the County Attorney is hereby specifically charged with the following duties:

(a) To serve as legal advisor to the County Highway Committee and Commissioner. He or she shall draw all legal documents required in the performance of those duties and shall attend to all legal matters in and out of court in which the department or committee shall be an interested party or wherein the acquisition of lands for highway purposes is concerned.

(b) To advise and assist the County Treasurer in instituting appropriate actions to foreclose tax liens and to advise the Finance Committee with respect to matters involving taxation affecting Washington County.

(c) To represent the interest of Washington County in all matters involving worker's compensation.

(d) To serve as legal advisor to the Washington County Planning, Conservation and Parks Committee and to represent Washington County in all matters involving enforcement of the zoning, sanitary, land division, building code, or other land use regulations.

(e) To represent Washington County in labor negotiations between the County and its employees as required in sec. 2.44(5) of this Code, and to represent the County in legal proceedings before the Wisconsin Employment Relations Commission or in court in matters affecting labor relations.

(f) To prosecute and defend civil actions provided such actions are in the interest of Washington County and in which Washington County or any of its officers is a party, except prosecution of County traffic ordinance violations shall remain the duty of the District Attorney.

(g) To handle bond issues upon request of the County Board.

(h) To serve as legal counsel to the Department of Social Services.

(i) To obtain the appointment of a guardian for persons receiving public assistance or receiving care and maintenance at the Samaritan Health Center when the appointment of such guardian is necessary to protect the interests of Washington County, or as required by Ch. 55, Wis. Stats.

(j) To act as legal advisor and to provide appropriate legal services when requested to do so for the various boards and commissions whose membership is appointed by the County Board, the County Board Chairperson or the County Administrator.

(k) To examine and report as to the liability of the County for any and all claims of whatever nature filed against it.

(l) To assist and represent the interest of Washington County in any and all other legal matters as instructed by the County Board, its committees, boards, commissions and others who are entitled to legal services from the County Attorney.

(m) To assume such executive duties as are specifically designated by the County Board by resolution or ordinance.

(n) To review and, if appropriate, approve as to form and execution, all bonds, contracts and agreements entered into by Washington County or any of its agencies, departments, offices and representatives.

(6) **Accounts.** The County Attorney shall file on or before the 8th day of November in each year in the office of the County Clerk an account verified by his or her affidavit of all money received by him or her during the preceding year by virtue of his or her office. He or she shall pay all money due to Washington County so received to the County Treasurer or other appropriate official immediately upon receiving same. He or she shall issue a receipt to each person making payment.

(7) **Vacancy.** In the event of a vacancy in the office of the County Attorney due to resignation, death or removal; or in the event of temporary absence due to vacation, leave of absence or illness; or in the event the County Attorney is unable to act for any reason, the District Attorney shall temporarily perform the duties and functions of the County Attorney until the vacancy is filled by the County Board, or as the case may be, until the County Attorney returns or is able to act.



(8) **District Attorney Relieved of Duties.** Whenever any of the powers and duties conferred upon the County Attorney are concurrent with similar powers or duties presently conferred by law upon the District Attorney, the District Attorney's powers or duties shall cease to the extent that they are so conferred upon the County Attorney and the District Attorney shall be relieved of the responsibility for performing such powers and duties. Powers and duties not specifically conferred upon the County Attorney by this section shall remain the responsibility of the District Attorney. Opinions of the County Attorney on all such matters shall have the same force and effect as opinions of the District Attorney.

(9) **Location of Office.** The County Attorney's office shall be located in the courthouse in the County seat, and the County Attorney shall not engage in the private practice of law.

(10)(AM 01-8) **Supervising Committee.** The Executive Committee shall have jurisdiction to supervise the activities and functions of the County Attorney's office, including review and approval of the proposed annual department budget before the same is submitted to the County Administrator.

(11)(CR 01-41) **Outside Legal Services.** Outside legal services not exceeding \$5,000 in estimated fee shall be obtained by the County Attorney with the advice of the County Board Chairperson. Where the fee is likely to exceed \$5,000, the County Attorney shall obtain the advance approval of the County Board Chairperson, who may consult the Executive Committee. Where legal services are needed on an emergency basis, the County Attorney may retain legal counsel regardless of the estimated fee, but shall consult the County Board Chairperson in advance, if possible. In all cases, the hiring of outside counsel shall be reported to the Executive Committee. Labor negotiator services are professional services subject to sec. 4.04(11)(f).

**4.03 COUNTY SURVEYOR.** (1) **Appointment.** Pursuant to §59.20(2), Wis. Stats., the duties of County Surveyor under §§59.45(1) and 59.74, Wis. Stats., shall be performed by any registered land surveyor under contract with the County to perform said work.

(2) **Selection.** On behalf of the County Board and in conformity with §59.74, Wis. Stats., the County Highway Department shall employ a registered land surveyor as an independent contractor to perform all surveyor duties under this code section. The duties of the County Surveyor shall be as specified and limited in the surveyor's contract which shall become effective upon approval by the County Highway Committee.

(3) **Office.** The Office of the County Surveyor shall be kept open as required by §59.20(3), Wis. Stats. If mutually agreed, all official filings and documents may be kept at the County Highway Department, in which case, the Highway Department shall be the official office.

(4) **Official Oath.** The County Surveyor shall take and file the official oath of office within 20 days after execution of his or her contract.

(5) **Budget.** The County Surveyor's budget shall be included in the Highway Department's budget under the authority of the Highway Commissioner.

(6) **Jurisdictional Committee.** The County Highway Committee shall have jurisdiction over the activities and function of the County Surveyor's Office.

**4.04 PURCHASING AGENT; PURCHASING POLICY.** (1) **Position Created.** There is hereby created the position of Purchasing Agent pursuant to the provisions of §59.52(9), Wis. Stats.

(2)(AM 01-8) **Appointment.** The Purchasing Agent shall be appointed by the Finance Director.

(3)(AM 01-8) **Qualifications.** The Human Resources Department shall establish detailed job specifications for the position of Purchasing Agents, including such minimum and desired qualifications as may be deemed appropriate.

(4)(AM 99-45) **Salary.** The salary of the Purchasing Agent shall be determined by the County Board according to the process established for County employees.

(5)(AM 01-8)(AM 01-41)(AM 12-11) **Definitions.** For the purpose of this section, the following definitions shall be used:

(a) **"Capital Outlay" (Fixed Assets)** is any and all property which will have a life of more than one year and exceeds \$2,500 per individual item in purchase price, including, but not limited to, such items as furniture; computer equipment; motor vehicles; machinery and buildings.

(b) **"Services"** includes gas, electricity, telephone, telegraph, freight, express, drayage, towels, water, postage, printing, binding and similar services. The word "Services" also includes all professional, social, consulting and skilled services whether purchased for the County or a specific client of any County department or agency.

(c) **"Materials and Supplies"** shall include paper, fuel, stationery, cleaning materials, maintenance materials, equipment repair parts and other like and similar items.

(d) **"Case Specific Contract"** shall mean any contract between a department and another party for the benefit of that party or a specific third person, whereby the County agency or department provides services on a case by case basis to said party or third person. Such contracts include but are not limited to contracts for individual foster home, group home, residential or institutional placements; contracts for social services, homemaker, chore services or related services for a specific person; contracts for attendance by a sheriff's deputy at a specific function, or for a special purpose; contracts for visiting nurse services, home health and maintenance services, physical therapy and speech therapy; and contracts for nursing home care of a particular person.

(e) **"Emergency"** shall mean a circumstance, physical condition or one or more practices, methods or operations which would, unless immediate action is taken, present an imminent risk of death or great bodily harm, loss of property, environmental harm, or which would interrupt or create a substantial risk of interruption of essential government services.

(6)(AM 99-40)(AM 99-45)(AM 01-41) **Powers and Duties of Purchasing Agent.** (a) The powers and duties of the Purchasing Agent shall include the following:

(b) The Purchasing Agent shall be responsible to and shall administer his or her department and perform his or her duties under the general supervision of the Finance Director, subject to the oversight of the Finance Committee.

(c) All Washington County elected officials, department heads, County Board committees, commissions or boards of trustees, shall cooperate with the Purchasing Agent in purchases for the departments, institutions or auxiliary facilities which they administer.

(d) Unless otherwise directed by the County Board, the Purchasing Agent shall have the authority and duty to purchase or contract on behalf of Washington County all necessary materials and supplies, equipment, outlay and contractual services for all departments except the Washington County Highway Department as provided for in sec. (12)(c) of this section. With the consent of each respective department, or where required by law, the Purchasing Agent shall designate such Assistant Purchasing Agents as shall be necessary to carry out his or her duties under this section within specific departments that have substantial, specialized purchasing requirements. Such assistants shall be subject to the rules and procedures of the Purchasing Agent, but shall otherwise remain under the authority of the respective department.

(e) The Purchasing Agent shall prepare bid specifications based on information furnished by the department for which the purchase requisition is provided, and from other sources as he or she may deem necessary. The specifications shall contain sufficient information to clearly and fully describe items to be purchased. Specifications shall be drawn to obtain the best product or service at the most advantageous price.

(f) The Purchasing Agent shall recommend to the Finance Committee administrative regulations which, if adopted, shall be circulated to all departments, and the Purchasing Agent shall ensure compliance.

(g) The Purchasing Agent may promulgate administrative rules and procedures consistent with this section. All purchases made under the authority of this section shall be subject to these rules and procedures.

(7) **Bonding.** The Purchasing Agent shall be included in the County's public employee blanket position bond.

(8)(AM 99-45) **Supervising Committee.** The Finance Committee, except as to matters delegated to the Finance Director, shall have the jurisdiction to supervise the Purchasing Agent in preparing specifications, letting bids and awarding contracts for purchase of items of furnishings for equipping new buildings or an addition, under existing appropriations. Such purchases need not be referred to the County Board for approval unless the County Board directs otherwise. In addition, except as to matters delegated to the Finance Director, exercise general supervision of all matters relating to purchases not otherwise provided by the County Board.

(9)(AM 01-8)(AM 01-41)(AM 17-9) **Purchasing Procedures and Methods.** (a) All County purchases of goods and services of \$1,000 and greater not specifically excepted herein shall be by requisition submitted to the Purchasing Agent by the department head requesting the purchase, which shall provide proof of availability of funds for said purpose. Such department head may delegate the authority to sign requisitions, but such delegated authority shall be in writing and shall be on file with the Purchasing Agent. Departments are responsible for ensuring adequate budget funds are available for any purchases below \$1,000 that do not require a purchase order.

(b) All invitations for bids for the purchase of goods, where the estimated cost exceeds \$25,000, shall be made only after public notice by publication, in at least 1 newspaper or trade magazine in general circulation in the State of Wisconsin. The newspaper or trade magazine shall be selected to obtain the best advertising coverage and widest notice at the most reasonable cost. The advertisement shall call for sealed bids to furnish the desired items or supplies, in accordance with specifications prepared or approved by the Purchasing Agent. The notice shall indicate where the specifications may be obtained. The Purchasing Agent may waive the notice requirement where an adequate bid list is available. Specifications shall describe completely the items or supplies to be furnished, the department for which the same is required and the quantities desired.

(c) All purchases where the estimated cost exceeds \$10,000, but does not exceed \$25,000 shall be made only after obtaining at least 3 sealed bids, where possible. Specifications for sealed bids shall meet the same standard as required by par. (b) and shall be solicited so as to provide for competitive bidding.

(d) All invitations for quotes for purchases where the estimated cost is between \$5,000 and \$10,000 may be made on the open market and directly from a dealer or supplier. Multiple quotations or proposals shall be solicited where advantageous to the County. Quotations obtained in this manner shall be confirmed by the successful bidder. Purchases under \$5,000 may be made directly by the Purchasing Agent from available dealers or suppliers.

(e) In calculating estimated costs to determine if the requirements of pars. (b), (c) or (d) above apply, multiple purchases of the same or similar items shall be considered as a single purchase where the Purchasing Agent knows or has reason to know that such purchases are contemplated within a calendar year.

(f) Where an emergency purchase has been made under par. (g) below or sec. (6)(e) in this chapter, the department head shall make the initial determination of need. Where the purchase exceeds \$5,000 or where sufficient funds are not already budgeted for this category of purchases, the department head shall consult the Liaison Committee chairperson as soon as practicable. The purchase shall be reviewed by the Liaison Committee at its next regularly scheduled meeting unless the committee chairperson determines that a special meeting is in order. If sufficient funds, including internally transferred funds, are not available within the department budget, the purchase shall be reviewed by the Finance Committee and a transfer recommended to the County Board, if justified. Deference shall be given to the department head's judgment, unless clearly erroneous or unless there has been a pattern of poor emergency decision making by that department head. In order to encourage suppliers to accept emergency purchase orders, the Liaison and Finance Committees are authorized to ratify emergency purchases and recommend a transfer even where they may disagree with the actual determination of an emergency or with the need for the purchase. Nevertheless, ratification of an emergency purchase does not preclude holding the responsible department head accountable for the emergency purchasing decision.

(g) Purchases may be made from an available supplier without the need for a competitive process where the Purchasing Agent determines that any of the following circumstances apply:

1. It is impractical or cost-prohibitive to prepare specifications to permit competitive bidding.
2. Immediate procurement is required due to an emergency, subject to the emergency procedures of this section.
3. After an unsuccessful competitive bid process where time or the expense of rebidding are prohibitive.
4. Where the goods or services are available from a single source or where there has been a special adaptation for a special purpose.
5. Where there is a unique or opportune market condition.
6. Where the service is of a technical or experimental nature or where creative talent, scientific knowledge, professional skill, or special skills or training are required.

(h) The justification and reasons for awards of contracts for purchases made by the procedures authorized in pars. (c), (d), (e), (f), and (g) above, shall be recorded and kept on file in the Purchasing Agent's office and open to public inspection.

(i) It shall be the duty of the Purchasing Agent or designee to open all bids or sealed quotations on the date and at the time and place specified in the advertisement or bid inquiry. The receipt and reading of bids or sealed quotations shall be open to the public or any person otherwise interested. Sealed bids opened by the Purchasing Agent or designee shall be evaluated by the Purchasing Agent and the department head from which requests for purchase had been made.

(j) The Purchasing Agent shall notify the successful bidder, after approval of award by the responsible department head, when the award has been made, in accordance with the provisions of this ordinance or rules made hereunder.

(k) The Purchasing Agent or Liaison Committee may reject any or all bids or proposals and may waive any technicality or error when such waiver is deemed to be in the best interest of Washington County.

(l) Contracts for purchases shall normally be awarded to the lowest qualified and responsible bidder. Awards of contracts to other than the lowest bidder may only be made with the approval of the liaison committee, which may take into consideration the advantage of a local supplier or immediate availability of the product or service.

(m) The Purchasing Agent may require that a bid bond or certified check in an amount of not more than 5% of the bid shall accompany all bids or sealed quotations. The specifications may provide that the Purchasing Agent require of the successful bidder a performance bond payable to the County Treasurer with good and sufficient surety for the full amount of the bid submitted, subject to the approval of the Purchasing Agent and the County Attorney. The bond shall be conditioned on the full and faithful execution and performance of the terms of the contract into which the bidder has entered. Whenever a performance bond is required, the same shall be filed with the Purchasing Agent within the time set by him or her after acceptance of the bid. Failure to file the required bond within the time specified may be cause for rejecting the bid and award thereunder.

