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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:
 - (A) achieve greater efficiency, transparency, and economy in the operation of Rock County government;
 - (B) ensure the most efficient and responsible use of public funds in the procurement of goods and services;
 - (C) provide fair and equitable treatment of all individuals and entities involved with public purchasing for the benefit of Rock County;
 - (D) 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;

- (E) protect the County's interest by promoting the use of standardized purchasing processes and documents.
- (2) 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 that 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, Sections 59.03(1), 59.51(1), 59.51(2), 59.52(1)(b), 59.52(6), 59.52(8), 59.52(9) and 59.52(29) of the Wisconsin Statutes.

2.213 Administration

- (1) The provisions of this ordinance and any regulations adopted hereunder shall be administered, supervised, and enforced by the Finance Director, subject to
 - (A) the authority of the County Administrator and
 - (B) policy review by the Finance Committee.
- (2) Administrative rules shall be developed which are appropriate to ensure compliance with the terms of this ordinance.
- (3) On-going administrative, financial, and legal review of all contract documents entered into on behalf of Rock County shall be provided as described further in this ordinance.
- (4) 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 purchases made by Rock County 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.

2.215 Application

- (1) This ordinance applies to any purchase of goods or services made by the County whether professional or nonprofessional, except as otherwise provided by this

ordinance. It shall apply to every expenditure of public funds by a department for public purchasing regardless of the funding source.

- (2) Notwithstanding language to the contrary, any purchase involving Federal funding shall not use geographic preferences in the evaluation of bids or proposals.
- (3) The County recognizes occasionally it may be in the best interest of the County to enter into contracts, leases, or other agreements that have been bid, negotiated, or otherwise entered into in a manner which is not in strict conformity with the terms of this ordinance. The County may waive any nonconformity by approving the contract or agreement in the manner prescribed in this Subpart.
- (4) When using federal funds, any rules, regulations, or administrative directives regarding the use of those funds shall control when in conflict with this Subpart.

2.216 Public Access to Information and Record Retention

- (1) Any documents or information created or maintained pursuant to this ordinance is public to the extent permitted by Sections 19.21 – 19.39, Wisconsin Statutes.
- (2) All documents related to purchase shall be retained in accordance with the County's record retention policy.

2.217 Definitions

In this ordinance, unless the context clearly indicates otherwise, the following words, terms, and phrases have the meanings described in this section:

Administrative Rules - those regulations, rules, policies, procedures, or other written documents issued by the Finance Committee to implement the provisions or administration of this ordinance.

Aggregate – the whole sum or amount; the total amount of a contract including all committed and potential expenditures; the total amount of a multi-year contract.

Aggregate Total Cost – the reasonable expectation of how much a particular purchase will cost, or a series of purchases of the same or substantially similar goods or services made in one 12-month period to accomplish, or in furtherance of a specific project, service mission, or internal service provided by a Department. For a contract that's expected life will span multiple years, the Aggregate Total Cost shall include the cost of all years of the contract.

Bid – a response to a request for bids, an offer to sell specific goods or service to the County at a specified price.

Bidder - 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.

Contract – any written agreement evidencing a legally binding obligation between the County, its departments, officials, and employees, and a third party. A purchase order that is transmitted to and accepted by the Vendor constitutes a contract.

County – Rock County

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

Decentralized Purchasing Authority - 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.

Goods – any tangible objects, supplies, or other that are purchased that are not services or real property.

Most Responsible and Responsive Bidder – Bidder who offers, as appropriate, either lowest cost or highest payment, the best quality to the County, who possesses the necessary financial responsibility, skill, ability, and integrity to perform the obligations required by the transaction, and whose bid conforms with all material respects to the requirements of the bid solicitation.

- (1) 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, be considered the most responsible and responsive bidder
- (2) Considerations which may be taken into account include:
 - (A) The Bidder, or agent, partner, employee, or officer of the Bidder, is not debarred, suspended, or declared ineligible from contracting with any unit of federal, state, or local government.
 - (B) The Bidder is in compliance with provisions of Section 2000e of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11346 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer Provision)

- (C) The Contractor has general liability, workers compensation, unemployment, and automobile insurance at levels sufficient to protect the County given the size of the contract or bid.
 - (D) For public works projects, the Bidder has a written substance abuse prevention program meeting the requirements of Wis. Stat. § 103.503.
 - (E) The Bidder possesses all applicable professional and trade licenses required for performing the public work.
 - (F) The Bidder has adequate financial resources to complete the public works contract, as well as all other work the bidder is presently under contract to complete.
 - (G) The Bidder is bondable for the terms of the proposed public works contract.
 - (H) The Bidder has a record of satisfactorily completing at least one significant previous project of similar size and complexity within the last five years. Criteria which will be considered in determining satisfactory completion of projects may include, but are not limited to:
 1. completion of contracts in accordance with drawings and specifications;
 2. diligent execution of the work and completed contracts according to the established time schedules unless extensions are granted by the owner; and
 3. fulfilled guarantee requirements of the contract documents.
 - (I) The bidder has a written safety program consistent with industry standards.
 - (J) The Contractor has not received a serious, willful, or repeated violation from OSHA in the last ten years.
- (3) Purchasing Manager and Department Head shall consult with Corporation Counsel upon making any determination as to a bidder who is not responsible or responsive.

