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CHAPTER 2

ADMINISTRATION

Part 1 – In General

2.101 Self-Organized County

The County of Rock, by a majority vote of the entire membership of its County Board of Supervisors duly assembled on the 27th day of June, 1985, elected to act as a self-organized county under Section 59.03(1) of the 1983-84 Wisconsin Statutes.

2.102 Mileage

Each Supervisor shall receive mileage for each mile driven in going to and returning from the meetings of the board or committees thereof by the most usual traveled route, at the rate established from time to time by the County Board. Mileage shall be determined in accordance with the Rock County Administrative Policy and Procedures Manual, sec. 2.16 and as subsequently amended.

2.103 Required Signatures on Nomination Papers

The number of required signatures on nomination papers for candidates for the office of county supervisor shall be not less than 50 nor more than 200 electors. This section shall take effect on the November 15th following its enactment.

2.104 County Board – Apportionment of Districts From Which Supervisors are Elected (Maps)

The apportionment of districts from which supervisors are elected is set forth in Rock County Board of Supervisors Resolution No. 12-3B-625 along with attachments thereto which is incorporated and made a part hereof by reference.

2.105 Abatement Orders

The Rock County Administrator, or his/her delegate, shall serve as the official who may modify or withdraw abatement orders issued under sec. 173.11, Wis. Stats.

Part 2 – Finance

Subpart 1. Generally

2.201 Payments in Rock County

(1) Worthless Checks. If a personal check tendered to make any payment to Rock County, or any agency of Rock County, is not paid by the bank on which it is drawn,

the person to whom the check has been tendered shall remain liable for the payment of the amount for which the check was tendered for all legal penalties, additions and a charge set by the Rock County Finance Committee which is comparable to charges for unpaid drafts made by establishments in the private sector. In addition, the officer to whom the check was tendered may, if there is probable cause to believe that a crime has been committed, provide any information or evidence relating to the crime to the Rock County District Attorney for prosecution as provided by law. If any license has been granted upon any such check, the license shall be subject to cancellation for the nonpayment of the check.

(2) Overpayments and Underpayments. The Rock County Finance Committee shall establish regulations pursuant to which the various offices and agencies of Rock County may retain overpayments of fees, licenses, and similar charges when the overpayment is \$2 or less, unless such refund is specifically requested in writing or where otherwise provided by state or federal law. Such regulations may also provide that underpayments of not more than \$2 may be waived when the administrative cost of collection would exceed the amount of underpayment.

2.202 Foreclosure of Tax Liens by Action In Rem

From and after the 1st day of January, 1986, the County of Rock elects to adopt the provisions of Section 75.521, Wis. Stats., for the purpose of enforcing tax liens in such county in the cases where the procedure provided by such section is applicable.

2.203 County Sales and Use Tax

(1) Authority and Purpose. This Ordinance is enacted under the authority of Subchapter V of Chapter 77 of the Wisconsin Statutes. The sole purpose for imposing a county sales and use tax is to directly reduce the property tax levy. It is intended that in applying the sales and use tax revenues preference shall be given to capital items that would otherwise be funded by deferred financing.

(2) Imposition of Tax. Pursuant to, and in strict conformity with, the provisions of Subchapter V of Chapter 77 of the Wisconsin Statutes, the County of Rock does hereby elect to impose a county sales and use tax at the rate of 0.5% in the manner and to the extent permitted by Subchapter V of Chapter 77 of the Wisconsin Statutes and enactments amendatory thereto.

(3) Effective Date. The County Clerk is directed to deliver a certified copy of the adopted Ordinance to the Secretary of the Wisconsin Department of Revenue prior to December 1, 2006, with the Ordinance thereafter to become effective on April 1, 2007.

2.204 Property Assessed Clean Energy Financing

(1) Purpose. The County finds that renovations or additions to premises located in the 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 the County residents. The purpose of this Section 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 of these properties.

(2) Statutory Authority. This ordinance is enacted pursuant to Wis. Stats. § 66.0627, 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 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) Definitions. In this section:

(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 the County receives foreclosure proceeds.

(D) Foreclosure proceeds – means the proceeds received by the 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 person that makes a PACE loan, and which may include an affiliate of the borrower.

(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) Person – means any individual, association, firm, corporation, partnership, limited liability company, trust, joint venture or other legal entity, or a political subdivision as defined in Wis. Stat. § 66.0627.

(K) Program Administrator – means the person retained by the Wisconsin PACE Commission as provided in subsection (5)(B).

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

(M) Supplemental agreement – means a written agreement among a borrower, a PACE lender and the County, as provided for in subsection (7).

(N) Wisconsin PACE Commission – means the Wisconsin PACE Commission formed under Wis. Stats. § 66.0301, as amended, by the County and one or more other political subdivisions as defined in Wis. Stats. § 66.0627, pursuant to a Joint Exercise of Powers Agreement relating to the Wisconsin PACE Commission.

(4) 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 the 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 Wis. Stat. § 66.0627 as amended.

(5) Wisconsin Pace Commission.

(A) Any of the powers and duties of the County under this Section, except for those under subsection (9) may (but are not required to) be delegated to the Wisconsin PACE Commission.

(B) 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 set forth in this Section and in Wis. Stat. § 66.0627 as amended.

(6) 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) Supplement 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 Wis. Stat. § 66.0627, 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;
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) on the subject property must have executed a separate writing acknowledging 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 Wis. Stat. § 66.0627, as amended.

(8) 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 Wis. Stat. § 66.0627, as amended.

(9) 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 and charges thereon, it may receive from any taxing district or the County treasurer pursuant to Wis. Stat. Ch. 74 as amended.

(10) Property Tax Foreclosure Procedures.

(A) The County elects to utilize the provisions of Wis. Stat. § 75.521, as amended, 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.

(B) The County shall begin an *in rem* property tax foreclosure proceeding on the subject property at the earliest time allowed under Wisconsin Statutes, unless the County determines that subject property is a "brownfield" (as defined in Wis. Stat. § 75.106, as amended) or that *in rem* property tax foreclosure is not in the best interests of the County due to the condition of the property or for other reasons.

(C) If the County has determined that it will not commence an *in rem* property tax foreclosure proceeding, then the PACE lender may request that the County, pursuant to Wis. Stat. § 75.106, as amended, assign the County's right to take judgment against the subject property, provided that the PACE lender and the County fully comply with all provisions of Wis. Stat. § 75.106, as amended, concerning the subject property and the PACE lender agrees to pay the amounts required by Wis. Stat. § 75.36(3)(a)1 and 1m, as amended.