(n) Washington County is an Equal Opportunity Employer. Successful bidders are required to have an Equal Opportunities Policy.

(o) The Purchasing Agent is authorized to enter into a group purchasing agreement with other public entities with the understanding that the purchasing method of the group complies with the minimum standards of law. Purchases through the group are exempt from the requirements of this section. The County's participation in a group purchasing body shall be by contract, subject to the review and approval of the County Board.

(10)(AM 99-40)(AM 99-45)(AM 01-8) **Public Work.** (a) Pursuant to §59.52(29), Wis. Stats., all public work, including any contract for the construction, repair, remodeling or improvement of any public work, building, or furnishing of supplies or material of any kind where the estimated cost of such work will exceed \$25,000 shall be let by contract to the lowest responsible bidder. Any public work, the estimated cost of which does not exceed \$25,000, shall be let as provided in sub. (9) above. If the estimated cost of any public work is between \$5,000 and \$25,000, the Purchasing Agent shall give a class 1 notice before it contracts for the work or shall contract with a person qualified as a bidder under §66.0901, Wis. Stats. A contract, the estimated cost of which exceeds \$25,000, shall be let and entered into under §66.0901, Wis. Stats., except that the board may by a three-fourths vote of all the members entitled to a seat provide that any class of public work or any part thereof may be done directly by the County without submitting

the same for bids. This subsection does not apply to public construction if the materials for such a project are donated or if the labor for such a project is provided by volunteers. This subsection does not apply to highway contracts which the County Highway Committee or the County Highway Commissioner is authorized by law to let or make.

(b) The provisions of par. (a) above are not mandatory for the repair or reconstruction of public facilities when damage or threatened damage thereto creates an emergency, as determined by resolution of the County Board, in which the public health or welfare of the County is endangered. Whenever the County Board by majority vote at a regular or special meeting determines that an emergency no longer exists, this paragraph no longer applies.

(c) The Purchasing Agent may require a certified check or bid bond equal to 5% of the bid payable to the County as a guarantee that if the bid is accepted the bidder will execute and file the proper contract and performance bond, where required, within the time limit set by the Finance Committee. If the successful bidder so files the contract and bond, where required, upon execution of the contract by all parties the check shall be returned. In case the successful bidder fails to file such contract and bond, where required, the amount of the check or bid bond shall be forfeited to the County as liquidated damages. The notice published and specifications shall inform bidders of the requirement of a bid bond.

(d) Contracts awarded under this subsection are subject to §779.14, Wis. Stats. The requirement of a bond under the statute shall be waived where the Finance Committee determines that the contract provides adequate guarantees or warranties. Where contracts involve \$1,000,000 or less the Committee may consider adequate guarantees and warranties to include a bond subject to those conditions provided in §779.14(1m)(b)2., Wis. Stats., secured by cash deposited payable to the County on demand upon certification by the Committee to the depository institution that the contractor is in non-compliance with the terms of the bond.

(e) Any notice given to secure bids shall inform prospective bidders of the prevailing wage rate requirements of the contract. The County Clerk or Construction Manager, if any, shall verify that the contractor, subcontractor and their agents, if any, are in fact paying at the prevailing wage rate.

(11)(AM 01-8)(AM 01-41) **Purchase of Service.** (a) Except where inconsistent, the provisions of sub. (9) above apply to purchases of services. The department which requires service shall prepare relevant specifications or standards and, where possible provide the Purchasing Agent with at least 3 prospective bidders who normally provide such services. The department may request the aid of the Purchasing Agent, or any other department which has needed expertise, in preparing the specifications or drafting the contract.

(b) The department which requires the service shall determine the most advantageous bid. The department may request aid from the Purchasing Agent in soliciting and evaluating bids.

(c) Where the department which requires the service is not able to obtain 3 bids or where that department has selected a higher monetary bid as being more advantageous, the department shall so indicate and explain its reasons for recommending that bid.

(d) After determining the most advantageous bidder, the department shall refer the proposed transaction to its Liaison Committee for its approval. The Liaison Committee shall determine if the proposed transaction is in conformity with this section and within budgeted funds.

(e) Where there is an emergency need for services, a department may negotiate a proposed contract without taking bids. The purchase shall be reviewed as provided in sub. (9)(f) above.

(f) Professional services need not be bid unless the responsible Liaison Committee requires bids. Whenever possible, purchases of professional services shall be made by written contract. No contract for the purchase of professional services which exceeds \$10,000 shall be binding on the County unless included in the budget and approved by the Liaison Committee, reviewed by legal counsel or designee and signed by the County Board Chairperson and the County Clerk. All other such contracts shall be binding on the County upon the approval and signature of the County Board Chairperson, and review and approval of legal counsel or designee.

(12)(AM 99-45)(AM 01-41) **Miscellaneous Purchases.** (a) The provisions of this chapter shall not apply to the purchase of repair parts or services which are needed for the emergency repair or maintenance of any machinery or equipment pursuant to sec. 3.04(3)(e)2 of this Code.

(b) Materials, supplies, machinery and equipment offered for sale by the Federal government or by any municipality may be purchased without bids, at prices to be agreed upon between the Purchasing Agent and the respective department for whom the item is to be acquired. Expert assistance for appraisal of such items may be employed at the discretion of the Purchasing Agent.

(c) The Highway Committee, pursuant to §83.015, Wis. Stats., shall purchase and sell County road machinery as authorized in the Budget, determine whether each piece of County aid construction shall be let by contract or shall be done by day labor, enter into contracts in the name of the County, and make necessary arrangements for the proper prosecution of the construction and maintenance of highways provided for by the County Board. Except with respect to highway contracts under §83.015, Wis. Stats., all purchases, including those for outlay, machinery, equipment or supplies, shall be purchased in compliance with this section. For all highway purchasing, the Highway Commissioner or designee shall serve as the Purchasing Agent and the Highway Committee shall serve as the Committee.

(d) With respect to public construction, the County Board hereby authorizes the direct municipal purchasing of equipment and supplies without regard to the requirements of this section in order to take advantage of the municipal sales tax exemption. The actual purchasing procedure shall be either established in the properly approved contracts for the public construction



or shall be otherwise as directed by the Finance Committee. Where possible, purchasing shall comport with the spirit of this section and shall in all circumstances be in compliance with State Statutes.

(e) Case Specific Contracts as defined in this section are exempt from the requirements of this section.

(13)(AM 01-41) **Disposal of Surplus Property.** (a) Departments which have surplus equipment or supplies shall report to the Purchasing Agent a description of equipment or supplies. The Purchasing Agent shall canvass other County departments to determine whether surplus items or supplies may be used by them. If such items or supplies are not needed by any County department, they may then be sold by the Purchasing Agent on the open market at the price to be established by the committee, or under competitive bids, whichever method is deemed most advantageous to the County. Nothing in this paragraph shall prohibit the trade-in of surplus equipment or supplies. This paragraph shall not apply to the Highway Department.

(b) The Purchasing Agent shall report the disposition of any such surplus equipment or supplies to the committee and to the department concerned.

(c) The proceeds from the sale of any equipment or supplies hereunder shall be paid to the County Treasurer.

(d) Surplus property may be withheld from sale or trade-in and retained in a used property pool controlled and administered by the Purchasing Agent, such property to be utilized as needed by County departments in accordance with rules established by the committee.

(14)(AM 99-45)(AM 01-8)(AM 01-41) **Appropriations.** The Purchasing Agent shall, before making any purchase, have County Board authority to make such purchase, by virtue of the annual budget appropriation for the cost of the purchase. Where the items to be purchased have not been funded in the annual budget, the Purchasing Agent shall not make any purchase until the requesting department has obtained funds.

(15)(AM 01-41) **Receiving Shipments.** The department head or designee shall be responsible for receiving and examining the purchase and shall promptly report any shortage, damage or variation of quality to the Purchasing Agent.

(16)(AM 01-41)(AM 03-42)(AM 16-21) **Rental Agreements or Leases.** (a) All County rental agreements or leases regarding real or personal property where the County or any of its agencies is the lessee shall be reviewed by the County Attorney or designee before being submitted to the committee for approval. The committee may advertise for competitive bids. Rental agreements or leases shall be executed by the County Clerk and County Board Chairperson. Short-term equipment rentals of one month or less, are not subject to this subsection.

(b) In a declared emergency, pursuant to §323.11, Wis. Stats., the County Board Chairperson and the County Clerk may authorize a temporary rental or lease agreement for a period of time not to exceed 60 days. A complete report of such emergency action shall be made at the next succeeding County Board meeting and thereafter the regular rental or leasing procedure shall be followed.

(17)(AM 99-45)(AM 01-8)(AM 01-41) **Capital Outlay.** (a) Capital outlay, shall be budgeted and purchased according to this subsection.

(b) A department needing outlay items shall request inclusion of needed items in its outlay budgets. Approval by the Liaison Committee, the Finance Committee and the County Board shall be as required in the normal budgetary process.

(c) During the budget year, purchases of budgeted outlay items shall be initiated by requisition from the responsible department head. Upon verifying that the department budget contains sufficient funds for the purchase, the Purchasing Agent shall purchase pursuant to sub. (9) above. No further board or committee approval is necessary.

(18)(AM 01-41) **Special Purchase Order Authority.** (a) In order to accommodate special purchasing circumstances where there are security, confidentiality and judicial administrative concerns, the Sheriff or his or her designee, in the Sheriff's absence, and the Circuit Judges are authorized to sign purchase orders, as further provided in this subsection.

(b) The Sheriff with approval of the County Board Chairperson, may sign and process purchase orders for authorized covert operations bypassing the purchasing process to the extent budgeted funds are available. The Sheriff shall report all such covert expenditures to the County Board Chairperson in such detail as will allow the Chairperson to verify the legitimate nature of the expense. Records of covert expenditures shall be confidential.

(c) The Circuit Judges may sign other payment authorizations for the fees of court appointed attorneys, guardians ad litem. The Clerk of Courts may sign other payment authorizations for the fees of interpreters, expert witnesses, witnesses, court reporters and such other services as shall be directly required by the court.

(19)(AM 01-41) **Purchases from Petty Cash.** Items not exceeding \$50 may be directly purchased from petty cash by a department head or designee.

(20)(AM 01-8)(AM 01-41) **Service Contract Renewals.** The Purchasing Agent may renew or extend existing equipment or software service contracts where authorized by the department responsible for the capital equipment to be serviced.

(21)(AM 99-45)(AM 01-41) **Direct Purchase of Computers.** The Finance Committee is authorized to directly purchase computer hardware and software through the State contract or other sources, subject to its determination that a fair price will be obtained and that direct purchasing is in the County's interest. The Purchasing Agent shall process all such direct purchases.

(22)(AM 01-41) **Purchases from County Officers or Employees.** (a) Purchases by or from officers or employees prohibited by §946.13, Wis. Stats., are forbidden and are void.

(b) Purchases from officers or employees permitted by §946.13, Wis. Stats., are nevertheless prohibited unless the officer or employee maintains an independent business sufficient to allow the County to comply with accepted accounting practices. Purchases of services from officers or employees are prohibited due to conflicts with laws governing employment status and wage and hour rules.

(23)(CR 99-32)(AM 01-41) **Internet Purchases.** Purchases over the internet lack adequate controls to assure the delivery and quality of goods ordered over the internet and are generally incompatible with the county's practice of receiving goods and services prior to payment. Internet purchasing is prohibited unless the product or service required is only offered through the Internet and all other means have been exhausted to locate a substitute product and means to purchase. In instances where a contract supplier offers products or services through the Internet, purchases may be made only if adequate controls are in place, including security, purchase limits and product quality assurances satisfactory to the Purchasing Agent. Credit card purchases over the Internet are only permitted where this is absolutely the only means of obtaining the required product or service.

(24)(CR 16-21) **Emergency Public Works; Emergency Purchases.** During a declared emergency, pursuant to §§323.10 or 323.11, Wis. Stats., the Emergency Management Coordinator, in consultation with the County Administrator and finance Director, may undertake public work or purchase goods and services reasonably necessary for the existing conditions without the need to fully comply with this Purchasing Code.

**4.05 REAL PROPERTY LISTER.** (1)(AM 03-42) **Creation.** There is hereby established the position of County Real Property Lister pursuant to §70.09, Wis. Stats.

(2)(AM 01-8)(AM 03-42)(AM 07-24) **Appointment.** The Real Property Lister shall be appointed by and shall serve at the pleasure of the Register of Deeds.

(3)(AM 01-8)(AM 03-42) **Duties.** The duties of the Real Property Lister shall be generally as set forth in §70.09(2), Wis. Stats. The specific duties of the Real Property Lister shall be as approved by the Administrative Services Committee in the detailed class specification for the position.

(4)(AM 01-8)(AM 03-42) **Salary.** The salary of the Real Property Lister shall be determined by the Administrative Services Committee and shall, together with other employee benefits, be payable as other County employees.

(5)(AM 01-8)(AM 03-42)(AM 07-24) **Budget.** The Real Property Lister shall annually submit to the Register of Deeds, a proposed budget for the ensuing year, upon such forms and in such detail and at such times as may be directed.

(6)(AM 01-8)(AM 03-42) **Supervising Committee.** The Planning, Conservation and Parks Committee shall have jurisdiction over the activities and functions of the Real Property Lister's office.

**4.06 LAND INFORMATION OFFICE.** (1)(AM 01-8) **Office Established.** Pursuant to §59.72, Wis. Stats., there is hereby established the Land Information Office.

(2)(AM 01-8) **Powers and Duties.** The Land Information Office shall:

(a) Coordinate land information projects within the County, between the state and local governmental units, between the County and local governmental units and among local governmental units, the federal government and the private sector.

(b) Develop and maintain a County-wide plan for land records modernization as required by §§59.72(3)(b) and 16.967(3)(e), Wis. Stats., with the approval of the County Land Information Board.

(c) Review and recommend projects from local governmental units for grants from the state Land Information Board subject to confirmation of the Planning, Conservation and Parks Committee.

(d) Make recommendations regarding the expenditure of the County share of fees retained under §59.72(5)(b)3, Wis. Stats., to the Planning, Conservation and Parks Committee and County Administrator.

(3)(AM 03-42) **Appointment.** The Land Information Office shall be a function of the GIS Manager. The GIS Manager shall serve as the official contact person and lead administrative officer for the Land Information Office.

**4.07 VETERANS' SERVICE OFFICER.** (1) **Creation.** There is hereby created a full time Veterans' Service Officer for Washington County, whose office and duties shall be separate and distinct from the Department of Social Services of Washington County and whose duty it shall be to advise all veterans and residents of the County who are engaged in the service of the United States, relative to any complaint, matter and problem submitted by them to him or her, and shall render them such assistance as in his or her opinion he or she may render.

(2)(AM 14-2) **Appointment.** The Veterans' Service Officer shall be appointed by the County Administrator pursuant to §45.80, Wis. Stats. He or she shall be a veteran as defined in §45.01(12), Wis. Stats., and shall serve unless removed under §17.10(6), Wis. Stats.