Negotiation – contracting through the use of competitive or other than competitive proposals or discussions. Any contract awarded without a formal bidding procedure is a negotiated contract.

Professional Services - 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. Professional services include, but are not limited to, medicine and the medical arts, management and systems consultation, research, the performing arts, surveyor and surveyor services, engineering, and architectural design services.

Proposal – all terms and conditions of the proposed goods or services and the price are subject to negotiation. This method is used to purchase goods and services where specifications cannot be developed so that they are sufficiently precise to make a selection solely based on price.

Public Work Project – the construction, repair, remodeling, or improvement of any public work or building or for the furnishing or supplies or material of any kind as defined under Wis. Stat. § 59.52(29), Public Work.

Purchase of Goods - 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.

Purchase of Services - any transaction between the County and any party or parties 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.

Request for Bids – a formal procurement method used to solicit competitive sealed bids for goods and/or services for which an award is based on compliances of the specifications and low bid price. The award is made to the lowest responsive, responsible bidder

Request for Proposals – a formal procurement method requesting proposals from a vendor to provide the requested good or services. Price is usually not a primary evaluation factor as it is typically based on project approach or qualifications. Provides for the negotiation of all terms, including price, prior to contract award.

Request for Quotation – a simple, informal procurement method for securing goods and services. This method requires price quotations from qualified sources.

Services – the furnishing of labor or time, not involving the delivery of a specific end product other than usual reports which are incidental to the required performance; intangible actions, work performed such as accounting, banking, cleaning, consultancy, or transportation.

Small Public Work Project – a public work project where the cost of such work is estimated to remain below \$25,000 in the aggregate and is not subject to sealed competitive bidding requirements under Wisconsin Statutes.

Solicit/Solicitation – the process of seeking information, bids, proposals, or quotations from vendors.

Sole Source Provider - a specific good or service where there is only one vendor source for the particular good or service. A solicitation for quotes or bids need not be done if it is known there is only one provider of the goods or services or if the funding source specifies a single source for goods or services.

Standard County Contract – a Rock County contract or change order template which has been generated and pre-approved by the County’s Corporation Counsel and is used without modification.

Transactions - 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.

Vendor – A person or company who provides goods or services to the County.

2.218 Responsibilities

- (1) Finance Committee – The committee shall have those responsibilities imposed by the rules of the Board of Supervisors and shall exercise the following additional duties and functions relating to this ordinance:
 - (A) Provide general oversight of all matters concerning purchases and sales;
 - (B) Advise and consult with departments concerning transactions when requested or when otherwise deemed necessary by the committee;
 - (C) Investigate on its own motion all questions related to transactions controlled by this chapter;
 - (D) Review and refer to the Board:
 1. Any transaction for which no budgetary appropriation has been made;
 2. Any instance of non-compliance with this Subpart or any regulations adopted under this Subpart.
 - (E) Create or amend appropriate Administrative Rules regarding purchases as necessary.
- (2) Finance Director - The Finance Director or their designee, 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:

- (A) Implement the provisions of this ordinance through the activities of the Purchasing Division of the Finance Department
- (B) Provide administrative assistance, training, and support to all County officials and employees in activities governed by this ordinance.
- (C) Ensure that sufficient appropriate written administrative rules are in place to provide guidance to those engaged in activities within the scope of this ordinance and monitor the administration of prescribed administrative rules.
- (D) Enforce the provisions of this ordinance by suitable measures.
- (E) 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.
- (F) Promote standardization of equipment and supplies within Rock County government.
- (G) Refer to the County Administrator or County Board any transactions which the Finance Director or Finance Committee views as affecting general County policy.
- (H) In conjunction with the Finance Committee:
 1. Provide suitable safeguards and procedures so that relatively small or routine matters need not automatically be referred to the Board or its committees.
 2. Designate Decentralized Purchasing Authority, as provided by sec. 2.230(2) of this Subpart.
- (3) Purchasing Division – The Purchasing Division of the Finance Department is responsible for the procurement of all goods, materials, services, and equipment unless otherwise specified in this ordinance or by resolution of the County Board or law of the state and for disposal by sale of all surplus County goods, supplies, or equipment.

2.219 Procedure: General Purchase of Goods; Certain Contracts for Services

- (1) Contracts for purchases shall generally be awarded to the lowest, most responsible, and responsive bidder or quote offeror.
- (2) 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.

- (3) Except as otherwise directed by this Subpart, the purchase of non-professional 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, qualifications, or standards, and shall forward the same to the Purchasing Division for distribution to at least two prospective, qualified providers of the services desired.
- (4) Purchases of Professional Services are exempt from bidding requirements but subject to all other provisions of this Subpart, or further Administrative Rules.
- (5) Services specifically required under State and/or Federal regulations may be purchased with the approval of the governing committee or board administering such services, where the demand for services and market conditions do not allow for compliance with bidding or other competitive solicitation procedures established under this ordinance.
- (6) This section shall not apply to the purchase of Human Service Department Professional Services or contracts for the purchases directly related to highway construction and maintenance in accordance with sec. 83.015(2)(b), Wis. Stats. as otherwise described in this Subpart.