(11) 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 Wis. Stat. § 75.69, as amended.

(12) Distribution of Foreclosure Proceeds. The County treasurer shall follow the procedures set forth in Wis. Stat. § 75.36, as amended, to distribute the proceeds from the sale of a subject property.

2.205 Penalty on Overdue or Delinquent Real Estate Taxes and Special Assessments.

A penalty of .5% per month or fraction of a month shall be imposed on any real estate taxes and special assessments for the years 1983 and thereafter which become overdue or delinquent after January 1, 1984. This penalty is in addition to the 1% per month or fraction of a month interest charge. A penalty of .5% per month or fraction of a month shall be imposed on any delinquent general property taxes (real estate and personal property taxes) special assessments, special charges and special taxes included in the tax roll for the years 1989 and thereafter which become overdue or delinquent after January 1, 1990.

Subpart 2. Purchasing

2.211 Purpose

(1) This ordinance is intended to achieve greater efficiency and economy in the operation of Rock County government and to encourage competition and business in Rock County by centralizing all County purchasing within the Finance Department, except insofar as otherwise specifically authorized by provisions of this ordinance.

(2) This ordinance shall not be construed to grant any rights to any vendor or any person applying to be a vendor of goods or services to Rock County.

(3) This ordinance shall be administered and construed in a manner consistent with all applicable State and Federal laws and, insofar as any State or Federal law is intended to preempt local authority, any provision of this ordinance which is inconsistent with such State or Federal law, that provision of this ordinance shall be null and void to the extent of the inconsistency.

2.212 Authority

This ordinance is created pursuant to the authority granted by, without limitation by reason of enumeration, Sections 59.03(1), 59.51(2), 59.52(6), 59.52(8), 59.52(9) and 59.52(29) of the Wisconsin Statutes.

2.213 Administration

The provisions of this ordinance and any regulations adopted hereunder shall be administered, supervised and enforced by the Finance Director, subject to the authority of

the County Administrator and policy review by the Finance Committee. Administrative rules shall be developed which are appropriate to ensure compliance with the terms of this ordinance and on-going administrative, financial and legal review of all contract documents entered into on behalf of Rock County. The Finance Committee may by rule require additional procedures or impose limitations beyond those expressly set forth in this ordinance insofar as the Committee determines that such action will further the intent and purpose of this ordinance.

2.214 Appropriations

All procurement transactions shall be in accordance with the appropriations made by the County Board for the operation of the respective County departments and agencies. No transaction shall be substantially completed unless adequate funds have been appropriated for the purpose. Items not separately enumerated in the annual County budget, including furniture and equipment, must be approved for purchase, in advance, by the County Administrator or designee upon written justification.

2.215 Definitions

(1) Bidder - shall mean all natural persons, corporations, partnerships, associations, joint ventures, trusts, or any other form of business affiliation whatever, submitting an offer for the provision of goods or services to the County in accord with specifications supplied by the County, or making an offer to purchase an item in accord with a call for bids issued by the County.

(2) Decentralized Purchasing Authority - shall mean the authority to determine the need for and procure goods and services in accordance with the delegation of such authority by the Finance Committee to a department other than the Purchasing Division of the Finance Department. Such authority may only be exercised in the requisitioning of specified purchases in a designated period of time as described in a written purchase order issued by the Purchasing Division.

(3) Most Responsible and Responsive Bidder - shall mean that Bidder who offers, as appropriate, either lowest cost or highest payment, the best quality to the County, and who possesses the necessary financial responsibility, skill, ability and integrity to perform the obligations required by the transaction. However, in no instance may a bidder who has been convicted of bid rigging or price fixing within three years of submission of the bid involved and which involved a contract with the County, be considered the most responsible and responsive bidder.

(4) Professional Services - shall mean unique or technical functions performed by independent contractors whose primary occupation is the rendering of these services. Such services are characterized by extended analysis, the exercise of discretion and independent judgment in their performance, and an advanced, specialized type of knowledge, expertise, or training customarily acquired either by a prolonged course of study or equivalent experience in the field. Examples of professional services include, without limitation by reason of enumeration, medicine and the medical arts, management

and systems consultation, research, the performing arts, surveyor and surveyor services, engineering and architectural design services.

(5) Purchase of Goods - shall mean any transaction between the County and any party or parties by which the County is to receive a tangible commodity or property, excepting real property, in exchange for money or other valuable consideration.

(6) Purchase of Services - shall mean any transaction between the County and any party by which the County is to receive useful labor or activity in return for money or other valuable consideration, but does not include labor performed as an employee of Rock County.

(7) County Auction - shall mean an auction conducted on behalf of Rock County which is advertised in advance and open to the general public.

(8) Regulations - shall mean those rules or guidelines issued by the Finance Committee to implement the provisions or administration of this ordinance.

(9) Transactions - shall mean any act or agreement between the County and any other party or parties which alters the legal relationship between them, such as, but not limited to, contracts or agreements for services or goods or any real or personal property, concessions, leases and rentals.

2.216 Finance Director and Finance Committee

The Finance Director, acting under the administrative authority of the County Administrator and the policy oversight of the Finance Committee, shall exercise the following duties and functions relating to this ordinance:

(1) Implement the provisions of this ordinance through the activities of the Purchasing Division of the Finance Department, and by providing administrative assistance, training and support to all County officials and employees in activities governed by this ordinance.

(2) Ensure that sufficient appropriate written regulations are in place to provide guidance to those engaged in activities within the scope of this ordinance, and monitor the administration of prescribed policies and procedures.

(3) Enforce the provisions of the ordinance by suitable measures.

(4) Advise and consult with all concerned departments and committees concerning the conduct of transactions in accordance with this ordinance, upon request, or as deemed necessary by the Finance Director, the County Administrator, or the Finance Committee.

(5) Promote standardization of equipment and supplies within Rock County government.

(6) In conjunction with the Finance Committee, provide suitable safeguards and procedures so that relatively small or routine matters need not be automatically referred to the Board or its committees.

(7) Refer to the County Administrator or County Board any transactions which the Finance Director or Finance Committee views as affecting general County policy.

(8) In conjunction with the Finance Committee, designate decentralized buying authorities, as provided for under sec. 2.218(3)(A) of this ordinance.