(3) **Annual Report.** The Veterans' Service Officer shall report in writing to the members of the County Board of Supervisors once each year and such report shall first be approved by members of the Veterans' Service Commission.

(4)(CR 99-36) **County Veterans' Service Commission.** There is hereby established pursuant to §45.12, Wis. Stats., a County Veterans' Service Commission consisting of 3 residents of the County who are veterans appointed for staggered 3 year terms by the County Board Chairperson. The Commission shall be organized and shall have those powers and duties as established in Ch. 45, Wis. Stats.

**4.08 FINANCE DIRECTOR.** (1) **Position Created.** There is created the position of County Auditor-Accountant pursuant to the provisions of §59.47(2), Wis. Stats., to be known as the Finance Director.

(2)(AM 14-2) **Appointment.** The Finance Director shall be appointed by the County Administrator who shall recruit, examine and evaluate candidates.

(3) **Qualifications.** The County Administrator shall establish detailed job specifications for the position of Finance Director including such minimum and desired qualifications as may be deemed appropriate.

(4)(AM 01-8) **Salary.** The salary of the Finance Director shall be determined by the County Board on the recommendation of the Administrative Services Committee and shall be payable as other County employees.

(5) **Power and Duties.** It shall be the responsibility of the Finance Director to develop, implement and administer a comprehensive accounting and financial reporting system for Washington County and to exercise the following powers and duties:

(a) To take over all of the books of account and keep all of the accounts heretofore kept by the County Clerk of Washington County in the clerk's capacity as auditor and that such Finance Director shall, without further action of the County Board, have the right to examine all the books and accounts of any County officer, board, commission, committee, trustee or other official or employee entrusted with the receipts, custody or expenditure of money or on whose certification any funds appropriated by the County Board are authorized to be expended, whether compensated for services by fees or by salary, and all original bills and vouchers on which monies have been paid out and all receipts of money received by any of the foregoing. Further, the Finance Director shall have free access to such books, accounts, bills, vouchers and receipts as often as may be necessary to perform the duties required under this section and the Finance Director shall report in writing the results of any audit examinations to the County Board.

(b) To establish County-wide uniform policies in financial clerical procedures, fiscal reporting, accounting methods, payroll procedures and budget preparation.

(c) To be responsible for making recommendations regarding the need for change in bookkeeping methods and systems and to supervise the installation of new accounting systems and procedures. Further, to be responsible for the maintenance of approved changes.

(d) To supervise the opening and closing of the County books.

(e) To be responsible for the preparation of pre-audit supportive schedules for annual review.

(f) To provide advice, counsel and direction to all department heads to the extent necessary to insure effective administration and implementation of approved fiscal policies, plans and programs.

(g) To plan, organize and supervise all budget preparation activities and assist the Finance Committee in its review of the annual budget.

(h) To make periodic reports to the County Board regarding the budgetary status of the various departments of County government.

(i) To perform such other administrative responsibilities as may be required by the County Administrator and the County Board.

(6)(AM 03-42) **Bonding.** The Finance Director shall be included in the County's public employee blanket position bond, and shall be indemnified in the total amount of \$50,000.

(7)(AM 01-8) **Supervising Committee.** The Finance Committee shall have jurisdiction to supervise the activities and functions of the Finance Director's office, including review and approval of the proposed annual department budget before the same is submitted to the County Administrator.

**4.09 DIRECTOR OF HUMAN RESOURCES.** (1) **Creation.** There is hereby established the position of Human Resources Director of Washington County.

(2)(AM 12-8)(AM 13-34) **Appointment.** The Director of Human Resources shall be appointed by the County Administrator.

(3)(AM 12-8)(AM 13-34) **Duties.** Under the general supervision of the County Administrator, the duties of the Director of Human Resources shall be generally to develop, implement and administer a comprehensive personnel program for all Washington County employees. The specific duties of the Director of Human Resources shall be as approved by the Administrative Services Committee in the detailed class specifications for the position.

(4)(AM 02-24) **Salary.** The salary of the Director of Human Resources shall be determined by the County Board and shall, together with other employee benefits, be payable as other County employees.

(5)(AM 01-8) **Budget.** The Director of Human Resources shall annually submit to the County Administrator, a proposed budget for the ensuing year, upon such forms and in such detail and at such times as may be directed by said County Administrator, provided, however, that the same shall first be submitted to the Administrative Services Committee for its approval.

(6)(AM 01-8) **Supervising Committee.** The Administrative Services Committee shall have jurisdiction over the activities and functions of the Director of Human Resources' office.

**4.10(CR 01-49) MEDICAL EXAMINER.** (1) **Creation.** Pursuant to §59.38, Wis. Stats., there is hereby created the position of Medical Examiner as a full-time position.

(2)(AM 04-2) **Appointment.** The Medical Examiner shall be appointed by the County Administrator and shall continue to serve unless removed pursuant to §17.02(6), Wis. Stats.

(3) **Duties.** The duties of the Medical Examiner shall be generally as set forth in §59.34, Wis. Stats. Specific duties of the Medical Examiner shall be as approved by the Administrative Services Committee in the detailed class specification for the position.

(4)(AM 02-24)(AM 08-22) **Salary.** The salary of the Medical Examiner shall be as set forth in §59.38, Wis. Stats., to be determined by the Administrative Services Committee and shall, together with other employee benefits, be payable as other County employees.

(5) **Bond.** The Medical Examiner shall file an official bond as required by sec. 4.21 of this Code.

(6) **Supervising Committee.** The Public Safety Committee shall have jurisdiction over the activities and functions of the Medical Examiner's Office.

**4.11(CR 12-3) HIGHWAY COMMISSIONER.** (1)(CR 12-3) **Creation.** Pursuant to §83.01, Wis. Stats., there is hereby created the position of Highway Commissioner as a full-time position.

(2)(CR 12-3)(AM 04-2) **Term.** Effective January 1, 2017, the Highway Commissioner shall be appointed by the County Administrator and shall continue to serve unless removed pursuant to §17.02(6), Wis. Stats.

(3)(CR 12-3) **Duties.** The duties of the Highway Commissioner shall be generally as set forth in Chapter 83 of the Wisconsin Statutes. Specific duties of the Highway Commissioner shall be as approved by the Administrative Services Committee in the detailed class specification for the position.

(4)(CR 12-3) **Salary.** The salary of the Highway Commissioner shall be as set by the Board pursuant to §83.01(6), Wis. Stats., to be determined by the Administrative Services Committee and shall, together with other employee benefits, be payable as other County employees.

(5)(CR 12-3) **Bond.** The Highway Commissioner shall file an official bond as required by sec. 4.21 of this Code.

(6)(CR 12-3) **Supervising Committee.** The Transportation Committee shall have jurisdiction over the activities and functions of the Highway Commissioner.

**Sections 4.12 through 4.16 Reserved**

**SUBCHAPTER II - FINANCE AND TAXATION**

**4.17 DESIGNATION OF DEPOSITORIES.** (1)(AM 99-20)(AM 00-18)(AM 04-1)(AM 06-4)(AM 08-5)(AM 08-19)(AM 08-29)(AM 11-7) **Designation of Banking Institutions.** Pursuant to §34.05, Wis. Stats., the following banking institutions in Washington County are hereby designated as public depositories for all public moneys coming into the hands of the Washington County Treasurer:

The First National Bank of Hartford  
 State Bank of Newburg, Newburg  
 Associated Bank, NA Milwaukee, Germantown, Hartford and Slinger Branches  
 JPMorgan Chase Bank, N.A.  
 M & I Marshall & Ilsley Bank, West Bend  
 BMO Harris Bank, N.A.  
 Guaranty Bank, West Bend  
 Hartford Savings Bank, Hartford  
 US Bank, West Bend, Germantown and Hartford branches  
 Local Government Investment Pool  
 National Exchange Bank & Trust, West Bend  
 M & I Marshall & Ilsley, Milwaukee  
 First Bank Financial Centre, West Bend, Hartford and Germantown branches  
 Horicon State Bank, West Bend  
 Commerce State Bank, West Bend  
 Bank Mutual, West Bend  
 PNC Bank, Germantown, Hartford, Kewaskum and West Bend branches  
 Equitable Bank, SSB, Germantown  
 WaterStone Bank, Germantown  
 Securant Bank & Trust, Slinger  
 Westbury Bank, West Bend

(2)(AM 00-18) **Designation of Working Banks.** The M & I Marshall & Ilsley Bank, 321 North Main Street, West Bend, Wisconsin is hereby designated as the working bank for Washington County.

(3)(AM 00-18) **Special Purpose Depository.** In addition to those public depositories listed in sub. (1) above, the County Treasurer is authorized to deposit funds in any State Bank, Savings and Loan Association, Savings and Trust Company and Mutual Savings Bank and every National Bank and Credit Union located in the State of Wisconsin which has been approved as qualified to become a public depository pursuant to §34.09, Wis. Stats. The Executive Committee is authorized to select such depositories and direct the Treasurer to make any actual deposits. The Executive Committee further shall present a designating resolution stating the purpose of each special deposit at the next regularly scheduled meeting of the Washington County Board. A certified copy of said designating resolution shall be transmitted to the Commissioner of Banking, and where appropriate, the Commissioner of Savings and Loans as required by §34.05(1), Wis. Stats.



**4.18 INVESTMENT OF UNEXPENDED APPROPRIATIONS.** (AM 01-8)(AM 03-42)

The County Administrator is hereby authorized to oversee the investment of County funds not immediately needed in any of those investments authorized by §66.0603, Wis. Stats. Day to day management of investments may be delegated to the County Treasurer with the approval of the Finance Committee.

**4.19 FACSIMILE SIGNATURES ON CHECKS.** (AM 01-8) Pursuant to §66.0607, Wis.

Stats., there may be affixed to the order checks drawn by and upon Washington County the facsimile signature of the County Clerk, the County Treasurer and the County Board Chairperson.

**4.20 PER DIEM COMPENSATION.** (1)(AM 08-21) Courts. (a) Every grand and petit

juror summoned upon any venire shall be paid the sum of \$25 for a full day of attendance and \$12.50 for a half day of attendance upon any circuit court and an amount equal to the mileage rate set under §20.916(8), Wis. Stats. for each mile actually traveled each day in going and returning by the most usual route, the same being pursuant to the provisions of §756.25, Wis. Stats. In addition, judges are authorized to provide meals for jurors during the course of their duties as shall in the discretion of the judge be necessary.

(b) Court appointed examiners shall receive a fee as fixed by the court, pursuant to §51.20(18), Wis. Stats., for participation in commitment proceedings and shall further receive reasonable reimbursement for travel expenses not to exceed those amounts as provided in par. (b) above as reviewed and approved by the court.

(2)(AM 01-8)(AM 01-50)(AM 02-18)(AM 06-26)(AM 07-38)(AM 08-8) **Boards and Commissions.** (a) Members of Aging and Disability Resource Center Board, Civil Service Commission, County Library Board, Ethics Board, and Human Services Board who are not County Board Supervisors shall be paid the sum of \$35 for each day's service and mileage as provided in sec. 7.03(5) of this Code for each mile traveled in the discharge of their duties.

(b) Members of the County Board of Canvassers shall be paid the sum of \$35 for each day's service and mileage as provided in sec. 7.03(5) of this Code for each mile traveled in the discharge of their duties, the same being pursuant to the provisions of §7.03, Wis. Stats.

(c) Municipal assessors called to meetings by the Supervisor of Assessments pursuant to §73.06(1), Wis. Stats., shall be paid the sum of \$25 per day to attend such meetings and mileage as provided in sec 7.03(5) of this Code for each mile traveled to attend such meetings.

(d) Condemnation Commissioners shall be compensated for actual service at an hourly rate of \$10.00. Commissioners shall also receive mileage as provided in sec. 7.03(5) of this Code for necessary and direct round trip travel from their homes to the place where the Condemnation Commission conducts its hearings. The chairperson of the County Commission shall receive such reasonable sum, computed at the hourly rate of \$10.00 as shall be allowed by the Circuit Judge having jurisdiction over the hearing, for his or her administrative work in selecting and notifying the Commissioners to serve in the condemnation hearing and his or her necessary out-of-pocket expenses in connection with the hearing. All such compensation and expenses shall be paid by the condemnor on order approved by the Circuit Judge.

(e) Members of the County Traffic Safety Commission, Board of Health and the Veterans' Service Commission who are not County Board members or individuals otherwise compensated, shall be paid the sum of \$35 for each day's service and mileage as provided in sec. 7.03(5) of this Code for each mile traveled in the discharge of their duties.

(f) Members of the Nutrition Project Council shall be reimbursed for their actual and necessary expenses incurred in performing council duties, including mileage as provided in sec. 7.03(5) of this Code.

(g) Home Delivered Meal Program Volunteers, Benefit Specialist Volunteers shall be reimbursed for mileage as provided in sec. 7.03(5) of this Code for each mile traveled in the discharge of their duties, subject to the availability of State or Federal funding.

(3)(AM 00-19)(AM 01-8)(AM 03-42)(AM 15-21) **Mileage and Other Reimbursement.** (a) The expenses of County officials and employees attending conferences, conventions and institutes held for such officials and employees shall be paid as hereinafter set forth, provided that such conferences, conventions and institutes are held within the State of Wisconsin or the Chicago, IL metropolitan area. If an official or employee desires to attend a conference, convention or institute outside of the State of Wisconsin, he or she shall first obtain permission, except for the Chicago, IL metropolitan area, to attend from the County Board Committee which has authority concerning the department in which the official or employee works and from the Finance Committee. Obtaining permission to attend outside of the permitted area is not required if specific approval has been obtained as part of the budget process from all concerned committees. The Sheriff shall be allowed to authorize Sheriff's Department personnel to travel outside the State of Wisconsin for official Sheriff's Department business. The following business shall be permitted: investigative meetings, criminal investigations, prisoner transports and polygraph and other employment testing. The Sheriff shall notify the Public Safety Committee and the Finance Committee of the travel authorization as soon as practical.

(b) County Board Supervisors, elective officials, deputy officials, appointive officials and employees of Washington County seeking reimbursement of expenses pursuant to §§59.10(3) (g) and 59.22, Wis. Stats., shall be paid in accordance with the following:

1. Mileage as provided in sec. 7.03(5) of this Code for each mile driven in the discharge of their duties or for other authorized travel;

2. Expenses for meals upon presentation of a receipt. Individual meal allowances shall be limited to a total of \$50 for any one day, including taxes and tip. Claims for meal expenses in excess of said amounts, except for the cost of convention and special event banquets which shall be paid in full, must be accompanied by a detailed report explaining the excess. Allowance or disallowance of any excess shall be in the sole discretion of the Finance Committee. No reimbursement shall be provided for any meal eaten within the geographical limits of Washington County except as follows:

a. The cost of registration and meals to County officials in attendance at meetings or seminars hosted by Washington County and pre-approved by the appropriate County Board liaison committee; and

b. Expenses incurred by the Chairperson of the Washington County Board, County Administrator or Economic Development Coordinator while representing the interests of Washington County in their official capacity;

- Committee;
3. Parking fees and transportation fees other than mileage when necessary;
  4. Host expenses in full as long as reasonable with approval of the Liaison
  5. Registration or attendance fees in full;
  6. Reasonable hotel and motel expenses, not to exceed the single room rate, including State sales tax.
  7. No reimbursement will be provided for automobile rental unless such request is approved in advance by the appropriate liaison committee and the Finance Committee.
  8. No mileage reimbursement shall be provided for travel between buildings located at the Courthouse Complex in West Bend.
  9. No mileage reimbursement shall be provided to officials or employees who return to work in the evening at their regularly assigned office or to attend meetings at any of the facilities in the Courthouse Complex.