2.220 Small and Moderate Purchases: Goods and/or Services

- (1) Micro-Purchase (less than \$5,000): Purchase of goods or non-professional services that have an aggregate total cost of equal to \$5,000 or less, annual, by the same provider for the provision of specific goods or services. The County will strive to distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made directly by the department or through the Purchasing Division from approved dealers or suppliers without soliciting competitive quotations if the County department or Purchasing Division considers the price to be reasonable.
 - (A) This includes office supply purchases. Office supplies are ordered on-line through authorized, contracted vendors. Office supplies and paper can be ordered using a Blanket Purchase Order or a County issued credit card. Departments are responsible for verifying orders and paying invoices when received.
 - (B) Office furniture and equipment regardless of the cost is not considered office supplies and must be made through the Purchasing Division.
 - (C) Purchases may not be artificially divided so as to constitute micro-purchases.

- (2) Small Purchases (Between \$5,000 and \$25,000): Purchases of goods or non-professional services that have an aggregate total cost of greater than \$5,000 but less than or equal to \$25,000 annually. Departments shall seek the assistance of the Purchasing Division, which will provide assistance in identifying and negotiating with vendors. The Finance Department will review the request for budgetary considerations; the Purchasing Division then reviews the request and approves or denies the purchase.
 - (A) All Small Purchases may be made on the open market and directly from a dealer or supplier without obtaining quotations or bids, but contracts shall be made only after investigation and requests for quotations or proposals are made to ensure Rock County's best interests are being met. Quotations obtained in this manner shall be confirmed by the successful quote offeror before the contract is officially offered.
 - (B) Budgeted small purchases shall be approved by the Department Head of the department requisitioning the goods or services and the Purchasing Division Manager.
 - (C) Purchases will not be artificially divided so as to constitute minor purchases.
 - (D) Any purchase involving the furnishing of supplies or materials of any kind equal to or greater in value than \$5,000 but less than \$25,000 may only be made after a publication of a class 1 notice in accordance with Ch. 985, or shall be let to a vendor previously qualified as a bidder under Wis. Stat. § 66.0901(2).
- (3) Moderate Purchases (Between \$25,000 and \$100,000): Purchase of goods or non-professional services that have an aggregate total cost of greater than \$25,000 but less than or equal to \$100,000 annually. Moderate Purchases should be made by a good faith solicitation of quotation or proposal and negotiation of terms from at least three qualified providers through a request for written quotations except as otherwise detailed in this ordinance. Budgeted Moderate Purchases shall be approved by the governing committee exercising policy supervision and oversight authority of the department making the purchase.
 - (A) The department may make independent solicitations or may request a solicitation through the Purchasing Department.
 - (B) Unless exercising Decentralized Purchasing Authority pursuant to sec. 2.223(2) Moderate Purchases over \$25,000 may be reviewed by the Finance Director or designee to determine if solicitation of sealed bids would be appropriate.
 - (C) Purchases will not be artificially divided so as to not constitute a Moderate Purchase.

2.221 Large Purchases

- (1) Purchase of goods, or non-professional services, where the estimated aggregate cost of the purchase exceeds \$100,000 over the life of the project shall be bid by an invitation to bid or request for proposal from the Purchasing Division only after notice by publication, once (class 1 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 or proposals to furnish the desired items, supplies, or services, in accordance with specifications prepared or approved by the Purchasing Division. The invitation to bid will include specifications which describe completely the items, supplies, or services to be furnished, the department for which the same are required, the quantities desired, and all terms and conditions relevant to the purchase.
 - (A) If awarded by invitation to bid, then bids shall be received and opened by the Finance Director's designee on the date and at the time and place specified in the invitation to bid. The reading of all bids shall be open to the public.
 - (B) 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 Large Purchases during the term of the contract including multiple year contacts, shall be approved by the governing committee, and the Rock County Board of Supervisors by resolution.

2.222 Intergovernmental Cooperative Purchases

If the County is able to reduce expenses by entering into cooperative agreements with other governmental entities, it shall endeavor to do so. The Finance Director is 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. It is not necessary to adhere to competitive bidding requirements when making purchases pursuant to contracts negotiated and approved by the State of Wisconsin Bureau of Procurement.

2.223 Special Purchases

- (1) *Purchases from Governmental Units*: Materials, supplies, machinery, and equipment offered for sale by the federal government, the State of Wisconsin, or subdivision thereof, 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.

- (2) *Decentralized Purchasing Authority for Special 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. 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.
- (3) *Professional Services:* Services subject to specific educational or licensing requirements set for by the State of Wisconsin, deemed Professional Services, need not be competitively bid but reasonable efforts to obtain relevant credentials, experience, and a formula for fees from multiple providers should be made prior to awarding a contract.
 - (A) The department may choose to solicit quotations or credentials through the Purchasing Division or independently.
 - (B) Except as otherwise directed by this Subpart, the purchase of Professional Services shall be authorized as follows:
 1. Award of contracts for Professional Services up with a total aggregate value of \$25,000 or less shall be approved by the Department and Finance Department.
 2. Award of contracts for Professional Services greater than \$25,000 but less than or equal to \$100,000 shall be approved by the appropriate governing committee.
 3. Award of contracts for Professional Services for more than \$100,000 shall be approved by the County Board by resolution.
- (4) *Emergency:* In the event of an emergency, the County Administrator or designee may authorize such departure from normal procurement methods as is necessary to fulfill the County's responsibilities or to protect the County's interests under the circumstances. Departments shall provide a written statement to the County Administrator for consideration as to the nature of the emergency. Any such Emergency Purchase over \$25,000 must be reported to the Finance Committee within 60 days of making such purchase.
- (5) *Expedient Necessity:* In the event where a purchase has been budgeted, and the County Administrator and Finance Director reasonably believe that the County would be significantly advantaged by making a purchase immediately without the approval of the governing committee, and/or the County Board, then the County Administrator may authorize a Department, in consultation with the Purchasing

Division, to make such purchase. Such authorization must be sought and granted in writing. Purchases made under Expedient Necessity must follow all other requirements of this Subpart, or Administrative Rules, and shall be brought to the governing committee and/or the County Board for approval in a manner consistent with this Subpart as soon as practicable after the authorization to purchase is given.