2.217 Disposal of Unsuitable or Unusable Goods

All equipment or supplies which have become unsuitable or unnecessary to their needs shall be disposed of through a County auction, except for items which are to be traded in or applied on any purchases or are determined to be worthless. Exceptions may be made by the Finance Committee for the sale of certain items on the open market at a minimum predetermined price to be approved by the Committee, and for items needed by any county department or municipality. Sales of items to another municipality shall be at a price approved by the Committee. Surplus County property shall not be sold to any County employee, officer or agent, except through a County auction.

In addition, the Finance Committee may authorize the Purchasing Division to dispose of items by alternative means including but not limited to: outside auctions, listings on the Internet, either government or private, by donation to not-for-profit organizations or other means that may become available in the future.

2.218 Procedure (Purchase of Goods and Certain Contracts for Professional Services)

(1) Procedure and Bids - General

(A) Compliance with sec. 59.52 (29). All public work, as defined under state statutes and 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 exceeds \$25,000, shall be let by contract to the lowest responsible bidder in accordance with sec. 66.0901(2), Wis. Stats, except that the County Board may by a three-fourths vote provide that any class of public work or any part thereof may be done directly by the County without submitting the same for bids. If the estimated cost of any public work is between \$5,000 and \$25,000, the board shall give a class I notice under ch. 985 before it contracts for the work or shall contract with a person qualified as a bidder under s. 66.0901(2). The requirements under this subsection shall be interpreted and applied as being in addition to any requirements created or arising under this ordinance. 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, or to the emergency repair or reconstruction of public facilities when the County Board by resolution determines that the public health or welfare of the County is endangered by damage or threatened damage to such facilities.

(B) All invitations for furnishing goods, and non-professional services, where the estimated cost exceeds \$25,000 shall be bid only after notice by publication, once (class I notice) in the official newspaper of Rock County. Additional newspapers or trade magazines may be used to obtain the best advertising and widest notice at the most reasonable cost. The advertisement shall call for sealed bids to furnish the desired items, or supplies or services, in accordance with specifications prepared or approved by the Purchasing Division, which specifications shall describe completely the items, supplies or services to be furnished, the department for which the same are required, and the quantities desired.

Bids shall be received and opened by the Finance Director's designee on the date and at the time and place specified in the Advertisement for Bid. The reading of all bids shall be open to the public. A Bid bond or certified check in the amount required by the bid specifications may be required to accompany the bid. A performance bond or material/payment bond may also be required of the bidder upon acceptance of the bid.

(C) All contracts for purchases where the estimated cost is between \$5,000 and \$25,000 may be made on the open market and directly from a dealer or supplier without obtaining sealed quotations, but such contracts shall be made only after multiple quotations or proposals have been solicited, where practicable. Quotations obtained in this manner shall be confirmed by the successful quoter.

(D) Purchases under \$5,000 may be made directly by the Purchasing Division from approved dealers or suppliers.

(E) The Finance Committee or Purchasing Division may reject any or all bids, proposals or quotations; waive any technicality or error in any bid, proposal or quotation, or part thereof, and to accept the same, or combinations thereof, in whole or in part, whenever such waiver and acceptance is deemed to be in the best interest of Rock County.

(F) Contracts for purchases shall be awarded to the lowest, most responsible and responsive bidder or quoter.

(2) Procedure and Bids – Direct Purchases Allowed

(A) If bids, quotations or proposals are not obtainable, or in cases of immediate need for the items or supplies due to an emergency situation, purchases may be made directly from an approved supplier. The County Administrator or Finance Committee may also authorize direct purchases without bids or multiple quotations under circumstances deemed justified and advantageous to Rock County.

(B) The justification and reasons for awards of contracts for purchases made by the procedures authorized above, shall be recorded and kept on file in the Finance Director's office.

(3) Special Purchases

(A) Goods and Services. Consistent with all other provisions of this ordinance, departments requiring goods and services may be granted decentralized purchasing authority by the Finance Committee, in consultation with the Finance Director, in accordance with sec. 2.216(8) of this ordinance. Such authority shall be exercised by the requisitioning department only after the issuance of a purchase order by the Purchasing Division covering specified purchase(s) for a designated period of time.

(B) Highway Purchases. The Highway Commissioner is authorized to make purchases directly related to highway construction and maintenance in accordance with sec. 83.015(2)(b), Wis. Stats. Purchases not directly related to highway construction and maintenance shall be made through the Purchasing Division. The Highway Commissioner, at his/her discretion, may utilize the services of the Purchasing Division for any or all highway related purchases. All purchases related to County highway, parks and airport activities not specifically otherwise regulated by state statute or County Board Resolution shall be made through the Purchasing Division.

(C) Purchases from Governmental Units. 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 Division and the respective department or agency for whom the item is to be acquired.

(4) Intergovernmental Cooperative Purchases. The Finance Committee is herein authorized to enter into cooperative purchasing agreements with the State of Wisconsin and other Wisconsin municipalities consistent with sec. 16.73 and 66.0301 or 66.0303, Wis. Stats. for the purpose of administering, sponsoring or conducting purchasing transactions under a joint contract for the purchase of materials, supplies, equipment, permanent personal property, miscellaneous capital or contractual services.

2.219 Purchase of Services

(1) Purchases of services shall be made by contract or purchase order through the Purchasing Division. The department or agency which requires the services shall prepare relevant specifications or standards and shall forward the same to the Purchasing Division for distribution to at least two prospective, qualified providers of the services desired.

(2) Purchases of professional services are exempt from bidding requirements, but are subject to all other purchasing policies and procedures.

(3) Services specifically required under State and/or Federal regulations may be purchased with the approval of the County Committee or Board administering such services, where the demand for services and market conditions do not allow for compliance with bidding and Request for Qualification procedures established under this ordinance.

2.220 Severability

Should any section or provision of this ordinance be declared unconstitutional or invalid or be repealed, the constitutionality or validity of the remainder shall not be affected thereby.

2.221 Effect on Other Ordinances

Provisions of other ordinances of Rock County inconsistent herewith are hereby repealed.

2.222 Time of Effectiveness

This ordinance shall take effect immediately upon passage and publication.

Part 3 – Public Records

Subpart 1. Access to Public Records

2.301 Legal Custodians

- (1) An elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.
- (2) Unless otherwise prohibited by law, the County Clerk or the Clerk's designated deputy clerks shall act as legal custodians for the County Board and for any committees, commissions, boards or authorities created by ordinance or resolution of the County Board.
- (3) For every authority not specified in subs. (1) or (2), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his staff to act as the legal custodian.
- (4) Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designate. This subsection does not apply to members of the County Board.
- (5) The designation of a legal custodian does not affect the powers and duties of an authority.