(c) County Board Supervisors, elective officials, appointive officials and the heads of Washington County departments and offices making claims for reimbursement under this section shall be required to obtain approval of the claim submitted for reimbursement. Where a County Board Supervisor is seeking reimbursement for expenses incurred in discharge of committee responsibility, the committee Chairperson shall be required to approve the claim. All other claims for reimbursement by County Board Supervisors shall be subject to approval of the County Board Chairperson. Claims for reimbursement by elective or appointive officials shall be subject to approval of the County Administrator.

(4)(AM 99-19) **County Board Compensation.** (a) County Board Supervisors shall receive a salary, pursuant to §59.10(1)(c), Wis. Stats., of \$550 per month and the County Board Chairperson shall receive a salary of \$2,985 per month. Said compensation shall be calculated on a daily basis and shall begin with the first calendar day of the board member's term of office and shall run continuously up to and including the board member's last calendar day in office.

(b) The County Board Chairperson shall not be eligible to collect mileage to and from his or her residence and the County courthouse during the regularly scheduled hours of the courthouse.

(c) County Board Supervisors, other than the County Board Chairperson, shall be paid, pursuant to §59.10(1)(c), Wis. Stats., a per diem for each full day of meetings attended in excess of 30 meetings. Per diem eligibility will commence on the first day after the day in which the thirtieth meeting is attended. Said per diem payment shall be accrued in accord with the following schedule:

1. \$35 for attendance of less than 2 hours' duration.
2. \$47.50 for attendance of from 2 to 4 hours' duration.
3. \$60 for attendance in excess of 4 hours' duration.

4. It shall be the responsibility of the committee chairperson or designee to record hours of attendance of each member. Should a County Board member be required to travel beyond the County, all time spent in such travel shall be included in the total number of hours for the purpose of calculating per diem.

5. The per diem maximum referred to in §83.015(1)(b), Wis. Stats., is set at \$3,500.

6. Where this section permits mileage and per diem for meeting attendance at non-County Board entities, and the non-County Board entity provides mileage, no claim for mileage under this section shall be permitted, however, if the non-County Board entity provides per diem, and the County Board rate would provide a greater amount, the supervisor may claim the difference as per diem.

(d) As used in this section "meeting" has that definition ascribed to it by the Open Meeting Law, §19.82(2), Wis. Stats., but shall also include services other than at meetings where authorized by the County Board Chairperson or by the committee of which the supervisor is a member and where within the purposes and duties of the committee and shall include attendance at meetings of governmental and quasi-governmental entities, including but not limited to, the Area Agency on Aging District 2-B, the Community Options Planning Committee, the County Library Services Board, the East Wisconsin Railroad Consortium, the Economic Development Program Advisory Committee, the Federated Library Systems Board, the Inland Lakes Protection District Commissioners, the Land Information Board, the Local Emergency Planning Committee, the Southeastern Wisconsin Regional Planning Commission, the University of Wisconsin-Washington County Board of Commissioners, the W-O-W Manpower Policy Board, the Wisconsin Counties Association and its affiliates, the Farm Progress Days Executive Committee and the Wisconsin County Museum Advisory Committee where a County Board Supervisor is attending by virtue of an appointment to that entity by the County Board Chairperson or the Board or where attendance at meetings of the entity is a direct responsibility of that supervisor's County Board or committee service with prior approval of the County Board Chairperson.

**4.21 OFFICIAL BONDS.** (1)(AM 01-49)(AM 03-42) **Individual Amounts.** Pursuant to §59.21, Wis. Stats., the amounts of official bonds for elective officials shall be as follows:

County Clerk	\$10,000
County Treasurer	In accordance with the formula contained in §59.21(1)(b), Wis. Stats.
Sheriff	\$25,000
Clerk of Courts	\$50,000
District Attorney	\$ 4,000
Register of Deeds	\$10,000

Pursuant to §59.21(1)(h), Wis. Stats. and sec. 4.03 of this chapter the official bond of the County Engineer/Surveyor shall be in the sum of \$5,000.

Pursuant to §45.12(2), Wis. Stats., the official bond for each County Veterans Service Commission member and for the Veterans Service Officer shall be in an amount equal to the tax levied in the current year for the expenditure by the commission, but in any event, not less than \$3,000.

(2)(AM 01-8)(AM 01-49)(AM 03-42)(AM 11-1) **Public Employee Blanket Position Bond.** Pursuant to §19.07, Wis. Stats., officers, officials, department heads, employees, deputy sheriffs, and appointees not specifically enumerated in this section shall be combined in a public employee blanket position bond in the sum of \$200,000. Included herein, without limitation because of enumeration, are the following:

(a) The members of the Samaritan Committee who are required to be bonded by §46.18(4), Wis. Stats.

(b) The Highway Commissioner who is required to be bonded by §83.01(5), Wis. Stats., provided however, that \$15,000 additional (\$20,000 total) indemnification shall be provided.

(c) The Campus Administrator of the Samaritan Health Center who is required to be bonded by §46.19(2), Wis. Stats., provided however, that \$40,000 additional (\$45,000 total) indemnification shall be provided.

(d) The Director of the Department of Social Services who is required to be bonded by Wisconsin Administrative Code Section PW-PA 20.16, provided, however, that \$5,000 additional (\$10,000 total) indemnification shall be provided.

(e) The Administrative Services Committee of the County Board is empowered to authorize coverage in excess of the blanket bond in those individual situations, and in such amounts, as it deems to be in the best interest of Washington County.

(f) The Medical Examiner who is required to be bonded by §59.38(3), Wis. Stats., by 2 or more sufficient sureties in such penal sum as the Board determines.

(3)(AM 03-42) **Approval and Filing.** Pursuant to §59.21(2) and (3), Wis. Stats., the Administrative Services Committee of the County Board shall annually review and approve the licensed surety companies executing and guaranteeing the various bonds, and shall report to the County Board in writing the committee's action on all bonds.

In accordance with §19.01(4m), Wis. Stats., all bonds required by statute or this section shall be approved by the County Attorney as to amount, form and execution before such bonds shall be accepted for filing. The County Clerk shall notify in writing the County Board or County Board Chairperson within 5 days after the entry of any County officer upon his or her term of office or after any County employee required to be bonded has entered upon his or her employment, stating whether or not the required bond has been provided, and such notice shall be published with the proceedings of the County Board.

(4) **Premiums.** Pursuant to §§59.21(3) and 19.01(8), Wis. Stats., the County shall pay the full cost of any official bonds required by State law or this section.

**4.22 DELINQUENT OR OVERDUE TAX PENALTY.** (1) Pursuant to §74.47(2), Wis. Stats., there is hereby imposed a penalty of 0.5% per month in addition to the interest provided for in §74.47(1), Wis. Stats., on all real estate taxes, personal property taxes, special charges and special assessments overdue or delinquent.

(2) The County Treasurer shall exclude the additional revenue generated by the penalty from the distributions required by Subch. IV of Ch. 74, Wis. Stats.

**4.23 SETTLEMENT FOR TAXES AND SPECIAL ASSESSMENTS.** The County Treasurer may settle in full for taxes or special assessments, or both, appearing on the current tax rolls at any time after the return of such taxes and public assessments, as authorized by §74.12(9), Wis. Stats. The County Treasurer, subject to the approval of the Finance Committee, may, upon receipt of any special assessment for public improvements entered in the tax roll which has not been paid to the municipal treasurer with other taxes, accept such assessments as delinquent in trust for collection.

**4.24 IN REM FORECLOSURE OF TAX LIENS.** Washington County elects to adopt the provisions of §75.521, Wis. Stats., for the purpose of enforcing tax liens in Washington County in the cases where the procedure provided by §75.521, Wis. Stats., is applicable.

**4.25 DISHONORED CHECKS.** (AM 07-22)(AM 10-7) County departments accepting checks are hereby authorized to charge a fee of \$35 for all checks returned due to insufficient funds or where a stop payment order has been issued. Departments are authorized to refuse to accept a check from any person who has an outstanding obligation to pay the fee assessed by this section. Departments may also apply any future payments from any person owing a fee to the fee first and then to the obligation intended to be paid, however, the person making the payment shall be notified that a balance remains due the County because of the application of the payment to the fee.

**4.26 TAX DEED SALES.** (1) **Preference to Former Owner to Repurchase.** In the sale of tax deeded lands, the former owner who lost his or her title through delinquent tax collection enforcement procedure or the person's heirs shall be given preference in the right to purchase such lands as provided in this section.

(2) **Notice Requirements; Exception.** Sales under this section shall be exempt from all of the provisions of §75.69, Wis. Stats.

(3) **Notice to Former Owner.** The County Attorney shall notify the former owners, as shown in the records of the Real Property Lister/GIS Manager, of the provisions of this section. The notice shall give a date certain for response no later than 21 days after the date of the notice. Failure to respond within the time limit shall result in a loss of all rights under this section. Reasonable extensions may be granted by the Finance Committee for good cause. There shall be no appeal of the committee determination.

(4) **Conditions of Purchase.** The former owner or the owner's heir shall indicate his or her intent to exercise the preference under this section by application to the Washington County Clerk's office. The application shall contain:

- (a) The name and address of the person claiming preference.
- (b) The legal description or other accurate identification of the property in question.

(c) Full payment of the taxes, interest and penalties currently outstanding, any out-of-pocket costs incurred by Washington County in the Processing of delinquent tax collection enforcement procedure as determined by the County Clerk and payment of the fee established in par. (4)(d) below.

(d) A sum equal to 10% of the total taxes, interest and penalties due, however, not less than \$30 nor more than \$200, which is intended to offset the indirect costs of the County in processing the application for preference.

(e) The names and addresses of any other persons claiming ownership, and any lien holders, whether or not of record.

(f) Appropriate assurances that the interests of any lien or mortgage holders shall be reinstated to their same position prior to the taking of the tax deed.

(g) All sums paid with the application shall be returned if the application is denied.

(5) **Notice to Persons Claiming Ownership, Liens and Mortgage Holders.** The County Attorney shall notify all persons claiming ownership and any lien and mortgage holders of the application for preference, but shall have no obligation to search for other owners, lien or mortgage holders not reported by the applicant and not directly known to the County Clerk.

(6) **Conveyance of Property.** If the original owner seeks return and if there is no objection, the County Clerk may convey the property to the former owner in the name in which the property was held when the County took title. In all other cases, the County Clerk shall present the application to the Finance Committee who shall determine if all information as required is in order, that the required payment has been made, and that the interests of all owners, lien and mortgage holders have been protected as required in this chapter. If everything is in order, the Finance Committee shall order issuance of a Quit Claim Deed to the former owner or his or her heirs. The Finance Committee may direct the attachment or conditions to the Quit Claim Deed to protect the interests of lien or mortgage holders. The Finance Committee may reject any application where its approval will hamper other tax collection efforts or where it is in the best interests of Washington County to retain the property.

**4.27 GRANT APPLICATION PROCEDURE.** (1)(AM 17-16) **Preapproval.** Subject to section (2) of this Ordinance, all grant programs shall be approved prior to the grant application being made. Grant applications other than those for routine and minor grants shall be approved by the County Board. The procedure for approval of applications for Routine and Minor grants shall be as set forth in Policy ADMP-4 - Routine and Minor Grant Policy, which is on file with the Office of County Clerk.

(2) (AM 17-16) **Conditional Application.** A department head may make application subject to later County Board approval for grant funds for any purpose within the jurisdiction of the department with prior approval of the County Administrator, and the department's Standing Committee provided:

(a) That externally imposed grant deadlines require application prior to the next scheduled County Board meeting.

(b) That Administrative Committee approval has been obtained if additional staff are necessary.

(c) That the County Administrator is informed of the circumstances and approves the conditional application.

(d) That the grant application contains the following statement: "This application is expressly contingent upon subsequent approval by the Washington County Board of Supervisors. In the event that approval shall not be forthcoming, no liability or obligation of any kind shall attach to Washington County, its agents, officers or employees, by virtue of this application."

(e) This section shall not apply to Routine grants or Minor Grants.

(3)(AM 17-16) **Ratification of Applications.** Nothing in this section shall be construed to prohibit County Board ratification of applications made in violation of this section.

**4.28 COUNTY SALES AND USE TAX.** (1) **Imposition of Tax.** There are hereby imposed County sales and use taxes under the authority granted in subch. V of Ch. 77, Wis. Stats.

(2)(AM 05-30)(AM 10-8) **Purpose.** The purpose of the imposition of sales and use taxes is to directly reduce the property tax levy by applying sales tax revenue for the approved Capital Improvement Program, including County Board approved private economic development projects and debt retirement from capital projects, and by applying sales tax revenue as a direct offset to the county property tax levy in the annual operating budget.

(3)(CR 05-30) **Allocations.** At least 40% of the county sales and use taxes collected each year will be allocated for a direct offset to the county property tax in the annual operating budget and no more than 60% will be allocated to support the annual capital plan authorized by the County Board.

**4.29 (CR 16-27) CASH DISBURSEMENTS.** (1) (CR 16-27) **Purpose.** It is fiscally prudent to have reasonable internal controls in place for the protection of county funds so that disbursements are made for valid business purposes by authorized individuals in compliance with applicable policies to ensure accountability.

(2)(CR 16-27) **Applicability.** This procedure shall apply to cash disbursements of any kind including but not limited to cash, check, wire transfer, money order or similar instruments, whether electronic or paper. Internal policies and procedures shall be followed for disbursements requested through Accounts Payable. This cash disbursement procedure does not apply to payroll or petty cash.

(3)(CR 16-27) **Procedure.** (a) Request. Cash disbursements of funds not requested through Accounts Payable shall be requested in writing by the County Administrator, County Department Head or Elected Department Head, as appropriate for the request, directed to the County Treasurer with a copy to the Finance Director. The written request shall designate the budget center account for the project, product or service from which the payment shall be made, or County Board resolution authorizing allocating the funds, a reference to the fully executed contract, and a statement specifying the purpose of the project, product or service.

(b) Disbursement. No disbursement of funds shall be made unless all of the following actions occur:

1. A complete written request is made containing all information required in sub (3)(a); and



2. The written request includes at least two approvals from the following list of authorized approvers: County Board Chair, County Administrator, County Clerk, and Finance Director.

3. The Finance Director, or designee, verifies in writing the availability of the budgeted funds and the accuracy of the budget center account on the request form; and

4. The County Treasurer, or designee, verifies in writing the availability of the cash funds and the Finance Director's written verification of the transaction.