(6) *Human Services Department Purchases:*

(A) Client service contracts made under a purchase of service agreement that have an aggregate total cost of under \$200,000 that have been budgeted for during the period of expenditure may be entered into by the Director of the Human Services Department with authorization from the Human Services Board.

(B) The Human Services Department has Decentralized Purchasing Authority as related to obtaining specialized professional services including, but not limited to, medical services, group homes, residential treatment and care, respite care, psychological assessment services, training, medical laboratory services, in-home support services, and meal preparation. Any contract for which the Human Services Department is exercising its Decentralized Purchasing Authority that has an aggregate total cost of less than \$200,000 may be entered into by the Director of Human Services upon approval from the Human Services Board. Any contract that has an aggregate total cost of \$200,000 or more may only be entered into upon approval by resolution of the County Board in accordance with section 2.221 of this Subpart.

(C) All other provisions of goods or services by the Human Services Department are subject to the provisions of this Subpart.

(7) *Registration for Training/Seminars:* Funds for continuing education and training for employees shall be budgeted during the annual budget process. Department Heads may approve budgeted purchases relevant to continuing education and training within the respective department without prior approval of the Finance Director or Purchasing Division. If additional funding is needed for continuing education or training, the Department shall request a transfer or amendment to its budget, as appropriate, and follow all required review and approval requirements prior to entering into any obligation with regard to such continuing education or training.

(8) *Travel:* Travel related expenses shall be made in accordance with the Administrative Rules and as directed by the Finance Department.

(9) *Sole Source:* Contracts may be awarded without soliciting competitive bids, or quotations, when there is only one vendor source for particular goods or services. A solicitation for quotes or bids need not be done if it is known there is only one provider of the goods or services or if the funding source specifies a single source

for goods or services. If a good or service is obtained from a sole source provider, that must be detailed in writing in the description of the contract for review.

- (10) *State of Wisconsin Contracts:* Purchases may be made directly from approved vendors on contracts which have previously been competitively bid and approved by the state of Wisconsin without being competitively bid by the County.
- (11) *Purchase of Legal Services:* No employee or official may approve the purchase of legal services without the approval of the County Administrator and Corporation Counsel.
- (12) *Direct Purchases:*
 - (A) If bids, quotations, or proposals are not obtainable, or in cases of immediate need for the items or supplies due to an emergency, 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.
- (13) *Regular and Routine Vehicle and Equipment Maintenance and Repair:* Departments that purchase supplies to perform regular and routine vehicle maintenance and repair shall ensure that they are purchasing those supplies so as to achieve the lowest reasonable price given the availability, location, frequency of purchase, or other relevant factors. In order to ensure that the Departments are obtaining the lowest reasonable price, Departments shall periodically review the price of frequently purchased goods or materials from multiple sources. In this paragraph, frequently purchase goods shall mean bulk oil, solvents, hand tools, batteries, windshields, miscellaneous oil, air filters, and other related vehicle parts or accessories. Nothing in this paragraph shall be construed as prohibiting a Department from purchasing a more expensive good or material if such purchase is deemed in the County's best interest by the Department Head, or designee. The Purchasing Division shall periodically review the purchase of frequently purchased items to ensure departments are obtaining the lowest reasonable prices.

2.224 Public Works Projects

- (1) The requirements under this subsection shall be interpreted and applied as being in addition to any requirements created or arising under this ordinance.
- (2) Public Works shall include any contract for the construction, repair remodeling or improvement of any public work, building, or the furnishing of supplies or material of any kind.

- (3) Any Public Work where the estimated cost is greater than \$5,000 but less than \$25,000 shall be publicly advertised by Class 1 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).
- (4) Any Public Work projects where the estimated cost is equal to, or greater than \$25,000: must be competitively bid through the sealed bid process in accordance with Wis. Stat. § 59.52(29)(a) and shall be let by contract to the lowest responsible bidder in accordance with sec. 66.0901(2), Wis. Stats.
- (5) Projects may not be artificially broken up to alter their total projected aggregate cost.
- (6) A project need not be bid regardless of the cost if three-fourths of the members-elect of the County Board vote to have the majority of work done directly by the County.
- (7) All bid announcements are advertised in the official newspapers of Rock County.
- (8) All other purchases of goods or services by the Public Works Department are subject to the provisions of this ordinance.
- (9) This section shall not apply to the purchases made pursuant to section 2.225 of this Subpart.

2.225 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 their discretion, may utilize the services of the Purchasing Division for any or all highway related purchases. All purchases related to County highway, and parks activities not specifically otherwise regulated by state statute or County Board Resolution shall be made through the Purchasing Division.