2.302 Procedural Information

Pursuant to sec. 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which the legal custodian from whom and the methods whereby, the public may obtain information and access to records in its custody, make

requests for records, or obtain copies of records and the costs thereof. This section does not apply to members of the County Board.

2.303 Access to Records, Fees

(1) The rights of any person who requests inspection or copies of a record are governed by the provisions and guidelines of sec. 19.35 (1), Wis. Stats.

(2) Each authority shall provide any person who is authorized to inspect or copy a record which appears in written form pursuant to sec. 19.35 (1)(b), Wis. Stats., or any person who is authorized to and requests permission to photograph a record the form of which does not permit copying pursuant to sec. 19.35 (1)(f), Wis. Stats., with facilities comparable to those used by its employees to inspect, copy, and abstract the record during established office hours. An authority is not required by this subsection to purchase or lease photocopying, duplicating, photographic, or other equipment or to provide a separate room for the inspection, copying or abstracting of records.

(3) (A) Each authority shall impose a fee upon the requester of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by the law.

(B) Each authority shall impose a fee upon the requester of a copy of a record for the actual, necessary and direct cost of photographing and photographic processing if the authority provides a photograph of a record, the form of which does not permit copying.

(C) Except as otherwise provided by law or as authorized to be prescribed by law, an authority shall impose a fee upon a requester for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is \$50 or more.

(D) Each authority shall impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of any copy or photograph of a record which is mailed or shipped to the requester.

(E) Each authority shall require prepayment by a requester of any fee or fees imposed under this subsection if the total amount exceeds \$5.

2.304 Time for Compliance and Procedures

Each authority in acting upon a request for any record shall respond as required by the following provisions which are set out in sec. 19.35 (4), Wis. Stats.

(1) Each authority, upon a request for any record, shall as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor.

(2) If a request is made orally, the authority may deny the request orally unless a demand for a written statement of reasons denying the request is made by the requester within 5 business days of the oral denial. If an authority denies a written request in whole or in part, the requester shall receive from the authority a written statement of the reasons for denying the written request. Every written denial of a request by a authority shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under sec. 19.37 (1), Wis. Stats., or upon application to the attorney general or the district attorney.

2.305 Separation of Information

If a record contains information that may be made public and also information that may not be made public, the authority, after consultation with the County Corporation Counsel, shall provide only the information that may be made public, if it will not unreasonably jeopardize disclosure of the exempt material.

2.306 Limitations on Right to Access

(1) As provided by sec. 19.36, Wis. Stats., the following records are exempt from inspection under this chapter:

(A) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;

(B) Any record relating to investigative information obtained for law enforcement purposes if exemption from disclosure is required by federal law or regulations or if exemption from disclosure is a condition to receipt of aids by the state;

(C) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to examination and copying; and

(D) A record or portion of a record containing information qualifying as a common law trade secret.

(2) As provided by sec. 43.30, Wis. Stats., public library circulation records are exempt from inspection under this chapter.

(3) The following may be used as grounds for denying public access to a record only if the authority or legal custodian under sec. 23.01, after consulting with the Corporation Counsel, makes a specific demonstration that there is a need to restrict public access at the time that the request to inspect or copy the record is made.

(A) Records of deliberation after a quasi-judicial hearing.

(B) Records of deliberation concerning dismissal, demotion, licensing, discipline, employment, promotion, compensation or performance evaluation of any County officer or employee.

(C) Records considering strategy for crime detection or prevention.

(D) Records of deliberations or negotiations on the purchase of County property, the investing of County funds, or other County business whenever competitive or bargaining reasons require non-disclosure.

(E) Financial, medical, social or personal histories or disciplinary data of specific persons or records concerning charges against specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data.

(F) Communications between legal counsel for the County and any officer, agent or employee of the County, when advice is being rendered concerning strategy with respect to litigation in which the County or any of its officers, agents or employees is or is likely to become involved.

(4) Substantive common law principles construing the right to inspect, copy or receive copies of records shall remain in effect.

Subpart 2. Destruction of Obsolete County Records

2.307 Purpose; Authorization; Record Retention Periods

(1) For the purpose of gaining needed space, obsolete county records may be destroyed and their destruction is authorized. No county record may be destroyed unless it is authorized by state statute and this section. Nothing herein shall be construed to supersede state statutes. This section is authorized by sec. 19.21 (5), Wis. Stats. The governing committee of each office or agency, in consultation with the department head, shall have supervisory authority over the destruction of the agency's or office's records. Prior to the destruction of any county records, the records shall be offered to the State Historical Society under secs. 59.716 - 59.717, Wis. Stats. Records listed in sec. 59.715, Wis. Stats. may be destroyed pursuant to that section after the period of time set forth in that section.

(2) The records listed below may be maintained and destroyed as indicated on the schedule. If an agency, department, or office of Rock County wishes to destroy obsolete records which are not listed below, the agency or office shall first obtain permission to destroy the records from the agency's governing committee.

(A) SHERIFF'S DEPARTMENT

<u>Division</u>	<u>Type of Record</u>	<u>Retention Time</u>
Jail	1. Daily Jail Records	8 years (s. 59.27(8) Stats.)

2. Jail Menus	60 days (PW-C 50.04, Wis. Adm. Code)
3. Jail Processing Record	8 years (s. 59.27 (8), Stats.)
4. Inmate Property Register	8 years (s. 59.27 (8), Stats.)
5. Authority to Release Property and Receipt	8 years
6. Inmate Conduct Report	8 years
7. Inmate Medical and Dental Report	8 years
8. Inmate Medication Report	8 years
9. Medication Log	8 years
10. Daily Visitor Register	8 years
11. Daily Log	8 years
12. Inmate Count	8 years
13. Activity Worksheet	8 years
14. Voluntary Work Agreements	8 years
15. Huber Law Special Permission	8 years
16. Huber Law Employment Record	8 years
17. Huber Law Daily Work Record	8 years
18. Huber Law Fund Record	8 years
19. Temporary Detention	30 days Without Commitment
20. Inmate Court Record	30 days
21. Court Activity Report	30 days
22. Visits Completed Log	30 days
23. Razor/Mirror Checkout	30 days
24. Commissary List	30 days