**4.30 (CR 16-20) PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCING.** (1) (CR 16-20) **Findings and Purpose.** Washington County finds that renovations or additions to properties located in Washington County made to improve energy efficiency, improve water efficiency, and/or use renewable resource applications, increase property values, stimulate local economic activity, provide local and global environmental benefits, and promote the general welfare of Washington County residents. The purpose of PACE Financing is to facilitate loans arranged by property owners or lessees to make such improvements by treating loan principal and interest, fees, and other charges as special charges eligible for inclusion on the tax roll for properties benefiting from PACE Financing.

(2)(CR 16-20) **Statutory Authority.** This Section is enacted pursuant to Sec. 66.0627, Wis. Stats., as amended, which authorizes a County to make a loan or enter into an agreement regarding loan repayments to a third party for owner-arranged or lessee-arranged financing, to an owner or a lessee of a premises located in the County for making or installing an energy efficiency improvement, a water efficiency improvement or a renewable resource application to a premises.

(3)(CR 16-20) **Definitions.** Unless specifically defined below, words and phrases used in this section shall be interpreted so as to give common law meaning and to give this section its most reasonable application.

(a) “Annual installment” means the portion of the PACE loan that is due and payable for a particular year under the supplemental agreement.

(b) “Borrower” means the property owner or lessee of the subject property that borrows the proceeds of a PACE loan.

(c) “Default loan balance” means the outstanding balance, whether or not due, of a PACE loan at the time that Washington County receives foreclosure proceeds.

(d) “Foreclosure proceeds” means the proceeds received by Washington County from the disposition of a subject property through an *in rem* property tax foreclosure.

(e) “Loan amount” means the principal, interest, administrative fees (including the Program Administrator’s fees) and other loan charges to be paid by the borrower under the PACE loan.

(f) “PACE” means the acronym for property assessed clean energy.

(g) “PACE default provisions” means:

1. The delinquent annual installment(s) due when the COUNTY initiates the *in rem* property tax foreclosure on the subject property;

2. Any additional annual installment(s) that become due between the time that the County initiates *in rem* property tax foreclosure on the subject property and the date the County receives the foreclosure proceeds;

3. Any default interest charges applied to unpaid annual installments referenced in subs. 1. and 2. above, as provided in the supplemental agreement; and

4. Any default loan balance.

(h) “PACE lender” means any lending organization, financial institution, lending company or organization, association, firm, corporation, partnership, limited liability company, trust, joint venture or other legal entity, or a political subdivision as defined in Sec. 66.0627, Wis. Stats., that make a PACE loan.

(i) “PACE loan” means a loan made by a PACE lender to a borrower under this Section for energy efficiency improvements, water efficiency improvements, or renewable resource applications made to or installed on a subject property.

(j) “Program Administrator” means the person retained by the Wisconsin PACE Commission as provided in sub. 5(b).

(k) “Subject property” means any premises located in the County on which energy efficiency improvements, water efficiency improvements, or renewable resource applications are being or have been made and financed through an outstanding PACE loan.

(l) “Supplemental agreement” means a written agreement among a borrower, a PACE lender and the County, as provided for in sub. 7.

(m) “Wisconsin PACE Commission” means the Wisconsin PACE Commission formed under Sec. 66.0301, Wis. Stat., as amended, by the County and one or more other political subdivisions as defined in Sec. 66.0627, Wis. Stats., pursuant to a Joint Exercise of Powers Agreement relating to the Wisconsin PACE Commission dated \_\_\_\_\_, as amended.

(4)(CR 16-20) **Pace Loans As Special Charges; Delinquent Amounts As Liens.** Any PACE loan made and secured pursuant to this Section shall be considered a special charge on the subject property. Any annual installment or portion of a PACE loan made and secured pursuant to this Section that becomes delinquent according to the terms of the PACE loan shall be a lien against the subject property and placed on the tax roll, as permitted pursuant to Sec. 66.0627, Wis. Stats., as amended.

(5)(CR 16-20) **Wisconsin Pace Commission.** The Wisconsin PACE Commission is further authorized to retain a Program Administrator to act as its agent and administer the PACE program, subject to adherence with PACE program requirements consistent with this Section and Sec. 66.0627, Wis. Stats., as amended.

(6)(CR 16-20) **Loan Approval.**

(a) A prospective borrower applying for a PACE loan shall comply with the loan application process set forth in the program manual approved by the County.

(b) The County shall approve the financing arrangements between a borrower and PACE lender.

(7)(CR 16-20) **Supplemental Agreement.**

(a) The County, the borrower and the PACE lender shall execute the supplemental agreement which, without limitation:

1. Shall inform the participants that the PACE loan amount shall be imposed as and considered a special charge, and each year's annual installment may be included on the property tax roll of the subject property as a special charge and an annual installment that is delinquent shall be a lien against the subject property pursuant to Sec. 66.0627, Wis. Stats., as amended;

2. Shall recite the amount and the term of the PACE loan;

3. Shall provide for the amount, or a method for determining the amount, of the annual installment due each year;

4. Shall provide whether default interest may be applied to unpaid annual installments;

5. Shall require the PACE lender and the borrower to comply with all federal, state and local lending and disclosure requirements;

6. Shall provide for any fees payable to the COUNTY and/or Program Administrator;

7. Shall recite that the supplemental agreement is a covenant that runs with the land and require that it be recorded;

8. May provide for prepayments of annual installments by the borrower with a resulting reduction in the special charge for the prepayment, subject to any prepayment premium charged by the PACE lender, if any; and

9. May allow for amendment by the parties.

(b) Prior to executing the supplemental agreement, the owner of the subject property, if different from the borrower, and any existing mortgage holder(s), lien holder, land contract vendor, and assignee, on the subject property must have executed separate written consent for the borrower's use of PACE financing for the subject property and the special charge that will be imposed under this Section and its consequences, including the remedies for collecting the special charge.

(c) Each PACE loan shall be amortized over the term of the PACE loan as provided in the supplemental agreement.

(d) The annual payments of a PACE loan may be payable in installments as authorized by Sec. 66.0627, Wis. Stat., as amended.

(8)(CR 16-20) **Annual Installments Added To Tax Rolls.** Upon the request of the Program Administrator, the County shall place each year's annual installment on the tax roll for the subject property as permitted pursuant to Sec. 66.0627, Wis. Stat., as amended.

(9)(CR 16-20) **Remittance Of Special Charges.** The County shall promptly remit to the Wisconsin PACE Commission any payment(s) for a special charge imposed under this Section, including penalties, interest and charges thereon, it may receive pursuant to the procedures and distribution set forth in Ch. 74, Wis. Stats., as amended.

(10)(CR 16-20) **Property Tax Foreclosure Procedures.** The County has elected to utilize the provisions of §75.521, Wis. Stats., as amended, by adoption of section 4.26 of the Washington County Code for the purpose of enforcing tax liens if a subject property owner fails to pay any special charges imposed on the subject property under this Section as required.

(11)(CR 16-20) **Sale Of Foreclosed Property.** If the County prevails in an *in rem* property tax foreclosure action against a subject property, the County shall diligently proceed to sell the subject property pursuant to the procedures set forth in Sec. 75.69, Wis. Stats., as amended.

(12)(CR 16-20) **Distribution Of Foreclosure Proceeds.** The County Treasurer shall follow the procedures set forth in Sec. 75.36, Wis. Stats., as amended, to distribute the proceeds from the sale of a subject property.

**SUBCHAPTER III - CODE OF ETHICS**

**4.31 CODE OF ETHICS FOR PUBLIC OFFICIALS AND EMPLOYEES.** (1) (RR 01-50)(AM 05-17) **Declaration of Policy.** Public officials and employees as defined in this section are committed to the highest standards of ethical conduct in the performance of their public duties, and affirm that individual and collective adherence to the highest ethical standards is central to maintaining the public trust and vitality of the democratic process.

Serving the public trust is an honor that confers a sacred trust on the office holders to serve the public purpose by exercising their judgments for the benefit of the public, and binds them to uphold the Constitution of the United States, the Constitution of the State of Wisconsin, and to carry out impartially the laws of the Nation, State and County.

While County officials may agree on the need for proper conduct, it is recognized that as representatives drawn from a representative democratic society, they may experience personal conflicts and hold differing views, values and loyalties.

(2)(RR 01-50)(AM 05-17) **Ethical Principles.** This Code of Ethics contains principles that provide valuable guidelines and encourage ethical reflection in reaching decisions which are governed ultimately by the individual conscience and commitment to the public good.

(a) A public official is dedicated to the democratic ideals of honesty, openness and accountability in all matters involving County government and should:

1. Exert a good faith effort to communicate the full truth about County matters and avoid structuring information to achieve a personal advantage.
2. Accept responsibility for his or her public conduct as well as the actions of the County Board, even when mistakes occur.
3. Commit to the spirit of open government, characterized by the broadest possible provisions for public access and information sharing, qualified only by those instances when meetings or certain public records are shielded by State law.
4. Accept the obligation to report suspected illegal misconduct by another elected official to the proper investigative authorities.

(b) A public official models decorum, respect for others and civility in all public relationships and should:

1. Honor public office by behaving with courteous behavior and respect for the dignity of others in interactions with elected officials, employees, citizens and media.
2. Promote exemplary conduct at County Board, committee meetings, public hearings and other public activities that may present a prime opportunity for civil discourse.

(c) A public official actively practices stewardship of the County's fiscal and natural resources and should:

1. Conserve natural resources by supporting public policy for the best use of land, water and air consistent with the public interests, community need and a vision for the future.

2. Adopt fiscal policies that promote the most effective, efficient and ethical use of public funds.

(d) A public official performs the duties of the office with fairness and impartiality to build public confidence in government and should:

1. Promote County business practices which contribute to public perception of the impartiality of County decisions.

2. Support the principle of equal employment and oppose discrimination in all County operations.

3. Avoid the appearance of impropriety by choosing the ethical course of action to sustain the public trust.

4. Seek and consider citizen input, questions, concerns and ideas.

5. Effectively and efficiently work with government agencies, political subdivisions and organizations to further the interests of the County.

(e) A public official strives for excellence and continuous learning in all operations of County government and should:

1. Seek opportunities to acquire skills and knowledge needed to perform the varied work of public office most effectively.

2. Dedicate the time necessary to adequately attend to the assignments and duties of the office.

3. Advocate and appropriate resources for County employees to establish work environment which will expand performance capacities.

(3)(RR 01-50)(AM 05-17) **Definitions.** The following terms in this subsection mean:

(a) Advisory Opinion. – An interpretation requested by a public official and issued by the Ethics Board regarding the propriety of any matter to which the public official is or may become a party.

(b) Anything of Value. – Any money or property, favor, gift, service, payment, advance, forbearance, loan, or promise of future employment, including, without restriction by enumeration, tickets, passes, lodging, travel, recreational expenses, and admission offered and provided by persons doing business, or interested in doing business, with the County. "Anything of Value" DOES NOT INCLUDE compensation and expenses paid by the County, political contributions which are reported under Chapter 11, Wis. Stats.; occasional meals and beverages, unsolicited advertising or promotional material such as pens, pencils, note pads, calendars, and other items of nominal value; or hospitality of nominal value or extended for a purpose unrelated to County business; or business related seminars, trade shows or other training related activities.

(c) Associated. – When used with reference to a person, includes any organization in which a person or member of his or her immediate family is a director, officer or trustee, or owner, or controls, directly or indirectly and severally or in the aggregate at least 10% of the outstanding equity.

(d) Board. – The Ethics Board created by this Code of Ethics.

(e) Confidential Information. – Written material or oral information related to County government which is not otherwise subject to the Open Records Law and which is designated by statute, ordinance, court decision, lawful order or custom, as confidential and not subject to disclosure.

(f) Conflict of Interest. – A public official's action or failure to act in the discharge of his or her official duties which could reasonably be expected to produce or assist in producing a substantial economic or personal benefit for such official, his or her family or an organization with which he or she is associated.

(g) Contract. – All agreements executed between the County or a sub-unit thereof and another party or parties for the provision of goods, materials, supplies, construction, or services in exchange for valuable and sufficient consideration.

(h) County Facilities. – All buildings that are owned, leased, or rented by Washington County.

(i) Economic Interest. – Any interest that will yield directly or indirectly a monetary or other material benefit to the public official or to any person employing or retaining the services of the public official, or any member of the family of said public official, except as set forth by §946.13, Wis. Stats.

(j) Employee. – All persons filling a full-time or part-time position of County employment.

(k) Family. – Any individual related to a public official as spouse, parent, child, sibling, grandparent, grandchild, parent-in-law, sibling-in-law and step relations of the above, or as a legal designee of the public official for tax purposes.

(l) Immediate Family. – Any individual related to a public official as spouse or legal dependent for federal income tax purposes.

(m) Income. – The meaning given under the federal internal revenue code.

(n) Incompatibility. – A conflict between one's official responsibilities and personal or economic interest which would prevent the public official from the complete and proper discharge of his or her official County duties.

(o) Organization. – Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual, body politic, or charitable entity.

(p) Person. – Any natural person, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, joint venture, trust, or other legal entity recognized as such by the laws of the State of Wisconsin.

(q) Personal Interest. – Any interest arising from a blood, marriage or adoptive relationship.

(r) Principal Income. – Earnings which constitute at least one-half of total annual earnings.

(s) Private Business. – Those activities related to non-Washington County government employment in which the public official has an economic interest as defined herein.

(t) Public Official. – Any person holding an elected County office and candidates for elected County office or any person holding an appointed County office, County department heads, all County employees, and all citizens appointed by the County Board such as consortiums, boards or commissions.

(4)(RR 01-50)(AM 05-17) **Standards of Conduct Enumerated.** (a) Economic and Personal Interest. No public official shall engage in any business or transaction or shall act in regard to economic or personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties or which would tend to impair his or her independence of judgment or action in the performance of his or her official duties. This section is not intended to interfere with public officials having duties or employment in addition to those related to Washington County, provided those duties or employment do not cause violations of this Code of Ethics and are disclosed to his or her supervisor.



(b) Gifts. It shall be a breach of ethical standards for any public official to solicit, demand, accept or agree to accept anything of value if it is in relation to a particular contract, solicitation, or proposal, therefore, or if it could reasonably be expected to influence his or her independence of judgment, action or inaction in the performance of his or her official duties. In addition, the acceptance of a gift offered in relation to any proceedings such as decision, approval, disapproval, recommendation, rendering of advice, investigation, auditing or any other advisory capacity is also prohibited.

(c) Campaign Contributions. No public official shall use his or her position to influence other public officials to make political campaign contributions.

(d) Contracts with County. Except as set forth by §946.13, Wis. Stats., no public official shall, in his or her official capacity, negotiate, bid for, participate in the making of a contract or enter into a contract in which he or she has a private economic interest.

(e) Use of Public Property. No public official shall request or knowingly permit the use of County services or of County-owned vehicles, equipment, materials or property for non-authorized non-governmental purposes or personal profit or benefit, except when such services or uses are available to the general public.

(f) Use and Disclosure of Confidential Information. No public official shall knowingly use or disseminate confidential information for actual or anticipated personal gain or for the actual or anticipated gain of any other person. Nor shall a public official, without proper legal authorization, disclose confidential information gathered in the course of public employment or during closed meetings to an unauthorized person.