- (1) Professional services for road and bridge improvement are accomplished pursuant to the Wisconsin Department of Transportation Facilities Development Manual.
- (2) The standard form contract used for these projects is not subject to the standard contract review procedure described in this ordinance. These contracts are reviewed and approved by the Public Works Committee.
- (3) All major construction and maintenance projects are subject to the Wisconsin Department of Transportation Standard Specifications for Road and Bridge

Construction and are publicly bid in accordance with the Wisconsin Department of Transportation Facilities Development Manual.

- (4) Projects involving Federal Transportation Aid are administered by the Wisconsin Department of Transportation and all contract documents, advertisements of bids, bid openings, and letting are completed in accordance with the Wisconsin Department of Transportation Facilities Development Manual.

2.226 Sealed Bid Process

- (1) An invitation for bids shall include all specifications, contractual terms, and conditions applicable to the purchase.
- (2) The proposed purchase shall be publicly advertised in the official County newspaper and such other media as deemed desirable which may include the Internet or trade magazines. The proposed purchase shall be advertised at least seven days before the bid opening date. The advertisement shall call for sealed bids to furnish goods or services, or both in accordance with the specifications approved by the Purchasing Division.
- (3) Bids may be corrected or withdrawn by the vendor prior to the bid opening by providing written notice to the Purchasing Division prior to the bid opening date and time specified in the bid documents. Bids may not be amended or withdrawn by the vendor after the bid opening.
- (4) Requests for clarification may be made by potential bidders prior to submitting a bid. Such requests must be made in writing to the Purchasing Manager and will be maintained with all other bid documents. The request must be made at least 7 days before the final date for bids to be submitted. The Purchasing Manager will review the request and determine if it is in the best interest of the County to respond. Any responsive answer or refusal to answer shall be done in writing and maintained with all other public bid documents.
- (5) The Purchasing Division Head or designee shall publicly open all sealed bids on the date and at the time and place specified by the bid documents with at least one witness.
- (6) The contract shall be awarded by written notice to the lowest responsive, responsible bidder whose bid meets all the criteria set forth in the invitation for bids. Full consideration will be given to all alternatives as may be in the best interest of the County. In determining the award of contract, the County shall consider the scope of work involved, time of delivery, competency of the bidder, the bidder's ability to render satisfactory service, and past performance.
- (7) In the event of tied lowest responsive responsible bids, the Purchasing Division Manager, or Department Head of the department making purchase, shall review and take into account additional information to help determine which bid would

be in the best interest of the County. If the bids remain equal, the Purchasing Division Manager shall award the contract to the bidder of their choosing. The decision of the County is final.

2.227 Competitive Bids

Bids may be rejected when it is determined that to award a contract would not be in the best interest of the County. It is intended that contracts or purchase orders be awarded to the lowest, qualified, responsive, and responsible bidder. A written record must be filed in the Purchasing Division's records explaining why any bids were rejected. The Purchasing Division Manager shall review each bid. The provisions of this ordinance related to the acceptance of low bids notwithstanding, unless otherwise required by law, bids other than the lowest bid may be accepted when such factors as service, reliability, cost of maintenance, cost of ancillary goods, durability, depreciation, cost of transition etc. outweigh the consideration of the lowest bid.

2.228 Change Orders

- (1) Any contract for a public work, in which a modification to the scope of work is requested by a contractor resulting in an increase of more than \$500.00 must be in writing and specify the amount of the modification and the reason for the modification.
- (2) Any Change Order in which a re-allocation of the budgeted funds is of \$25,000 or greater must be approved by the General Services Committee. Any Change Order in which a re-allocation of the budget funds is of less than \$25,000 may approved by the Director of Facilities Management but shall be reported to the General Services Committee at its next available meeting.
- (3) Notwithstanding subparagraph (2), the Director of Facilities Management may approve a change order without the approval of the Committee if a delay in authorizing the change in work would substantially affect the interests of the County and the Committee is unable to meet in a timely manner in order to prevent such effects. In exercising the authority under this subparagraph, the Director of Facilities Management shall consult with the County Administrator prior to approving such a Change Order. Any Change Orders approved pursuant to this subparagraph shall be reported to the General Services Committee with an explanation of why approval was necessary.
- (4) Any change order which would amend the terms and conditions, or general mutual obligations of the parties articulated in a contract beyond of the scope of services provided shall be reviewed, approved, and executed in a manner consistent with sections 2.229 and 2.231.

2.229 Contract Review

Any document which obligates the County to any monetary allocation, any provision of goods or services regardless of expended funds, or from which the County will receive goods or services, including, but not limited to, contracts for the purchase of goods or services, contract amendments, memoranda of understanding, internship agreements, purchase orders, intergovernmental agreements, leases, building rental, and contracts for professional services must go through the County's contract review process. Once reviewed by Corporation Counsel Office, Finance Department, and any other appropriate department, if approved, the document will only be signed as described in this Subpart. The document must be reviewed and approved prior to signature on behalf of the County, or any subdivision thereof.