	25. Commissary Articles Needed	30 days
	26. Commissary Date of Sale List	30 days
	27. Commissary Monthly Purchase Sales/Balance Sheet	30 days
	28. Court Commitments	10 years
General	1. Sheriff's Dockets	8 years (s. 59.27 (8), Stats.)
	2. Cash Books	8 years
	3. Arrest Reports	8 years
	4. Offense Reports	8 years
	5. Incident Report	8 years
	6. Uniform Traffic Citation	8 years
	7. Vehicle Hold	30 days
	8. Radio Punch Tour Cards	30 days
	9. Radio Punch Assignment Cards	10 years
	10. Officer's Daily Activity Report	30 days
	11. Uniform State Accident Reports and Photos	10 years
	12. Warning Ticket	30 days
	13. Violation Notice	30 days
	14. Dispatch Tapes	30 days Erased and Reused
	15. Canceled Checks	7 years (Huber Law)

ADDITION ADOPTED SEPTEMBER 11, 1997 BY RESOLUTION 97-8A-051

All audio tapes of telephone and radio communications created by the Rock County Sheriff's Department and/or the Rock County Communications Center shall be maintained for a minimum of 120 days from the date of creation, after which the same may be erased or other disposition made, subject to any obligation to offer the

same to the State of Wisconsin Historical Society and any other rules or laws which may be applicable, any existing provisions of Section 22.08 of the Rock County Ordinances inconsistent herewith are hereby repealed.

This Ordinance shall take effect immediately upon passage and publication.

(B) COUNTY CLERK

TYPE OF RECORD	RETENTION
1. Hunting and Fishing Licenses	3 years
2. Dog Licenses	3 years
3. Marriage License Applications	10 years (s. 59.715(22), Stats.)
4. Unused Election Materials	7 days after election (s. 7.23 (1), Stats.)
5. Registration and Poll Lists	90 days after Spring Election or General Election next succeeding the election at which created (unless contested) (s. 7.23 (1),Stats.)
6. Other Materials and Supplies Associated with an Election	90 days after the election (s. 7.23 (1), Stats.)
7. Election Notices, Proofs of Publication, Correspondence Concerning Election Notice	1 year after election (unless contested, contested, than 1 year after settled) (s. 59.715(10), Stats.)
8. Applications for Ballots or Registration for Registration for Federal Elections	22 months after the election (s. 7.23(1), Stats.)
9. Financial Registration Statements	6 years after termination of Registration (s. 7.23(1), Stats.)
10. Payroll Records	7 years
11. Deduction Records, Deferred Compensation Life Insurance, Credit Union)	Permanent
12. Vacation and Sick Leave Records	Permanent
13. Claims, Including Garnishments, Worker's and Unemployment Compensation	7 years (s. 59.715(a), Stats.)

14. Vouchers	7 years (s. 59.715 (9), Stats.)
15. Contracts, Notices of Taking Bids, Insurance Policies	7 years after last effective date (s. 59.715 (10), Stats.)
16. Original Papers, Resolutions and Reports	6 years after date of first publication of Board Proceedings (s. 59.717 (1), Stats.)
17. Official Bonds and Oaths	6 years (s. 59.715 (8), Stats.)
18. Copies of Treasurer's Receipts	4 years or after audit, whichever is earlier (s. 59.715 (14), Stats.)
19. Notice of County Owned Lands	3 years (s. 59.715 (15),Stats.)
20. Notice of Tax Apportionment	3 years (s. 59.715 (2), Stats.)
21. Crop Reports	3 years (s. 59.715 (5), Stats.)
22. Notice of Taking Tax Deeds and Tax Certificates	15 years (s. 59.715 (7), Stats.)
23. Tax Deeds	Permanent

(C) COUNTY TREASURER

<u>Type of Record</u>	<u>Retention Time</u>
1. Tax Receipts	15 years (s. 59.715 (16), Stats.)
2. Other Receipts	7 years (s. 59.715 (17), Stats.)
3. Canceled Checks	7 years (s. 59.715 (18), Stats.)
4. Illegal Tax Certificates	3 years (s. 59.715 (6), Stats.)
5. Tax Rolls	15 years (s. 59. 717 (2), Stats.)
6. Tax Stub Book	11 years (s. 74.09,75.20, Stats.)

(D) GENERAL SERVICES

<u>Type of Record</u>	<u>Retention Time</u>
1. Purchase Orders	7 years

- | | |
|--------------------------------------|----------------------------------|
| 2. Invitation to Bids (Over \$5,000) | 7 years (s. 59.715 (10), Stats.) |
| 3. Request for Quotations | 7 years |
| 4. Annual Auction Sales | 7 years |

(E) EMERGENCY GOVERNMENT

<u>Type of Record</u>	<u>Retention Time</u>
1. Functional Files (i.e., working papers, schedules, minutes)	3 years
2. Correspondence Files	3 years
3. State and Federal Grant Records	3 years (from date of final or annual expenditure report)
4. Plans and Programs	Permanent

(F) DEPARTMENT OF SOCIAL SERVICES

Division: Public Assistance

<u>Type of Record</u>	<u>Retention Time</u>
1. Open Cases:	
a) all data forms; case determination sheets; work-sheets; medical assistance certification sheets; documents verifying changeable items; correspondence.	Most recent 6 year period (s.59.715 (21), Stats., HSS 245.03,Wis. Admin. Code)
b) Documents verifying unchangeable items such as social security numbers, birthdates, citizenship	throughout period the case is open
c) Financial Record of all Payments not on File in DHSS computer network	throughout period the case is open
2. Closed Cases:	
a) Records listed in 1.a), Supra, covering 6 years prior to closing	3 years from date of closing
b) Records listed in 1.b), and c), Supra, and most and c), Supra, and most recent data form and materials relating to any lack of cooperation on part of recipient.	6 years from date of closing
3. Denied Cases:	

Most recent data form and records specified in 1 b), Supra.

3 years from date of denial.

4. Exception General Relief Cases

a) Most recent data form and financial record of all payments.

1 year after last date for filing claims in recipient's estate. (s. 49.08 and s. 859. Stats.)

b) State Dependent Recipient and Non-resident Recipients.

Until claims have been settled and audited.