(g) Influence Peddling. No public official shall use or attempt to use his or her public position to influence or gain unlawful benefits or to influence or gain advantage or privileges for himself or herself or others.

(h) Personal Services. No public official shall require another public official to perform any private work or private or personal service.

(i) Issuance of Permits. No public official empowered to issue a discretionary permit under either the state or local laws or regulations shall issue any such permit to himself or herself or to any member of that public official's immediate family without first revealing in writing the request for such permit to that public official's immediate supervisor.

(j) Conducting Private Business on County Time. No public official shall engage in his or her private business while he or she is engaged in his or her public duties.

(5)(RR 01-50)(AM 05-17) **Process for Obtaining Advisory Opinion Relating to Potential Conflict of Interest.** (a) Any public official who, in the discharge of his or her official duties, is involved in or is about to be involved in any matter that could result in this Code of Ethics being applicable to the circumstances, on his or her part, shall prepare a written statement describing such matter and the nature of the possible breach. This statement shall be delivered to the Washington County Clerk for transmittal to the Ethics Board Chairperson for the Ethics Board review and recommendation, in the case of employees, this statement shall be delivered to their department head and in the case of department heads, to the County Board Chairperson. The public official is to withdraw from further participation in the potential breach involved until such determination is made.

(b) Any public official to whom this Code of Ethics applies may request from the Ethics Board an advisory opinion and shall be guided by the opinion rendered. The requesting public official shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of this Code of Ethics before the advisory decision is made or rendered. The Board's deliberations and action upon such requests shall be in meetings not open to the public. The Board may make public a summary of an advisory opinion after making sufficient alterations in the summary to prevent disclosing the identities of individuals and departments involved.

(c) Non-Washington County government employment which may be related to the public official's County duties and membership in social, political, fraternal, charitable, or religious organizations are not prohibited. However, it is the responsibility of the public official to ensure that non-Washington County government employment or membership does not conflict or interfere with the complete and proper discharge of his or her duties for the County. Any non-Washington County government employment or membership which could potentially lead to a conflict situation should be discussed with the County Ethics Board in the case of a public official, or in the case of an employee, with the employee's immediate supervisor, to determine the best means of preventing conflict situations from developing.

(d) If the conflict of interest matter reported by an employee in writing to the department head cannot be resolved at a departmental level through reassignment of specific duties or other means and/or further clarification is needed, the matter shall be referred on behalf of the employee by the department head to the Ethics Board for an advisory opinion.

(e) It is prima facie evidence of intent to comply with the Code of Ethics when a public official seeks advice from supervisory personnel and/or from the Ethics Board on how to resolve a real or potential conflict situation and abides by that advice.

(6)(RR 01-50) **Disclosure of Legislative Interest.** Any public official who has or whose family has a personal or economic interest in any proposed legislation before the County Board and who participates in discussion with or gives an official opinion or recommendation to the County Board on that proposed legislation shall make disclosure of the nature and extent of such personal or economic interest to be recorded in the journal of proceedings prior to or during the initial discussion of the particular legislation.

(7)(RR 01-50)(AM 05-17) **Ethics Board.** (a) Creation. There is hereby created an Ethics Board to consist of 3 members and one alternate. The members of the Ethics Board shall be residents of the County and shall not be County public officials during the time of their service. The members of the Ethics Board shall be appointed by the County Board Chairperson, subject to approval by the County Board. The County Attorney shall provide legal advice, secretarial support and assistance to the Board. The Office of County Clerk shall be the official designee for receipt and maintenance of all official papers and records of the Board.

(b) Term and Membership. The terms of office shall be 3 years, except that when the initial appointments are made, one member shall be appointed for one year, one for 2 years, and one for 3 years. The alternate shall serve on the Board when one of the members of the Board is unavailable. The term of the alternate shall be 3 years. A Chairperson of the Ethics Board shall be elected by the members of the Board and shall serve until replaced. In the event that a member or alternate leaves the Board prior to the completion of his or her term, a new member or alternate shall be appointed in the same manner to serve the balance of the term.

(c) Quorum. A quorum of the Ethics Board shall be 3 members. A majority vote of the Board shall be required for any action taken by the Board, with the exception that action taken by the Board pursuant to a hearing conducted under this section shall require a unanimous vote.

(d) Rules. The Ethics Board shall develop and promulgate written rules of procedure which shall be filed with the Office of the County Clerk and which shall be distributed to all candidates for public office and all public officials affected by this Code of Ethics.

(e) Compensation. Each member of the Board shall be compensated for services and mileage as provided in Sec. 4.20 of this Code.

(f) Supplies. The County Board shall provide a suitable meeting room and all other necessary supplies and conveniences to enable the Board to perform its duties.

(g) Duties. The Ethics Board shall perform all duties specified in this section including but not limited to issuing advisory opinions, upon proper request, as set forth in §4.31(5) of this Code, and to review and hear properly filed, verified complaints alleging violations of the Ethics Code described herein.

(h) Complaint Procedure. 1. The Board shall accept from any identified person a verified complaint in writing which states the name of the public official alleged to have committed a violation of this Code of Ethics and which shall set forth the particulars thereof. The verified complaint shall be filed in the Office of the County Clerk, which is the office designated to receive documents on behalf of the Board. The Board shall forward within 10 work days a copy of the complaint to the accused public official. The Board may meet within 30 days of receipt of a verified complaint to determine appropriate action. If the Board determines that the verified complaint does not allege facts sufficient to constitute a violation of the Code of Ethics, it shall dismiss the complaint and notify the complainant and the accused. If the Board determines that the verified complaint alleges facts sufficient to constitute a violation of the Code of Ethics, it may make an investigation with respect to any alleged violation after notifying the accused public official in writing. Such notice shall state the exact nature and purpose of the investigation, the public official's specific action or activities to be investigated and a statement of the public official's due process rights. If the Board determines that the verified complaint was brought for harassment purposes, the Board shall so state.

2. If after investigation the board finds that probable cause exists for believing the allegations of the complaint, then not later than 30 work days after such finding is made the Board shall announce that it will conduct a hearing. The Board shall give the complainant and the accused at least 20 work days notice of the hearing date. The hearing shall be closed to the public unless the accused requests that it be opened. All evidence, including certified copies of records and documents which the Board considers, shall be fully offered and made part of the record of the case. Every party shall be offered, during all stages of any investigation or proceeding conducted under this Code of Ethics, adequate opportunity to rebut or offer countervailing evidence. The accused or his or her representative shall have an adequate opportunity to examine all documents and records to be used at a hearing under this section at a reasonable time prior to the date of the hearing. During the hearing the parties shall have the opportunity to present witnesses, confront and cross-examine adverse witnesses, and establish all pertinent facts. The evidence presented shall be limited to the scope of the charge(s) made in the complaint.

3. The burden of proving the violation(s) alleged in the complaint shall be on the complainant. Violations shall be proved by evidence that is clear, satisfactory and convincing.

4. The Board shall keep a record of the hearing. The Board shall have the power to compel the attendance of witnesses and to issue subpoenas as granted to other boards and commissions under §885.01(3), Wis. Stats.

5. Within 5 work days of the conclusion of the hearing, the Board shall file its written findings and recommendations signed by all participating Board members, together with findings of fact and conclusions of law concerning the propriety of the conduct of the public official. If the Board determines that no violation of the Code of Ethics has occurred, it shall dismiss the complaint, and if requested to do so by the accused, issue a public statement.

6. No recommendation of the Board becomes effective until 20 work days after it is issued, or while an application for rehearing or a rehearing is pending, expressly or by implication, or the Board has announced its final determination on rehearing.

7. Penalties. If after investigation and a hearing, the Ethics Board determines that a violation of the Code of Ethics has occurred, it shall refer its findings and a recommendation for sanction to the appropriate supervising authority. In the case of a county employee, the referral shall be made to the employee's department head, and in the case of a department head, the referral shall be made to the County Board Chairperson or County Administrator, as appropriate, and in the case of an elected official, the Executive Committee for referral to the County Board. The recommendation may be private reprimand, public reprimand, suspension without pay, discharge or forfeiture, (private reprimand, public reprimand and forfeiture pursuant to the Washington County Code will be the only sanctions which apply to elected officials and appointees to boards, commissions, committees and panels) as is appropriate for the category of public official being sanctioned. However, other statutory procedures and penalties may apply. Any action taken by a public official in violation of this code may be deemed void.

8. Appeals Process. The accused public official shall have the right to a rehearing with the Ethics Board upon the service of a decision by the Ethics Board to the accused public official, and provided a request for rehearing is filed with the Board within 10 work days of service. Only one rehearing shall be granted by the Board for each case. An application for rehearing is governed by such general rules as the Board may establish. The rehearing will be done in closed session within 30 work days of the Ethics Board receiving the application for rehearing. The accused and the complainant will have a minimum of 10 work days notice prior to the rehearing date. Both the complainant and the accused shall have the opportunity to present arguments to the Ethics Board.

(i) Opinion from County Attorney Available. In the event that the Ethics Board is unable to timely convene in order to render an advisory opinion, an advisory opinion may be requested from the County Attorney following the same submittal procedure as set forth in §4.31(5).

(j) Records and Proceedings of the Board. Records of the Board's opinions, opinion requests, hearing records, complaints, investigative materials, closed session meeting minutes and other records of violations shall be closed to public inspection. The Board may, however, make such records or proceedings public with the consent of the individual requesting an advisory opinion or the accused in the case of an alleged violation.

(8)(RR 01-50) **Rights Not Restricted.** Nothing in this code shall deny any County public official or employee the right as a citizen under the Constitution of the United States of America, Constitution of the State of Wisconsin, Wisconsin Statutes or any other bona fide regulations of the State.

(9)(RR 01-50) **Notice of Requirements.** County public officials and employees shall be made aware of this section at the time of election, employment or appointment.

(10)(RR 01-50) **Enforcement.** Violations of any of the provisions of this section that may constitute a cause for suspension, removal from office or employment or other disciplinary action shall be brought only under the authority of the applicable Wisconsin Statutes.

(11)(RR 01-50) **Severability.** If any portion of the Ethics Code (this section) is adjudged unconstitutional, invalid or unenforceable by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

(12)(RR 01-50) **Abrogation.** The provisions of the Ethics Code (this section) supersede all other provisions relating to ethics, except where an ordinance or state statute is more restrictive, then that provision shall continue in full force and effect to the extent of greater restriction.

**SUBCHAPTER IV - PUBLIC RECORDS**

**4.32 ACCESS TO PUBLIC RECORDS.** (1)(AM 17-14) **Definitions.** (a) Authority means any of the following having custody of a record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic, created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

(b) Record has the meaning as set forth in Wis. Stat. 19.32(2) as amended.

(c) Legal Custodian has the meaning set forth in Wis. Stats. 19.33 as amended, except that the County Clerk or his or her designee shall act as the legal custodian for the County Board and for all committees, commissions, boards, authorities, or subunits created by ordinance or resolution of the County Board unless otherwise prohibited by law.

(2)(AM 17-14) **Public Access to Records.** (a) Except as provided in Wis. Stat. 19.36, any person has a right to inspect a record and to make or receive a copy of any record as provided in §19.35(1), Wis. Stats.

(b) Records will be available for inspection and copying during all regular office hours, except as provided in sec. 4.34 of this Code.

(c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours advance notice of intent to inspect or copy.

(d) A requester shall be permitted to use facilities comparable to those available to County employees to inspect, copy or abstract a record. This section does not authorize the purchase of equipment nor does it require the provision of a separate room for inspection, copying or abstracting of records.

(e) The authority may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

(f) A requester may be charged a fee as set forth in Wis. Stat. 19.35(3) as amended.

(3)(AM 17-14) **Access Procedures.** A request to inspect or copy a record shall be made to the authority. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Wis. Stat. 19.37. Except as otherwise provided by law, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under sub. (2)(f) above. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or Federal law or regulations so require.

**4.33(RR 05-28) RECORD RETENTION.** (1)(AM 17-14) **Purpose.** The purpose of this ordinance is to establish a county records retention schedule and authorize the destruction of records pursuant to the schedule. Records custodians may destroy a record prior to the time set forth in the schedule only if such a record has been reproduced as an original record pursuant to Section (6) of this ordinance. Any record not covered by this ordinance and the related schedule or any other regulation or law shall be retained for at least seven (7) years.

(2)(RR 05-28)(AM 17-14) **Definitions.** The terms "authority," "legal custodian" and "record" shall have those definitions contained in Washington County Code Section 4.32.

(3)(RR 05-28) **Historical Records.** The State Historical Society of Wisconsin (SHSW) has waived the required statutory sixty (60) day notice under Section 19.21(5)(d) of the Wisconsin Statutes for any record marked "W" (waived notice). SHSW must be notified prior to destruction of a record marked "N" (non-waived). Notice is also required for any record not listed in this section. "N/A" indicates not applicable and applies to any county record designated for permanent retention.

(4)(RR 05-28)(AM 17-14) **General Records Schedule.** Records are maintained by the various departments in the county and are subject to uniform regulation unless otherwise specified. The retention period and authority are listed with each record in the General Records Schedule (GRS). To the extent that any record maintained by a department may be classified in more than one category in the GRS, the greater retention period shall apply.

(5)(RR 05-28)(AM 17-14) **Destruction After Request for Inspection.** Wis. Stat. 19.35(5) as amended shall govern the destruction of records after a request for inspection has been made. No record subject to pending litigation shall be destroyed until the litigation has been resolved.

(6)(RR 05-28)(AM 17-14) **Microfilming or Optical Disk Storage of Department Records.** Departments may keep, preserve, convert or transfer public records through the use of microfilm, optical disc storage, or any other electronic format provided that the standards established in §§16.61(7) and 16.612, Wis. Stats., are met. After verification as provided in Wis. Stat. 16.61(7)(a)5. occurs, an original record that has been converted or transferred may be destroyed, and the existing record shall be deemed the original. The retention period for such records shall not be recommenced.

**4.34 REGISTER OF DEEDS.** (1)(AM 99-17) **Reception Time Cutoff.** As authorized by §59.20(3)(c), Wis. Stats., the cutoff reception time for filing and recording of documents in the Register of Deeds Office shall be advanced by ½ hour in any official business day during which time the Register of Deeds Office is open to the public. The Register of Deeds is authorized to provide in his or her notice under §19.34(1), Wis. Stats., that requests for inspection or copying of the records of his or her office may only be made during the reception time for filing and recording of documents.

(2) **Prohibited Business.** The Register of Deeds shall not conduct an abstracting business in the office at the courthouse. The Register of Deeds shall not draft legal documents such as deeds, mortgages, or releases of mortgages, except those required by virtue of his or her office.

(3)(AM 05-14) **Duplication Fees.** The Register of Deeds shall charge the statutory fees for copies of documents and instruments made by that office.

(4) **Fee for Transfer of Joint Property to Surviving Joint Tenant.** Persons making application under §867.045, Wis. Stats., for transfer of joint property to one or more surviving joint tenants shall pay a fee for the recording of certificates and preparation and mailing of documents in the amount of \$25. This fee shall be paid to the Register of Deeds office upon filing of the application on forms as furnished by the Department of Revenue.

