

CHAPTER 5  
COUNTY ADMINISTRATION/FINANCES

TABLE OF CONTENTS

**Revised: 08/24/2023**

5.101	Sale of Tax Delinquent Real Estate
5.102	Employee Parking Prohibited
5.103	County Sales and Use Tax
5.104	Oconto County Financial Management Policy
5.105	Limitation on Payment of Dog Damages Claims
5.106	Oconto County Internet and Online Service Use Policy
5.107	Records Retention
5.108	Jail Facility Fee Schedule
5.109	Payment of Medical, Dental, Hospital Expenses, and Miscellaneous Expenses by Prisoners
5.110	Custody and Maintenance of Electronic Records
5.111	Mailbox Installation
5.112	Ban on Digital, Photographic or Electronic Imaging in County Office or Property
5.113	Penalty on Delinquent General Property Taxes, Special Assessments, Special Charges, and Special Taxes
5.114	Fair and Open Housing
5.115	Property Assessed Clean Energy Financing
Appendix A	Records Retention/Disposition Schedule

CHAPTER 5

COUNTY ADMINISTRATION/FINANCES

**5.101 ENFORCEMENT OF COLLECTION OF TAX LIENS AND SALE OF TAX DELINQUENT REAL ESTATE**

- (a) Statutory Authorization. Oconto County collects delinquent taxes according to the provisions of Chapter 75, Wis. Stats. This ordinance is adopted pursuant to the authorization contained in Sec. 75.521, Wis. Stats. and Wis. Stats. 75.69.
- (b) Areas To Be Regulated. All lands within the boundaries of Oconto County are subject to the terms of this ordinance.
- (c) Administration. The administration of this ordinance is assigned to the Administration Committee of the Oconto County Board of Supervisors.

The County Treasurer of Oconto County is hereby authorized to manage all tax-deeded lands of this County and conduct negotiations for the sale of such lands.

The sale of tax-deeded lands may be sold by either open or closed bid at the discretion of the County Treasurer.

- (d) In Rem Foreclosure. From and after March 1, 2021, the Oconto County Board of Supervisors 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.

Upon the adoption of such ordinance, the provisions of this section shall be applicable to such county and the treasurer need not, thereafter, proceed upon its tax certificate in cases where this section is applicable in any of the other methods provided by Wis. Stats. Sec. 75 or its charter provisions but may do so at the treasurer's option.

- (e) Procedures. Real estate to which the County has acquired title by delinquent tax procedures may be sold only under the procedures of this Section.

(1) Appraisal

- (A) Before placing a parcel for sale, the power of this County Board to appraise tax-deeded lands is hereby delegated to a certified appraiser. Minimum bids will be reviewed and approved by the Administration Committee before such sale. Statute 75.69 (1).
- (B) Parcels which have been advertised for sale by a Class 3 publication at least once may have the appraisals (minimum bids) for such parcels adjusted and approved by the Administration Committee. Statute 75.69 (1).

- (2) Notice of Sale. Public notice of the sale of real estate shall be made by publishing a Class 3 notice, under Chapter 985, Wis. Stats., in a newspaper of general circulation within the County. Notice shall also be given to the clerk of the city, village, or town in which the real estate is situated at least three (3) weeks prior to the sale. Statute 75.69 (1) and Statute 75.69 (4).

Prior to offering tax delinquent parcels for public sale in the first attempt, the Administration Committee may accept an offer to purchase from a municipality, the State of Wisconsin or the U.S. Government for any value which is deemed to serve the interests of Oconto County.

(3) Type of Sale

- (A) The County Treasurer shall send all tax deeded parcels to Wisconsin Surplus Online Auction.
- (B) No bid shall be awarded or accepted by the County Treasurer for less than the appraised value or minimum bid set by the Administration Committee.
- (C) In the event that the bidder fails to close the sale of the property by providing the balance due within ten (10) days, the parcel will then be re-listed on the Wisconsin Surplus Online Auction.
- (D) No property may be sold for an amount less than the amount of the highest bid, unless the Administration Committee prepares a written statement, available for public inspection, explaining the reasons for accepting a bid less than the highest bid.

**5.102 EMPLOYEE PARKING PROHIBITED**

- (a) Parking Prohibited. Oconto County employees, and state or federal employees or contractors working in the Courthouse are prohibited from parking in any area owned or leased by Oconto County that is designated as visitor parking during the hours of 7:30 a.m. to 4:30 p.m., on and including Monday through Friday. Further, Oconto County employees shall not cause another person to park a motor vehicle in any areas where parking is prohibited.
- (b) Areas Designated. The Public Property Committee of the Oconto County Board of Supervisors shall designate areas for visitors parking and shall cause signs to be erected notifying the public and employees of Oconto County of the same. The designated areas shall include, but not limited to, the parking area on the east side of the Oconto County Courthouse adjacent to Park Avenue.
- (c) Penalty. Any person who violates any provision of this ordinance shall be subject to a forfeiture of not less than \$5.00 nor more than \$50.00 together with the costs of prosecution and upon failing to pay said forfeiture and costs, be imprisoned in the Oconto County Jail for a period of time not to exceed 30 days. The County shall also have any and all remedies afforded by the Wisconsin Statutes in addition to the forfeiture and costs of prosecution described herein.