2.230 Ethics

- (1) County employees engaged in the procurement of goods or services shall not be personally or financially interested in or in any manner connected directly or indirectly with any bidder or proposer. County employees are prohibited from having a private interest in any County contract in accordance with Wis. Stat. § 946.13. Any employee who identifies a personal conflict shall note such in writing and remove themselves from the procurement process.
- (2) No County employee shall solicit, accept, or receive gifts, commissions, rebates, or compensation directly or indirectly from individuals, firms, or corporations to which contracts or purchase orders may be awarded other than from the County in connection with the performance of their employment duties.
- (3) Purchases by the County for personal use of an employee or official are prohibited even if reimbursement is made to the County for the cost of the purchase.
- (4) No employee or official may disclose confidential, proprietary information obtained from solicitations or bids to other vendors or use any information for personal gain.

2.231 Signature Authority

- (1) No County employee, agent, officer, Department Head, or board supervisor may bind the County to any agreement, contract, memorandum of understanding, purchase order, or any other commitment, except as described herein.
- (2) Consistent with section 2.229, all contracts or agreement documents must be reviewed by Corporation Counsel, Finance Department, and Risk Manager to determine whether the form and terms of the contract are acceptable prior to being signed by the County.

- (3) All contracts or agreement documents must be signed by the County Administrator or their designee in the event that the County Administrator is unavailable. Only the Department Heads or their designees of the following departments may sign contracts or agreement documents related to and originating from their respective departments which do not require full County Board approval:
- (A) Human Services Department: contracts for goods and services, both professional and non-professional may be signed by the Human Services Director once the expenditure is approved in accordance with sec. 2.223(5) of this Subpart.
 - (B) Department of Public Works: The Highway Commissioner may sign all contracts for purchase of goods and services directly related to the construction and maintenance of public highways pursuant to Chapter 83 of the Wisconsin Statutes and this Subpart.
 - 1. For the sole purposes of authorizing regular or routine vehicle maintenance or repair, the Highway Commissioner may designate specific staff who can authorize such work, either verbally or in writing, with previously used or authorized vendors.
 - (C) Information Technology (IT) Department: The Director of Information Technology may sign any contract directly related to the purchase of software, computer or networking hardware, or other services being provided to the Rock County Information Technology Department.
 - (D) Both the Director of Human Resources and the Department Head of the appropriate department shall sign contracts related to new employment of any department in Rock County.
 - (E) Rock Haven Nursing Home: The Nursing Home Administrator may sign any contracts for the furnishing of goods or services, both professional and non-professional, to Rock Haven Nursing Home.
 - (F) Land Conservation Committee: The Director of Land Conservation may sign any documents related to the duties and powers of the Land Conservation Committee as identified in Wis. Stat. §§ 92.07, including the granting and acceptance of Land Conservation Easements pursuant to Wis. Stat. § 93.73.
 - (G) Facilities Management: The Director of Facilities Management may sign any contracts for goods or services, both professional and non-professional, for the construction, repair, remodeling or improvement of any public work or building, or the furnishing of any goods or services to the Facilities Management Department.

- (H) Elected Officials: Elected Officials (Clerk of Circuit Court, County Clerk, Circuit Court Judges, Register of Deeds, Sheriff, and Treasurer) may sign documents related directly to the powers and duties of their elected offices, including intergovernmental agreements, and memoranda of understanding, and contracts for the supply of goods and services provided in furtherance of their constitutional or statutory powers and duties. Any documents which obligate the County to provide or receive goods or services regardless of the specific funds used shall be reviewed consistent with section 2.229. Circuit Court judge exercising their authority under Article VII of the Wisconsin Constitution are exempt from this paragraph.
- (4) Grant documents: The appropriate Department Head shall sign any grant agreements or contracts after committee approval is granted and contract review completed, unless otherwise required by the granting agency or County Administrative Rules.
- (5) When appropriate, commitment of the County may be made by electronic signature in accordance with Chapter 137 of the Wisconsin Statutes.

2.232 Miscellaneous

- (1) Determining contract amount:
 - (A) A contract shall not be broken into smaller or individual incident pieces in order to make the aggregate total less than a specific threshold amount. The dollar amount of a contract is determined by the actual bid or proposed amount or a realistic estimate of an annual total that the good or service will be used.
 - (B) It is a violation of this ordinance to split contracts or purchases to circumvent the required purchasing and contracting processes. In no event shall any purchase be divided as to circumvent any requirement of applicable legislation or this ordinance.
- (2) Funds not budgeted: Any contract which creates a legally binding commitment for the expenditure of county funds and for which those funds have not been included in the budget shall not be executed until approved by a two-thirds vote of the Board of Supervisors.
- (3) Petty cash funds may be established with approval from the Finance Committee. Specific petty cash fund balances can be found in the Finance Department Policy and Procedure Manual. Petty Cash may only be used for specified purposes and must maintain an established system of record keeping, subject to auditing by the Finance Department. The Finance Department reviews petty cash funds and records at least semi-annually.

- (A) Petty cash funds may not be expended for travel expenses, payroll or travel advances, purchase of food, beverages, or other supplies.
- (B) Petty cash funds may not be comingled with other fund sources.
- (C) Petty cash funds may not be deposited in a personal account or used to pay personal expenses.
- (D) Purchases of goods and services over \$20 should not be made with petty cash funds.