(5)(CR 99-17)(AM 01-8)(AM 03-42) **Local Review of Condominium Instruments.** (a) As authorized by §703.115, Wis. Stats., condominium instruments offered for recording in the Register of Deeds Office shall be reviewed by the Real Property Lister or his or her designee to determine compliance with the applicable requirements of §§703.095, 703.11(2)(a), (c) and (d) and (3), 703.275(5) and 703.28(1m), Wis. Stats., or if the surveyor's certificate under §703.11(4), Wis. Stats., is not attached to or included in the condominium plat. The Real Property Lister shall supply appropriate parcel identifier numbers.

(b) Reviews shall not be required where a city, village or town that is located in whole or in part in Washington County has conducted a review under §703.115, Wis. Stats.

(c) A condominium review must be completed within 10 working days after submission of the condominium instrument, and if not complete within 10 days, the condominium instrument is deemed approved for recording. The Real Property Lister or his or her designee or the local official approving under a local ordinance, shall certify approval in writing, accompanied by his or her signature and title.

(d) The Real Property Lister may charge a fee for the actual cost of performing the review to be determined by the Planning, Conservation and Parks Committee and the annual County Budget.

## **SUBCHAPTER V - USE OF COUNTY FACILITIES.**

**4.35 MEETINGS IN COUNTY FACILITIES.** (1)(AM 16-21) **Facilities Covered.** This section is intended to regulate the use of meeting rooms in all County facilities, including the Government Center, Justice Center, the Public Agency Center, Annex I, the Samaritan Health Center, the Sheriff's Department and Jail (Annex III), the Vehicle Maintenance and Storage Facility and the Senior Center. These regulations shall not apply to the County Park System or to facilities leased to third parties.

(2) **Limitation on Use.** Public meeting rooms shall be used solely for public purposes and shall never be used primarily for partisan or private purposes. Public meeting rooms are primarily intended for the use of the County Board, its committees and the departments and agencies of Washington County and its public tenants. Where space is available, public meeting rooms may be reserved by other governmental and quasi-governmental agencies for public meetings, hearings and related purposes. As a third priority, private nonprofit organizations may use public meeting rooms for public interest activities relating to government, such as voter forums, mock trial presentations, student government events, united way meetings and bar association functions.

(3) **Attorney-Client Meeting Rooms.** The attorney-client meeting rooms located near each of the courtrooms in the Courthouse are subject to the control of the Circuit Judges and are intended for the use of attorney-client conferences connected with the operation of the court system. The Circuit Judges are authorized to establish rules and policies for the use of these rooms and may extend their use for other public purposes consistent with the policy established in this ordinance.



(4)(AM 16-21) **Scheduling.** Meeting rooms in the Government Center, Justice Center, Annex I and the Public Agency Center shall be scheduled by the County Clerk. Meeting rooms in other buildings shall be scheduled by the department head responsible for the principal activity in that building. Scheduling of attorney-client meeting rooms, where necessary, shall be done as the Circuit Judges direct.

(5) **Reimbursement for Expenses.** There shall be no charge for the use of any public meeting room subject to this policy, however, the County Administrator or responsible department head may establish a reasonable deposit to assure that the room and its contents are not damaged and to compensate for any cleaning costs incurred by reason of the use of the meeting room. Nothing in this section directly authorizes the use of any County equipment by non-County departments and agencies. The use of any such equipment must be specifically authorized.

**4.36 ALCOHOL BEVERAGES.** (1) The consumption or serving of alcohol beverages on any property owned by the County shall be prohibited unless with the prior express consent of each committee responsible for the facility and function at which the consumption and serving of alcohol beverages is proposed.

(2) This section shall not apply to any private residences, park lands or other lands under the jurisdiction of the Park and Planning Commission.

(3) Any consumption or serving of alcohol beverages pursuant to this section shall be in compliance with applicable Federal, State and local laws.

**4.37 SMOKING PROHIBITED.** (1) **Policy.** It is the express finding of the County Board of Supervisors that smoking presents a serious health hazard and a nuisance to both the public using County facilities and programs and to the officers and employees of the County. The exceptions created in this section are to be narrowly construed. Exceptions are not intended to approve the practice of smoking, but rather to provide flexibility where special circumstances such as the size of the office or the residential nature of the program require special accommodation.

(2) **Smoking Defined.** Smoking for purposes of this section is defined as carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

(3)(AM 11-23) **Smoking Prohibited.** Except as otherwise specifically provided, smoking is prohibited in all County owned or leased buildings, in all County owned or leased vehicles and in all County programs. Smoking is prohibited on all County grounds except in designated areas.

(4) **Littering of Smoking Materials Prohibited.** The disposal of cigarettes as defined in §139.30 (1), Wis. Stats., and tobacco products as defined in §139.75 (12), Wis. Stats., is hereby prohibited on any County grounds or leased space except in ashtrays and other marked receptacles provided for that purpose.

(5)(AM 01-8) **Exemption from Smoking Prohibition.** The following activities and facilities are exempt from the prohibition of this section as follows:

(a) With the consent of the Sheriff, and under supervision of a County detective, individuals under interrogation are permitted to smoke in designated interrogation rooms within the Sheriff's Department.

(b) Residents of the Samaritan Health Center are permitted to smoke within designated areas.

(c) Smoking regulations within the County park system are as established by the Planning, Conservation and Parks Committee.

(6) **Department Authority.** Nothing in this section shall limit the authority of a department head, after consultation with his or her liaison committee, to further restrict smoking within the department head's program.

(7) **Leased or Rented Space.** This section does not apply to County facilities which are leased or rented by third parties for the use of the third party. This subsection does not prohibit the County from negotiating a smoking prohibition as part of the lease or rental agreement.

(8)(AM 01-8) **Signs.** The County Clerk at the direction of the Administrative Services Committee shall provide and maintain suitable signs to designate smoking and nonsmoking areas as required by law. The County Clerk may post additional temporary signs to inform the public and County employees of the implementation of this section. If sufficient funds are not available within existing budgets, the committee shall request an appropriation.

(9)(AM 01-8) **Employee Discipline.** In addition to or in lieu of enforcement of this section by forfeiture, violations of this section by County employees and officers may be punished by appropriate discipline as determined by the supervisor of the employee or the Liaison Committee of the officer.

(10) **Enforcement and Penalties.** Any person who violates or refuses to comply with this section, shall be subject to a forfeiture of not less than \$10 nor more than \$200 per offense together with the taxable costs of the action.

**4.38 EMERGENCY PROCEDURES – BOMB THREAT.** (1) **Policy.** It is the policy of the County Board of Supervisors that all reasonable measures be taken to assure the safety of public officers, employees and visitors in all public buildings and further to protect publicly owned property from bomb threats.

(2) **Delegation of Authority.** The County Administrator is hereby authorized and directed to promulgate emergency procedures designed to implement the policy contained in this section.

(3)(AM 01-8) **Employee Discipline.** In addition to or in lieu of enforcement of this section by forfeiture, violations of this section by County employees and officers may be punished by appropriate discipline as determined by the supervisor of the employee or the Liaison Committee of the officer.

(4) **Tenant Compliance.** All tenants and other occupants of any building subject to this policy shall be bound by this policy. Failure to comply shall be considered a breach of the respective lease pursuant to the County rule making authority as landlord contained in each lease.

(5) **Enforcement and Penalties.** Any person who violates or refuses to comply with this section shall be subject to a forfeiture of not less than \$10 nor more than \$200 per offense together with the taxable costs of the action.

**4.39(AM 01-8)(AM 11-18) WASHINGTON COUNTY FAIR PARK.** (1)(AM 03-42)(AM 11-18) **Use of Fair Park.** (a) Purpose. It is declared to be the intent of this subsection to establish procedures for organizations or persons seeking the use of the Washington County Fair Park. Washington County Fair Park is operated by the Washington County Agricultural and Industrial Society (“AIS”) under the terms of a Lease and Operating Agreement.

(b) County Fair Excluded. This section is not intended to apply to or affect the operation of the Washington County Fair during the period of the Fair.

(c) Application. Any person seeking the use of the Washington County Fair Park shall apply in writing to the AIS.

(d) Education and Culture Committee Policies. The Education and Culture Committee is hereby authorized and directed to establish policies for use of the Fair Park. Implementation of these policies by the Agricultural and Industrial Society shall be based on the Lease and Operating Agreement and the following criteria, in addition to any other criteria deemed relevant by the Agricultural and Industrial Society: 1. Size of the function; 2. Nature of the event, including whether the event is open to the public or private; 3. Capacity of the Fair Park to handle such event; and 4. The best interests of Washington County.

(e) Agreement with Sponsoring Organization or Person. The AIS shall enter into a written agreement with the sponsoring organization or person relating to the use of the Fair Park covering such items as are deemed appropriate by the Agricultural and Industrial Society upon the recommendation of the Education and Culture Committee. The written agreement between AIS and sponsoring organization or person may specify the public or private nature of the event and may further declare, on a limited basis, Fair Park building and/or grounds private and not open for public access during certain events.

(f) Fair Park Rules. The Agricultural and Industrial Society is hereby authorized to establish, and from time to time, revise and require adherence, as part of its agreement with sponsoring organization or persons, rules relating to the use of the Washington County Fair Park. Such rules shall be incorporated in the written agreement referred to in sub. (e) hereof and shall be maintained and available in the Fair Park offices.

(2)(AM 01-8)(AM 11-18) **Placement and Ownership of Structures.** (a) Purpose. It is declared to be the purpose of the section to regulate the orderly use, placement, upkeep and removal of structures on the County Fair Park grounds to promote public welfare and the goals of the County Fair Park.

(b) Use of Structures. Use of Fair Park structures shall be permitted to agricultural and other societies of similar nature for approved agricultural fairs, industrial fairs and exhibitions and for such other purposes as promote the public welfare through the application process referred to in sub. (1)(c).

(c) Placement of Structures. No structure of any kind shall be placed upon the grounds of Washington County Fair Park except in compliance with this section. The Education and Culture Committee must approve the placement of structures on the County Fair Park grounds.

(d) Determination of Public Benefit. Placements of structures on County Fair Park grounds may be considered provided that the proposed structure promotes the public welfare and is consistent with the goals of the Fair Park.

(e) Donations. Any donation, including the donation of any structure, shall be accepted only with the express approval of the Board of Supervisors. No donation of any structure or funds for any structure shall be accepted if the donor sets any conditions as to the structure's use. Any agreement on behalf of the County to restrict the use of the structure shall be subject to revision in the sole judgment of Washington County. The construction of any structure and funds for any structure shall be made consistent with the Washington County Purchasing Ordinance.

(f) Ownership, Exclusive Use. Any structures placed on the Fair Park grounds shall become the property of Washington County, subject to and consistent with the terms of the Lease and Operating Agreement between the Agricultural and Industrial Society and Washington County. Organizations placing structures with County approval may be permitted the exclusive right to use said structure for purposes consistent with this policy. This right of use shall be as more particularly defined in the Lease and Operating Agreement between the County or the Agricultural and Industrial Society and the organization placing the structure on the Fair Park grounds.

(g) Maintenance. Any lease or other arrangement for the use of structures on County Fair Park grounds shall set forth responsibility to maintain the structure and keep it in an adequate state of repair.

(h) Insurance. Any individual or group using a building on County Fair Park grounds shall maintain liability insurance and any other insurance according to the written agreement referred to in sub. (1)(e) hereof.

(i) Fees during Fair. The fact that a donor has donated a structure, whether temporary or permanent, shall not exempt the donor nor any other person or group from payment of fees for the use of that structure during the Fair.

(j) Temporary Structures. 1. Temporary structure includes any building, booth, tent, trailer or shelter of any kind which has been lawfully placed on the County Fair Park grounds for use during the Fair.

2. No temporary structure shall be placed on the County Fair Park grounds except as permitted by the County policy regarding placement of structures and with approval of the Education and culture Committee. Permitted temporary structures shall remain on the County Fair Park grounds only during the run of the County Fair. Placement of temporary structures in advance of the Fair shall be as scheduled and permitted by the AIS staff.

3. All temporary structures shall be removed from the County Fair Park grounds as required by AIS staff and within 10 days following the conclusion of the Fair. Upon removal, the owner or user of the temporary structure shall restore the Fair Park grounds to the condition immediately prior to the placement of said structure. Any structures remaining on the County Fair Park grounds or placed without permission shall become the property of Washington County to be used or disposed of in the sole discretion of Washington County. No compensation shall be paid to the owner or user of the temporary structure for either the structure or its contents.

4. Temporary structures shall be insured and maintained as directed by written agreements with AIS staff.

(3)(CR16-21) **Use During Declared Emergency.** During a declared emergency, pursuant to §323.10 or 323.11, Wis. Stats., Washington County, by its Emergency Management Coordinator, in consultation with the County Administrator, may take control of the Washington County Fair Park and use the grounds and buildings for purposes of responding to a disaster as defined in §323.02(6), Wis. Stats.

**4.40(CR 09-23) PARKING LOT REGULATIONS.** (1)(CR 09-23)(AM 14-14) **Definitions.** For the purpose of this section, the following definitions shall be used:

(a) **"County Parking Lots."** All lands owned by Washington County and designated as parking lots adjacent to county buildings, including Washington County Government Center, Washington County Justice Center, Washington County Public Agency Center, Washington County Vehicle Maintenance and Storage Facility, Samaritan Health Center, Fields of Washington County, Youth Treatment Center, Annex II, the Senior Center, Sheriff's Department and all paved areas, but not streets, with signs and/or painted lines designating locations for parking vehicles of County employees or persons engaged in official business at adjacent County owned or operated facilities.

(b) **"County Park and Ride Lots."** All lands owned by Washington County and operated as a Park and Ride located in the Village of Richfield, specifically, 2464 Richfield Parkway, Tax Key No. V10 0008015.

(c) **"Operator."** Any person who shall operate a vehicle as the owner thereof, or as the agent, employee, or permittee of the owner or is in the actual physical control of a vehicle.

(d) **"Parking Space."** Any paved area which is duly designated for the parking of a single vehicle by lines painted or otherwise marked on the paved surface of a parking lot.

(e) **"Person."** Any individual, firm, partnership, association or corporation.

(f) **"Vehicle."** Any device in, upon or by which any person or property is or may be transported upon a highway, except a device operated on rails or tracks.

(2)(CR 09-23)(AM 14-14) Parking. All vehicles shall be parked, attended or unattended, in accordance with the signage in the County Parking Lots and within the designated lines in the County Parking Lots and in such a manner so as to not cause a hazard or be an obstruction to vehicular or other traffic.

(3)(CR 09-23) Hours. No vehicle shall be parked, attended or unattended, in the County Parking Lots between Midnight and 6:00 a.m., other than employees of the County or persons engaged in official business at the County.

(4)(AM 14-14) Abandoned Vehicles. No vehicle, including trucks and detached trailers shall be parked, unattended, in the County Park and Ride Lots for more than 96 hours.

(5)(CR 09-23)(AM 14-14) Obstruction of Traffic. No person or vehicle shall obstruct the entryways, exits or traffic in County Parking Lots and County Park and Ride Lots in a manner so as to prevent, interfere with or obstruct the free flow and passage of other persons or vehicles within County Parking Lots and County Park and Ride Lots.