(G) HEALTH DEPARTMENT

Type of Records

Retention Time

Division: Nursing

- | | |
|---------------------------|----------|
| 1. Health Records | 10 years |
| 2. Immunization Records | 10 years |
| 3. Blood Pressure Records | 10 years |

Division: Environment

- | | |
|--------------------------------------|----------------------|
| 1. Permits for Private Sewage System | Permanent |
| 2. Investigative Files | 5 years after closed |

Division: Inspection

- | | |
|---|---|
| 1. Inspection Forms: Restaurants,
Mobilehome Parks, Swimming Pools | 3 years after establishment has gone out
of business |
|---|---|

Division: Financial

- | | |
|------------------------|--|
| 1. State Grant Records | 5 years after end of project activity. |
|------------------------|--|

(H) HEALTH CARE CENTER

Type of Record

Retention Time

- | | |
|--|--|
| 1. Treatment Records | 7 years after treatment completed
(HSS 92.12, Wis. Admin. Code) |
| 2. Treatment Records for Minors | 7 years after treatment completed or until
minor becomes 19 years of age whichever is
longer. |
| 3. Client Record for Billing and Collection including
date, time, nature and duration of service contacts
individual account control record and client
collection file. | 5 years after date record becomes inactive,
except inpatient mental health client records
shall be maintained 10 years after date of last
transaction where liability remains. (HSS 1.06
and 92.12 Wis. Admin. Code) |
| 4. Prescriptions Dispensed | 5 years after date of last renewal. |

(I) PERSONNEL

<u>Type of Record</u>	<u>Retention Time</u>
1. Personnel Files	7 years
2. Selection Files	2 years after position filled
3. Test and Interview Records	2 years
4. Litigation Files	Permanent
5. Grievance Files	Permanent
6. Negotiation Files	Permanent
7. Equal Employment Opportunity – 4 Reports	Permanent
8. Discrimination Complaints	Permanent
9. Asbestos Surveillance Program	20 years
10. OSHA - Log Reports	5 years

(J) CORPORATION COUNSEL

<u>Type of Record</u>	<u>Retention Time</u>
1. Litigation Files	7 years after closed
2. Legal Opinions, Interpretations and advice to Boards, Commissions, Committees, Agencies and Officers of County.	Permanent
3. Claims, Denials and Associated Materials	6 years after closed or denied
4. Condemnation Proceedings	6 years after closed
5. Contracts and Leases	7 years after last effective date
6. Miscellaneous Civil Matters and Correspondence	6 years after matter closed

(K) PUBLIC WORKS

<u>Type of Record</u>	<u>Retention Time</u>
Division: Parks	
1. Land Acquisition File	Permanent
2. Equipment File	Until item is sold or destroyed
3. Herbicides Use Records	Permanent
4. Picnic Permits	4 years
5. Wood Permit	5 years
6. Law Con and Other State and Federal Project Grant Records	7 years
7. Young Adult Conservation Corps Records and Other Personnel Files and Budget Documents	7 years
8. Snowmobile Program – Grant and Billing Records	7 years
Division: Airport	
1. Contracts and Leases	7 years
2. Daily Airport Inspection Report	6 months
3. Ledgers, Statements of Account	7 years
4. Traffic Reports and Statistics	7 years
5. Federal Aviation Reports	7 years
6. Correspondence with FAA	7 years
7. Federal Aid Request Application	7 years
Division: Highway	
1. Time Sheets, Recap Sheets	7 years
2. Payroll Vouchers, Revenue Vouchers, Bill Vouchers	7 years
3. Personnel Records	7 years

- | | |
|----------------------|-----------|
| 4. Ledger Book | 7 years |
| 5. Construction Maps | Permanent |
| 6. Correspondence | 7 years |

Part 4 – 911 Emergency Telephone

2.401 Authority

This Ordinance is enacted under the authority of section 146.70, Wis. Stats.

2.402 Purpose

This Ordinance is enacted for the purpose of creating an emergency telephone system which can be accessed from any telephone located in the County of Rock by dialing the numbers 9-1-1.

2.403 Severability

If any section, provision or portion of the Ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

2.404 Definitions

As used in this chapter, the following words and phrases shall have the meanings indicated:

- (1) Automatic Location Identification - has the meaning set forth in sec. 146.70(1)(a), Wis. Stats.
- (2) Automatic Number Identification - has the meaning set forth in sec. 146.70(1)(b), Wis. Stats.
- (3) Cutover - shall mean the date on which the 9-1-1 emergency telephone system is activated by the service supplier.
- (4) 9-1-1 emergency telephone system or system - shall mean a sophisticated system as defined in sec. 146.70(1)(i), Wis. Stats.
- (5) PSC - shall mean the Public Service Commission of Wisconsin.
- (6) Public Safety Answering Point - has the meaning set forth in sec. 146.70(1)(gm), Wis. Stats., and in this ordinance refers to the Public Safety Answering Point operated by Rock County.

(7) Service Supplier - shall mean that telecommunications utility which directly contracts with Rock County to provide the 9-1-1 emergency telephone system to Rock County residents. The service supplier may have a contractual relationship with other telecommunications utilities serving Rock County's 9-1-1 emergency telephone system area and to the extent permitted by law, such other telecommunications utilities are included within the term service supplier as used herein.

(8) Telecommunications utility - has the meaning set forth in sec. 196.01(10) Wis. Stats.

2.405 Plan of Operation

There is hereby created in the County of Rock a 9-1-1 emergency telephone system with a single Public Safety Answering point. The system shall be partially funded through a surcharge on the telephone bills of the users of said system as permitted by sec. 146.70(3), Wis. Stats. The service supplier shall provide the essential components of such a system, including arrangements with other telecommunications utilities to allow the system to be functional throughout Rock County.

2.406 Emergency Network and Universal Number Service: Installation of Equipment

The service supplier shall install and maintain a 9-1-1 emergency telephone system and provide a universal central office number 9-1-1 for the use of County's public safety answering point engaged in assisting local governments within the 9-1-1 emergency telephone system area in protecting the safety and property of the general public. The system features described in section 2.409 hereof to all access lines served by central offices in Rock County.

2.407 Provision of Emergency Network and Universal Number Service: 24 Hour Per Day Availability

The features offered under the 9-1-1 system shall be available 24 hours a day, 7 days a week.

2.408 Application of Tariff

The service supplier's provision of the services contemplated herein shall be governed by its tariff.

2.409 Network Features

The 9-1-1 system shall have the following features:

- (1) Automatic Number Identification (ANI) and
- (2) Automatic Location Identification (ALI)

(3) Emergency Service Numbers (ESN) (On Premise Master Street Address Guide (MSAG))

2.410 Network Configuration

The telephone users in the areas set forth in section 2.416 hereof shall be included in the Rock County 9-1-1 system.