2.233 Disposal of Unsuitable or Unusable Goods

- (1) Through the Purchasing Division and as authorized by the Finance Committee, all equipment or supplies which have become unsuitable or unnecessary and cannot be put to other purpose 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.
- (2) Exceptions may be made by the Finance Committee for the sale of certain items on the open market at a minimum predetermined price approved by the Committee, and for items needed by any County department or municipality.
- (3) Sales of items to another municipality shall be at a price approved by the Committee.
- (4) Surplus County property shall not be sold to any County employee, officer, or agent, except through a County auction.
- (5) The Finance Committee may authorize the Purchasing Division to dispose of items by alternative means including but not limited to outside auctions, Internet listings: either government or private, by donation to not-for-profit organizations, or other means that may become available in the future.
- (6) Items that have “scrap” value may be taken to the appropriate recycling center. All funds received for scrap items shall be deposited in the appropriate general ledger account.
- (7) Items that are non-functioning, dangerous, or damaged beyond their usefulness may be disposed of with approval of the Purchasing Manager.
- (8) Nothing in this section shall be construed as to prevent a County Department or purchasing division from contracting for an alternative means of disposal in conjunction with the purchase of goods and equipment if that arrangement is determined to benefit the County.

2.234 Severability

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

2.235 No Right of Action

Nothing in this Part is intended to, or does, create a private right of action against the County. Authority to enforce compliance with this Part is vested exclusively in the County Board, its subcommittees, and staff delegated authority under this Part.

Subpart 3. Real Property Transactions

2.236 Application of Subpart

This Subpart shall apply to all transactions involving real property to which the county is a party, provided, however, that this chapter shall not apply to the disposition of tax foreclosed property nor to the acquisition or disposition of highway right-of-way by the Department of Public Works.

2.237 Authority

This chapter is enacted under the authority of sections 59.01, 59.02, 59.07(1) and 59.52(6), Wis. Stats.

2.238 Intent of Subpart

It is intended hereby that the administrative authority of the County as it relates to real property transactions to which the County is a party shall be vested in the County Administrator, or their or designee, as appropriate. Policy making and budgetary authority is retained by the County Board as articulated and described by the Wisconsin Statutes.

2.239 Definitions

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

Committee - shall mean the General Services Committee of the Rock County Board of Supervisors.

County - shall mean the County of Rock.

County-Owned Property - shall mean real property owned by the County of Rock.

Real Property Transaction - shall mean any conveyance of real property by or to the County of Rock whereby a fee interest, a leasehold interest or an easement is legally transferred.

2.240 Administration

This chapter shall be administered by the County Administrator.

2.241 Policy Oversight

The Committee shall act as the policy oversight body with respect to all real property transactions and shall advise and consult with the County Administrator on all matters involving real property transactions.

2.242 No Impact on Federal and State Mandated Procedures

This chapter is intended to supplement existing state and federal requirements for the acquisition and disposal of real property by the County and it shall not be construed in any manner to amend, repeal, supplant or otherwise affect such state and federal requirements.

2.243 Authority to Represent County

- (1) Unless specifically allowed by this Subpart, no easement, lease, sale, or purchase of real property to which the County is a party shall be binding on the County unless approved by the County Board.
- (2) Unless expressly authorized by this ordinance and amendments hereto, no officer or official, elected or appointed, and no employee or agent of the County shall solicit, pursue, accept, or otherwise obligate or bind the county in any manner for the sale, purchase, or lease of any real estate by the county. No such activity on the part of any officer, official, employee or agent shall in any way bind the county and any agreements, oral or written, implied or expressed, and any documents executed without the approval of the County Board shall be null and void, except as authorized by this Subpart.

2.244 Real Property Acquisitions

- (1) Any County department or agency which believes that it has need to acquire real property, whether by purchase or lease, shall contact the County Administrator for the purposes of obtaining an initial determination as to the merits of the request. The County Administrator shall require that any such requests be in writing. The committee may from time to time direct the County Administrator to furnish it with a summary of such requests and their initial determination.
- (2) If funds have been previously budgeted and the acquisition of a particular parcel, including the method of acquisition, has been previously approved by the County

then the County administrator shall make a favorable initial determination and direct staff to solicit proposals in the manner most advantageous to the County and negotiate for the acquisition of suitable properties with interested sellers or lessors, as the case may be, except where properties are acquired for or on behalf of the County by federal or state agencies.

- (3) If funds have not previously been budgeted for the acquisition and the County Administrator makes a favorable initial determination, the approval of the Committee shall be obtained before soliciting or negotiating for the purchase or lease of suitable properties. Any acquisition of real property on behalf of the Rock County Parks Division, approval shall be obtained from the Public Works Committee. The County Board Chair may also direct that approval from the committee of the Rock County Board of Supervisors that has budget and policy supervision of the department making the request.
- (4) Interests in real property acquired on behalf of the County shall be approved by Resolution of the County Board, except as provided as follows:
 - (A) Any possessory interest in real property acquired by lease or other form of written agreement or contract with an aggregate yearly cost of less than \$100,000 shall be approved by the Committee.