(6)(CR 14-14) Vehicle Sales Prohibited. No vehicle shall be parked and advertised for sale in County Parking Lots and County Park and Ride Lots.

(7)(CR 14-14) Prohibited Entry. No vehicle in excess of 16,000 pounds shall be allowed to enter, access or park in County Park and Ride Lots, except for entry and access to the designated bus turnaround.

(8)(CR 14-14) Penalties. Any person who shall violate any provision of this section shall be subject to a penalty as provided in Sec. 1.07 of this Code.

**Sections 4.41 through 4.45 Reserved**

**SUBCHAPTER VI - MISCELLANEOUS PROVISIONS**

**4.46 SOIL CONSERVATION WORK.** (AM 01-8) Washington County, pursuant to §92.115, Wis. Stats., may enter into contract to do soil conservation work on privately owned lands.

The Highway Committee is authorized to enter into contracts on behalf of Washington County to do soil conservation work not to exceed \$1,000 pursuant to §92.115, Wis. Stats., but only pursuant to written order of Washington County. Billing for such work shall be made to the town.

**4.47(CR 10-16) CHILD SUPPORT AGENCY – NON-IVD FEES.** (1)(CR 10-16)(AM 13-20) Account Reconciliation. Upon written request by a party to a case, the Agency will perform an account reconciliation for a fee of \$40 per request, which shall be paid prior to performance of services.

(2)(CR 10-16)(AM 13-20) **Income Withholding Order Entry.** Upon the written request of a party to a case, the Agency will draft and send an Income Withholding Order upon the establishment of a support order, in the event of a new employer or unemployment claim, or a modification of an order (including adding an arrearage payment) for a fee of \$40, which shall be paid prior to the performance of services.

(3)(CR 10-16)(AM 13-20) **Reconciliation of Percentage Expressed Orders.** Upon the written request by a party to a case, the Agency will reconcile an account history with a percentage expressed order to ensure that the amount of support paid to the date of the request and any arrearage are accurate for a fee of \$40 per request, which shall be paid prior to the performance of services.

**4.48 MARRIAGE LICENSE FEES.** (1)(AM 07-23)(AM 09-10) Pursuant to §765.15, Wis. Stats., the marriage license fee shall be established by the County Board through its annual budget process and collected and disbursed by the County Clerk according to the law.

(2)(AM 09-10) The County Clerk may grant special dispensation from the 5 day waiting period provided in §765.08, Wis. Stats., and collect a fee for same which shall not exceed \$25.00.

**4.49 BUSINESS CARD USE.** (1) **Use Prohibited.** The use of business cards by agents and employees of Washington County, including elected and appointed officials, is prohibited except as provided in this section. The term business card includes appointment cards.

(2)(AM 01-8) **Authorization of Business Card Use.** Employees, elected officials, officers and agents may use a business card with the approval of the respective Liaison Committee and Finance Committee where the committees have determined that a business card is required for the benefit of the public.

(3) **Elected Officials.** In addition to or in lieu of obtaining a card under sub. (2) above, elected officials are permitted to use a business card of their own choosing, at their own expense.

(4) **Standard Form.** The Finance Committee shall establish one or more forms for business cards. Except as provided in sub. (3), no other form may be used.

**4.50(AM 01-49) MEDICAL EXAMINER - FEES.** (1)(AM 10-15) The Medical Examiner shall charge fees for services as authorized by §59.36, Wis. Stats., and as authorized and approved through the County's annual budget process in amounts not to exceed the actual and necessary cost of providing the services.

(2) All such fees shall be paid to the Medical Examiner in advance of the issuance of the certificate or permit, or other service.

(3) All fees, including the travel surcharge, shall accrue to the County and shall be used to offset the costs of the Medical Examiner's office to the taxpayers.

(4) No service fee shall be charged if the Medical Examiner determines that the person requesting the service is indigent. Proof of indigent shall consist of evidence that the individual is eligible for or receiving public assistance as certified by the County Department of Social Services.

**4.51 EQUAL HOUSING OPPORTUNITY.** (1)(AM 01-8)(AM 12-6) As authorized by §§66.1011 and 66.0125, Wis. Stats., §106.50, Wis. Stats., is hereby adopted.

(2)(AM 12-6) All County officers and employees shall assist in the prevention and removal of all discrimination in housing within the County by appropriate exercise of the authority and enforcement procedures provided in §106.50, Wis. Stats.

(3) The County Clerk shall provide information regarding the provisions of the Fair Housing Ordinance, Municipal Ordinances and State Law, including access to complaint forms and information and referral to assist in the filing of complaints with appropriate agencies of the State and local government within the County.

**4.52 COUNTY COMPUTER EQUIPMENT USE.** (1)(CR 99-22) **Policy.** All computers and other electronic and telephonic media are the property of Washington County and are to be used for business purposes. Communications via these media are not considered private. Any use of County equipment is considered consent by the user to have such use monitored by the County in its sole discretion, with or without prior notice to the user. The use of private passwords or access codes shall not be considered a user's withdrawal of consent to such monitors. This policy is intended to ensure that employees and other users have no expectation of privacy in regard to electronic communications.

(2)(AM 01-8) **Rule Making Authority.** The County has periodically published a revised list of information, services, rules and regulations as a guideline to employees and other users, which rules and regulations are currently known as an "Acceptable Use Statement." The Administrative Services Committee, in consultation with the Finance Department, is authorized to maintain and update these rules and regulations from time to time in order to assure that the above stated policy is implemented.

**4.53 CONSTRUCTION ADMINISTRATION.** (1)(CR 99-34) **Purpose.** The purpose of this section is to establish a construction administration system to provide administrative and professional oversight for all public work as defined in §59.52(29), Wis. Stats., including any contract for the construction, repair, remodeling or improvement of any public work, building or furnishing of supplies or material of any kind. This section does not apply to highway contracts which the County Highway Committee or the County Highway Commissioner is authorized by law to let or make.

(2)(CR 99-34)(AM 01-8) **Intent.** This section is intended to provide a method of construction administration which will:

- (a) Clarify all lines of administrative responsibility for the project.
- (b) Avoid duplication of administrative and professional services.
- (c) Obtain quality public work at the lowest price while providing for competitive bidding where required by law or where in the public interest.
- (d) Facilitate timely decision making by the County Board, its Liaison Committees and the construction administration system.



(e) Establish and maintain a system of timely reporting to the Liaison Committee responsible for the construction and any special construction committees.

(f) Assure that all public construction is fully authorized by the County Board and that there is ultimate accountability to the County Board.

(3)(CR 99-34) **Prebid Requirements – Purchasing Department.** Prior to the hiring of an architect, engineer or other design consultant, and prior to the bid for public work, the Purchasing Agent, or other responsible County employee or agent shall verify that the project has been reported to the County Administrator, and that the County Administrator has verified that funds are available for the public work, that the project has been approved, and that a construction oversight methodology has been established for the particular public work.

(4)(CR 99-34)(AM 01-8) **Jurisdictional Committee Oversight.** For purposes of this section, "jurisdictional committee" means the committee responsible for the department requiring public work. If more than one department is involved, the jurisdictional committee is the Administrative Services Committee or any special construction committee appointed under sub. (5). In addition to the selection of a design professional under sub. (9), the jurisdictional committee shall exercise the following powers:

(a) Subject to any capital plans adopted by the County Board, the jurisdictional committee exercises primary responsibility for the planning of all public work at the level of the department under the authority of the jurisdictional committee.

(b) No proposal or request for public work shall be prepared or submitted by a department for inclusion in the budget, inclusion in any capital planning process or direct submission to the County Board without prior jurisdictional committee approval. This paragraph is not intended to prevent a department from responding to capital or space needs surveys or to restrict compliance with the planning directives of the County Administrator.

(c) Where a special construction committee has been appointed, the jurisdictional committee retains its full planning authority and its authority to require periodic reports from the oversight team.

(5)(CR 99-34)(AM 01-8) **Special Construction Committee.** A special construction committee may be created by the County Board or County Board Chairperson as authorized by sec. 2.53 of this Code.

(a) Membership of a special construction committee shall include representatives of the Administrative Services Committee and all Liaison Committees whose departments are directly affected by the public work.

(b) Factors to be considered in determining if a special construction committee shall be created include the size and complexity of the project, the need to accommodate a quicker committee level response time, the need for particular or specialized committee expertise, the number and types of departments affected by the public work, the need for broader County Board supervisory level support and whether the Liaison Committee or Administrative Services Committee has requested appointment of a special construction committee.

(c) The special construction committee shall perform all duties of the jurisdictional committee unless specifically limited by the creating authority initially establishing the special construction committee.

(d) The chairperson of the special construction committee shall report the activities of the committee to the Liaison Committee and Administrative Services Committee on not less than a monthly basis. Providing current copies of the minutes of the special construction committee shall be deemed adequate reporting unless the Liaison Committee or Administrative Services Committee request additional information.

(6)(CR 99-34)(AM 01-8) **Role of County Administrator.** Notwithstanding the inclusion of any public work in a capital plan or annual budget, the department head responsible for the public work shall apply to the County Administrator for an advance determination as to the level of construction oversight necessary for a particular project. Where the public work involves more than one department in the Courthouse, Annex 1, Annex 2 or Annex 4, the County Administrator shall initiate the process directly. Prior to selecting the level of construction oversight and authorizing construction, the County Administrator shall verify that funds are available for the public work and that the project has been approved, where necessary, by the County Board of Supervisors or responsible Liaison Committee, and that a construction oversight methodology has been established as follows.

(7)(CR 99-34)(AM 01-8) **Selection of Level of Construction Oversight.** The County Administrator shall select the level of construction oversight necessary for any public work subject to this section based upon the nature and scope of the project as follows:

(a) The department head shall be directed to directly oversee a public works project where the project is minor and affects only that department. Examples of minor construction would include minor office remodeling affecting the interior of an office suite, the construction of park structures by Planning and Parks Department employees or by contractors under the direct supervision of Planning and Parks Department employees in the ordinary course of business, projects involving only one construction trade and projects under \$100,000 in estimated cost. When so directed, the department head is responsible to oversee all aspects of the bidding, if required, to keep his or her Liaison Committee fully informed at all stages of the construction project, and to verify compliance with the purchasing ordinance.

(b) Where the project is major, more than one department is involved in a minor project, or where there are special circumstances, the County Administrator may directly oversee the public work, request that the County Board Chairperson provide oversight, with the chairperson's consent, or assign the public work to a special project manager. The special project manager can be any department head without regard to the department head's jurisdiction acting as the assignee of the County Administrator. The County Engineer is not eligible for assignment as special project manager due to the more specific role of the County Engineer in public works.

(8)(CR 99-34) **Designation of Construction Manager.** The County Administrator shall determine what level of professional management services, if any, are to be assigned to each public work project after the construction oversight method has been selected. The professional manager shall not normally undertake to provide design services for the same public work in order to provide maximum independence and accountability to the County. The County Administrator shall select from the following range of options:

(a) The County Engineer may be designated to serve as construction manager for minor projects, which in the opinion of the County Administrator and County Engineer are within the engineer's professional competence and where work time is available. If the County Engineer is not assigned the formal role of construction manager, the County Engineer shall still serve as advisor to the County Administrator, the responsible department head, if any, and County officials with regard to any public work.

(b) An owner's representative shall be selected for those public work projects between \$100,000 and \$1,000,000 in estimated cost, and may be selected for smaller projects where the special expertise of an owner's representative would be helpful.

(c) For public projects over \$1,000,000 or where the construction is unusually technical or difficult, a construction manager shall be recommended and the scope of the duties of the construction manager shall be tailored to provide maximum accountability under the Purchasing Ordinance, Public Construction Law and this section.

(d) Upon selection of the construction manager, under the Purchasing Ordinance, the construction manager and construction overseer shall serve as the oversight team for the public work.

(9)(CR 99-34) **Retaining the Design Professional.** After selection of the construction overseer and construction manager, the jurisdictional committee, with the advice of the County Administrator, shall select a design professional for the project. In minor projects, the County Engineer may be designated the design professional, if within the engineer's professional competence and where work time is available. In larger projects, or for minor projects where the County Engineer is not available or not professionally able to provide the service, an architect, engineer or both may be retained. After retaining the design professional pursuant to the Purchasing Ordinance, the design professional shall be assigned to work with the oversight team.

(10)(CR 99-34) **Reporting Responsibility.** The oversight team shall report all significant developments to the County Administrator immediately, and shall formally report to the County Administrator and the jurisdictional committee chairperson at least monthly. Reports shall be made to the jurisdictional committee as the committee chairperson directs. Major problems, including but not limited to, legal problems in the bid process, projections of significant cost overruns, major change orders, labor unrest, significant construction accidents and similar matters shall be reported immediately to the County Board Chairperson, County Administrator, chairperson of the jurisdictional committee and County Attorney, as necessary.

(11)(CR 99-34) **Oversight Team – Liaison Role.** The oversight team is required to communicate all policy directives of the jurisdictional committee (or County Board) to the design professional or directly to the contractor for minor projects where no design professional has been engaged. The oversight team shall verify that all contracts are in place at appropriate stages during the public work project, shall establish and monitor the project schedule during the design professional selection process, the bid process, the construction phase and closeout project. The oversight team shall schedule and monitor all permits, payments, lien waivers and the project closeout. If any duties are delegated to an owner's representative or construction manager, the person overseeing the project shall obtain periodic reports and shall verify, where necessary, that appropriate scheduling and monitoring is taking place.

(12)(CR 99-34)(AM 01-8) **Bid Bonds and Labor and Material Bonds.** The oversight team shall verify that all bonds, including the bid bond, where required, and a labor and material bond, have been submitted, approved by the County Attorney where necessary, or waived under the County Purchasing Ordinance. Where bonds are waiveable under the County Purchasing Ordinance, the oversight team shall make a recommendation to the Finance Committee or other Liaison Committee with regard to the requirement of a bond. In any event, the oversight team is responsible to monitor quality assurance issues, shall assist in project close out, and shall assist in any dispute resolution that may become necessary during and after the construction phase.

**4.54(CR 05-1) CONTRACT ADMINISTRATION.** (1)(CR 05-1) **Review of Legal Documents and Instruments.** Prior to the execution of any legal documents, instruments, contracts, agreements, leases, mortgages, deeds or land contracts, without restriction because of enumeration, the board of supervisors, its committees, commissions, boards, departments, agencies, and officials which are interested therein shall submit the same to the County Attorney with appropriate background information, including but not limited to funding source and authority for review. With respect to commissions, boards and agencies, this provision is limited to those documents and instruments which may impose some financial commitment or administrative responsibility upon the county, whether express or implied or vested or contingent. The County Attorney shall review all such documents and instruments for the legal, fiscal and administrative impact upon the county and shall recommend approval, rejection or modification thereof by the appropriate officials.

(2)(CR 05-1) **Execution of Instruments.** Unless otherwise specified, all instruments having a recommendation of approval shall be executed by the County Board Chairperson and County Clerk.

(3) (CR 05-1) **Filing with County Clerk.** Unless otherwise specified, original, executed instruments referred to herein shall be filed in the Office of County Clerk for safekeeping.