2.411 System Costs: Assessed Against Users

The service supplier shall bill its customers within the county in amounts sufficient to recover its nonrecurring and recurring charges, as provided for in sec. 146.70(3), Wis. Stats. and in the manner allowed by PSC rules, regulations and tariffs.

2.412 User Rates: Subject to Change

The Service Supplier shall review access line counts 60 days before cutover and annually thereafter. This count shall be provided to the County. The access line count shall be used as the basis for adjusting the monthly user rate.

2.413 User Charges: Selective Routing

Telephone utility costs for selective routing, whether for equipment or recurring expenses, shall not be included in any user charge authorized under this Ordinance. A municipality which elects to have a telephone utility selectively route 9-1-1 calls directly to the municipality's public safety answering point shall be solely responsible for all costs associated therewith.

2.414 Liability: Service Supplier's Services Limited

In furnishing the use of its facilities to enable the County and its personnel to respond to such calls when received by such personnel on the County's premises, the service supplier is not required to answer or forward 9-1-1 calls.

2.415 Liability: Liability of Service Supplier to Third Parties

This ordinance is not intended to, nor shall it be construed to, create, amend, abridge, modify or in any other way affect any obligation or liability of the service supplier, by way of civil action or otherwise, to third parties, including members of the public, for injuries, death or loss to persons or property resulting from its acts or omissions or for its suppliers' acts or omissions under this ordinance.

2.416 Areas Covered by 9-1-1 Operational Plan

The 9-1-1 system established herein shall be provided to all Rock County telephone users located within the Plan of Operation established under this Ordinance and served by the Wisconsin Public Service Commission approved Service Supplier and Participating

Carriers with whom Rock County has entered into a written agreement for enhanced 9-1-1 service.

2.417 User Charges

The service supplier is hereby authorized to assess the following charges against telephone lines located in Rock County, except that no charges are authorized against lines of the State of Wisconsin.

Recurring charges shall be recovered by the service supplier by dividing the recurring costs by the number of service users in the county and establishing a rate not to exceed the maximum rate established by Wis. Stats. sec. 146.70. The recurring rate shall be established in accordance with section 2.411 of this Ordinance and incorporated into written agreements, or addenda to such agreements, which shall be approved by the County Board.

Part 5 – Emergency Government

This is an ordinance providing for an Emergency Management organization within the county and for protection and promotion of public safety, health and welfare during all types of emergencies. This ordinance governing Emergency Management in the County of Rock shall be entitled "Emergency Management for Rock County" and shall be interchangeable with the term "Emergency Government."

2.501 Purpose

To ensure that the County of Rock will be prepared to cope with emergencies resulting from enemy action, natural disasters or technological emergencies, an Emergency Management Organization is created to carry out the purposes set forth in Chapter 323 of Wisconsin Statutes.

2.502 Definitions

- (1) Civil defense - means all measures undertaken by or on behalf of the State and its subdivisions to prepare for and minimize the effect of enemy action upon the civilian population.
- (2) Emergency - means any event which threatens to, or actually does, inflict damage to property or people.
- (3) Enemy action - means any hostile action taken by a foreign power which threatens the security of the United States of America and State of Wisconsin.
- (4) Emergency Government (Management) - includes "civil defense" and means all measures undertaken by or on behalf of the state and its subdivisions:

(A) To prepare for and minimize the effect of enemy action and natural or man-made disaster upon the civilian population;

(B) To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.

(5) Natural disaster - includes all other extraordinary misfortunes affecting the county, natural, technological or man made, not included in the term "enemy action".

2.503 County Emergency Government (Management) Committee (Section 323.14(c), Stats.)

(1) How Constituted. The Emergency Government (Management) Committee pursuant to the County Board rules is the County Public Safety and Justice Committee. The Chair of the County Board appoints the Chairman and members of the Public Safety and Justice Committee.

(2) Duties of the Emergency Government (Management) Committee. The County Emergency (Management) Government Committee shall be an advisory and planning group and shall advise the County Emergency Management Coordinator and the County Board of Supervisors on all matters pertaining to emergency government. The Emergency Management Coordinator shall keep the Committee informed and advised on emergency government matters to enable it to properly perform its policy making role. It shall meet upon call of the chair or on specific meeting dates.

2.504 County Emergency Management Office/Program Costs

(1) Emergency Management Office. There is hereby created the Emergency Management Office for Rock County, Wisconsin. The Emergency Management Coordinator shall have the duties and responsibilities set forth herein as it relates to the county and municipalities.

(2) Term, Appointment and Status of Emergency Management Coordinator.

(A) Term. The Rock County Emergency Management Coordinator shall serve at the pleasure of the County Administrator pursuant to the Rock County Personnel Ordinance.

(B) Appointment. The Emergency Management Coordinator shall be appointed by the County Administrator subject to approval by the County Board.

(C) Status. The County Emergency Management Coordinator shall be considered an employee of the County. He/she shall report to the County Administrator, with policy oversight from the Board and Public Safety and Justice Committee (Emergency Government (Management) Committee).

(3) Office and Staff. The Rock County Board shall provide offices, office furniture, administrative support and such office supplies as the County Board deems necessary to carry out the functions of the County Emergency Management Office. The costs thereof

may be defrayed by the County of Rock as funds are available along with the assistance of available Federal and/or State funds.

(4) Major Equipment and Services Procured by the County on Behalf of the Municipalities. The acquisition of equipment and services shall be borne 100(%) percent by the municipal government when Federal matching funds are procured by the Emergency Management Coordinator, for such purchases. Federal matching fund reimbursements shall be passed through to the municipality purchasing the equipment or services.