2.245 Disposition of County Owned Real Estate

- (1) Any County department or agency which has surplus real estate shall contact the County Administrator for determine the merits of selling or leasing such real estate.
- (2) If the disposal of the particular parcel, including the method of disposition, has been previously authorized by the Committee, the County Administrator, or designee, may solicit proposals from prospective buyers or lessees and enter into negotiations for purposes of obtaining an offer to purchase or a lease executed by the prospective buyer(s) or lessee(s) on such terms as shall be in the county's best interests.
- (3) If the County Administrator determines that the sale or lease would be in the interests of the County, and such sale or lease has not been previously approved by the Committee, the County Administrator shall proceed as follows:
 - (A) Survey other County departments to determine if there exists a need within the county for the subject parcel(s);
 - (B) If no County department has need for the property, survey other Rock County municipalities to determine if there is any interest in acquiring the parcel from the County before offering the parcel to the general public;

- (C) Before taking any further action on any department's or any municipality's request for the subject property under subsections (A) and (B) above, the County Administrator shall obtain Committee approval;
 - (D) If no Rock County municipality indicates any interest in acquiring the subject parcel, County Administrator shall report that fact to the committee. With the prior approval of the committee, the County Administrator, or designee, may solicit proposals, retain a private broker to promote the sale of the parcel or commence negotiations for the sale of the property. In the exercise of its discretion, the committee may elect to obtain County Board approval and/or schedule a public hearing prior to authorizing any further action on the proposed disposition of the subject parcel(s).
- (4) Interests in real property disposed of under this section on behalf of the shall be approved by Resolution of the County Board, except as provided as follows:
- (A) Any possessory interest in real property conveyed by lease, ground lease, or other form of written agreement or contract with an aggregate yearly cost of less than \$100,000 shall be approved by the Committee.
 - (B) Any possessory interest in real property conveyed by lease, ground lease, or other form of written agreement or contract on behalf of the Southern Wisconsin Regional Airport with an aggregate yearly value of less than \$100,000 shall be approved by the Airport Board.
 - (C) Any possessory interest in real property conveyed by lease, ground lease, or other form of written agreement or contract on behalf of the Rock County Parks Division with an aggregate yearly value of less than \$100,000 shall be approved by the Public Works Committee.

2.246 Authority to Terminate Leases

The County Administrator, or designee, is authorized to terminate any lease to which the county is a party when the best interests of the county so require. Prior approval of the Committee or the County Board may be sought if the timing needed to seek such approval would not disadvantage the County but shall not be required.

2.247 Authority to Act as Closing Officer; Written Agreements; Contract Review

- (1) The Chair of the County Board, the County Clerk, or the County Administrator, shall act as the County's closing officer at all closings to which the county is a party and, in that capacity, is authorized to execute on behalf of the County, such supplementary documents as may be necessary to complete the transaction.
- (2) In any lease or ground lease located at the Southern Wisconsin Regional Airport, the Airport Director may act as the agent of the County, including the power to

execute on behalf of the County any lease or supplementary document associated with a lease.

- (3) In the solicitation of, negotiation, and acceptance of any contract, agreement, offer to purchase, or any other document binding the County in the sale or lease of real estate, the Corporation Counsel may act as agent for the County, consistent with this Subpart.
- (4) Any agreement, lease, offer to purchase, contract to purchase or lease, and every other document relating to the acquisition or disposition of real estate when obtained, received, or negotiated shall:
 - (A) contain language specifying that the same is subject to such approval by the County Board; and
 - (B) be subject to contract review pursuant to section 2.229 of this ordinances prior to being executed on behalf of the County.

2.248 Approval of Easements

- (1) All proposals for the grant or acquisition of an easement by the County shall be submitted in writing to County Administrator, or designee. The County Administrator or designee shall review each proposal and report to the Committee their written recommendation as to whether the best interests of the County would be served by the grant or acquisition of the proposed easement.
- (2) Upon receiving the written recommendation of the County Administrator, the committee shall notice the matter on its agenda, solicit public comment and consider such additional information as it deems advisable. The committee may thereafter approve or disapprove the grant or acquisition of the proposed easement, or at the request of any supervisor, shall refer the matter to the full county board for action. In reaching its decision, the committee shall consider the financial impact, if any, on the county, whether the county's interests are fully protected and whether the grant or acquisition of the easement is otherwise in the county's best interests.
- (3) Upon approval of the grant or acquisition of an easement, the Chair of the County Board, the County Clerk, or the County Administrator may execute on behalf of the County the documents necessary to complete the transaction, provided that if the matter is referred to the full County Board, the Clerk shall not so act unless authorized by the full board.
- (4) Notwithstanding anything to the contrary herein, any one easement involving the expenditure or receipt of monetary consideration in excess of \$10,000 per calendar year shall be referred to the County Board and the Committee shall be without authority to authorize the Clerk to execute any such easement without County Board approval.

- (5) This section does not apply to easements, or other encumbrances to real property made pursuant to Chapters 92 or 93 of the Wisconsin Statutes.

2.249 Severability

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

2.250 No Right of Action

Nothing in this Subpart is intended to, or does, create a private right of action against the County. Authority to enforce compliance with this Subpart is vested exclusively in the County Board, its subcommittees, and staff delegated authority under this Subpart.

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

Type of Record

Retention Time

- | | |
|---|-------------------------------|
| 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
Chapter 2, Part 2, Subpart 2 Repealed and Recreated 04/28/22, 22-4A-495
w/ Revisor's change to 2.224(9), 2.223(10) and 2.223(3)(B)3.
Chapter 2, Part 2, Subpart 3 Created 04/28/22, 22-4A-495