2.505 General Duties of the County Emergency Management Coordinator

The Coordinator in his/her capacity as county coordinator shall, subject to the policy, oversight and direction of the County Administrator and under the general supervision of the County Board and Emergency Management Committee perform the following on behalf of the county:

- (1) Develop and promulgate emergency operations plans and annexes for Rock County in compliance with the laws of the State of Wisconsin and Federal laws and consistent with planning guidance issued by the Wisconsin Division of Emergency Government and Federal Emergency Management Agency, as necessary.
- (2) Coordinate and assist, when requested, with the development of city, village or town emergency operations plans within the county, and coordinate such plans with the county plan.
- (3) Direct the County emergency management programs and coordinate with the municipalities.
- (4) Direct county-wide emergency management training programs and exercises to include cities and municipalities within Rock County, when indicated.
- (5) Advise the state Administrator of all emergency management planning for the county and render such reports as may be required by the state Administrator.
- (6) Perform such other duties relating to emergency management as may be required by the County Board, Public Safety and Justice Committee, or the County Administrator.
- (7) Perform all administrative duties necessary for the rendering of reports and procurement of matching Federal and/or state funds for the county and its municipalities.
- (8) Act as a clearinghouse for information regarding available resources in the event of an emergency or disaster within the County.
- (9) In the case of a state of emergency proclaimed by the governor, direct the county emergency management activities and coordinate activities with the cities and municipalities within the county, subject to the coordinating authority of the state Administrator of Division of Emergency Government.

(10) In the case of an emergency, direct County emergency management activities and coordinate with the municipalities the emergency management activities within the County.

2.506 Declaration of an Emergency

Pursuant to statutes, a governor may declare an emergency under section 323.10, Stats. A city, village or town may declare an emergency pursuant to section 66.325(1), Stats. The County may only concur in a declaration of an emergency declared by a city, village or town. The County need not concur in the declaration of an emergency in order to assist the municipality in coordinating their response to an emergency.

The County will concur in the declaration of an emergency declared by any municipality within its geographic boundaries, if necessary, to permit any municipality to obtain funding or other assistance from the federal or state government.

2.507 Response by Municipalities and the County When an Emergency Occurs

In the event of an emergency or a natural or man-made disaster, the County Emergency Management Coordinator will coordinate the response to the emergency with the affected municipalities, if requested. The County shall render such County assistance as may be available from the County's resources to assist the municipalities once the municipality has expended their available resources to address the emergency.

2.508 Hazardous Discharge Response and Reimbursement

(1) Definitions.

(A) Discharge - has the meaning given in s. 292.01(3), Wis. Stats., or in any amendments thereto.

(B) Hazardous Substance - has the meaning given in s. 292.01(5), Wis. Stats., or any Amendments thereto.

(C) Local Agency - means an agency of a county, city, village or town, including a municipal police or fire department, a municipal health organization, a county office of emergency management, a county sheriff, an emergency medical service, a public works department, or a local agency designated to respond to level "B" hazardous materials spills in Rock County.

(2) A person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to protect public health and safety and prevent damage to property.

(3) If action required under sub. (2) is not being adequately taken or the identity of the person responsible for a discharge of a hazardous substance is unknown and the discharge threatens public health or safety or damage to property, a local agency may taken any

emergency action that is consistent with the contingency plan for the undertaking of emergency actions in response to the discharge of hazardous substances established by the Department of Natural Resources under s. 292.11(5) Wis. Stats. and that it considers appropriate under the circumstances.

(4) A person who possessed or controlled a hazardous substance that was discharged or who caused the discharge of a hazardous substance shall, as provided under sub. (5), reimburse a local agency for actual, reasonable and necessary expense incurred under sub. (3).

(5) An Administrative Review Team consisting of an Assistant to the County Administrator, Emergency Management Coordinator and the Chair of the Local Emergency Planning Committee is hereby designated as the reviewing entity under this subsection.

(A) A local agency seeking reimbursement under sub. (4) shall submit a claim stating its expense to the reviewing entity for the County in which the discharge occurred.

(B) The Administrative Review Team and/or designees shall review claims submitted under par. (5)(A) and determine the amount of reasonable and necessary expenses incurred. The Administrative Review Team and/or designees shall provide a person who is liable for reimbursement under sub. (4) with a notice of the amount of expenses it has determined to be reasonable and necessary that arise from one discharge and are incurred by all local agencies from which the Administrative Review Team receives a claim.

(C) If a person receiving a notice under par. (B) objects to the amount of expenses in the notice, the person may request the Administrative Review Team to review its determination. Such request must be in writing, must contain the reasons for the objection to the expense, and must be made within 10 days of receipt of notice of the amount of expenses provided in par. (B) above. The Administrative Review Team may modify the determination and shall notify the person of the result of its review in writing.

(D) A person liable for reimbursement under sub. (4) shall pay the reimbursement directly to each local agency.

2.509 The County Encourages All Municipalities to Cooperate and Participate in Emergency Management in the Following Manner

(1) Appoint a Municipal Emergency Management Director/ Coordinator as required by section 323.14, Stats., to direct the municipal emergency management organization and coordinate with County Emergency Management, as required by section 323.15, Stats., and pass a municipal ordinance regarding the same.

(2) Develop and promulgate a municipal Emergency Operations Plan in accordance with Section 323.01(1), Stats., and integrate that plan with the County Emergency Management plan.

- (3) Coordinate and direct the municipal resources in response to an emergency.
- (4) Direct participation of the municipality in such Emergency Management training programs and exercises as may be required by the Division of Emergency Government through the County.
- (5) Perform the administrative tasks necessary for filing of and submission of reports for procurement of Federal matching funds for the municipality requesting Federal matching funds.

2.510 Procedures

The Rock County Emergency Operations Plan, and Annexes as necessary, shall outline the procedures to be followed in the event of an emergency or disaster, including designation of an Emergency Operation Center, and Emergency Succession to Office. County Department Directors shall be made aware of procedures affecting their respective agencies.

2.511 Penalties

Pursuant to section 323.28, Stats., whoever intentionally fails to comply with the directives of emergency management authorities during the state of emergency or during any training program or exercises may be fined not more than \$200 or imprisoned not more than 90 days or both.

2.512 Repeal of Prior Resolutions

Any resolution hereinbefore adopted by the County Board of Supervisors for purposes of Emergency Management inconsistent with the provisions of this ordinance are hereby repealed.

2.513 Effective Dates

This Ordinance shall take effect and be in force upon passage by County Board of Supervisors and publications.

Repealed and Recreated 01/10/13, Res. No. 12-12A-190

Section 2.105 created 01/09/14, Res. No. 13-12A-465

Chapter 2, Part 2, Subpart 2 amended 11/17/2016, Res. No. 16-10B-138

Revisor's change to 2.203 and 2.305

Section 2.204 created 10/24/19, Res. No. 19-10A-331

Revisor's changes: Numbering to conform with the Admin. Rules Manual; Correct numbering reflect new code references vs. old code to 2.306(3) & 2.417

Revisor's change to 2.205