**5.103 COUNTY SALES AND USE TAX**

- (a) Purpose. This ordinance is enacted under authority of Subchapter V of Chapter 77, Wis. Stats. and the county sales and use tax imposed herein shall be budgeted by the County Board to reduce the amount of the county-wide property tax levy or to defray the cost of any budget item which can be funded by a county-wide property tax.
- (b) Imposition of Tax. There is hereby imposed a county sales and use tax at the rate of 0.005 percent in the manner and to the extent permitted as set forth in their entirety in Subchapter C of Chapter 77, Wis. Stats., and acts amendatory thereto.
- (c) Effective Date. The county sales and use tax established by this ordinance shall become effective July 1, 1994.
- (d) Repeal. This ordinance is subject to repeal by County Board action by delivery of a certified copy of a repeal ordinance to the Wisconsin Department of Revenue at least 60 days before the effective date of repeal, which for all counties is December 31.
- (e) Notification. A certified copy of this ordinance shall be delivered to the Secretary of Revenue of the State of Wisconsin no later than February 1, 1994.

**5.104 OCONTO COUNTY FINANCIAL MANAGEMENT POLICY**

- (a) Approval. The Oconto County Financial Management Policy, a copy of which is on file in the Office of the Oconto County Clerk, is hereby approved and, by reference, made part of this ordinance as if fully set forth herein. Any future amendments or revisions to the Oconto County Financial Management Policy are hereby adopted by reference and made part of this section as if fully set forth herein. Amendments to the Oconto County Financial Management Policy shall be made pursuant to a resolution adopted by the County Board.
- (b) Effective Date. This ordinance shall take effect January 1, 1999.

**5.105 LIMITATION ON PAYMENT OF DOG DAMAGES CLAIMS**

- (a) Limitation. Oconto County hereby establishes the sum of \$1000.00 as the maximum amount that the County will pay on any dog damage claim filed with the County under the provisions of Sec. 174.11, Wis. Stats.
- (b) Authority. This limitation is established pursuant to the authority given to Counties at Sec. 174.11(5), Wis. Stats.
- (c) Effective Date. This ordinance shall be effective for any dog damage claim filed with the County Clerk on or after August 1, 1999.

**5.106 OCONTO COUNTY INTERNET AND ONLINE SERVICE POLICY**

- (a) Approval. The Oconto County Internet and Online Service Use Policy, a copy of which is on file in the Office of the Oconto County Clerk, is hereby approved, and, by reference made part of this ordinance as if fully set forth herein.
- (b) Effective Date. This ordinance shall take effect August 1, 1999.

**5.107 RECORDS RETENTION**

- (a) Purpose: General Retention Period. The purpose of this ordinance is to establish a County-wide records retention schedule and authorize destruction of certain Oconto County records pursuant to that schedule on an annual basis. Record custodians do not have the authority to destroy the records prior to the established retention period unless such records have been reproduced as original records pursuant to Sec. 16.61(7), Wis. Stats. If there is not a specific law requiring a specific retention period, all records must be retained seven (7) years unless the Wisconsin Public Records Board fixes a shorter period.
- (b) Historical Society Notification. Prior to the destruction of any public record, at least 60 days notice of said destruction shall be given in writing to the Wisconsin Historical Society (WHS). The WHS has waived the required 60 day notice for any record designated "Waived" (notification requirement waived) in the retention schedule. The WHS must be notified 60 days prior to destruction of any record designated with "Notify" (notification required). "N/A" indicates not applicable and applies to any records designated for permanent retention with the original custodian. Notice to WHS is also required prior to destruction of any record not listed in this schedule.
- (c) Destruction Of Records After Request For Inspection. No requested record may be destroyed until after the request is granted or sixty (60) days after the request is denied. If any action is commenced under Sec. 19.37, Wis. Stats., the requested record may not be destroyed until a court order is issued and all appeals have been completed.

- (d) Destruction Of Records Pending Litigation. No record subject to pending litigation shall be destroyed until the litigation has been resolved.
- (e) Microfilming and/or Other Methods Of Preserving Department Records. Departments may keep and preserve public records through the use of microfilm provided that the microfilming meets the applicable standards established in Sec. 16.61(7), Wis. Stats. Departments should consider factors such as the retention period and estimated cost of the microfilming in deciding which records to microfilm. After verification, paper records can be destroyed if these records are to be preserved on microfilm. For microfilmed records not identified as permanent, the record retention set forth in this ordinance applies. Departments may preserve records by any other accepted reproductive device; optical imaging or electronic formatting, in lieu of microfilming. Records may be retained in electronic format according to the standards established in Sec. 16.61(2), Wis. Stats.
- (f) Definitions. The following definitions shall be applicable in this ordinance:
- (1) Legal Custodian. The individual responsible for maintaining records pursuant to Sec. 19.33, Wis. Stats.
  - (2) Record. Record as defined in Sec. 19.32(2), Wis. Stats.
- (g) Legend. The following terms and abbreviations are used in the records retention schedule set forth herein:
- AT: After Termination
  - C: Confidential
  - CR: Creation or receipt (Typically the retention is calculated from the creation of receipt of a record, plus the designated numbers of years)
  - EVT: Event (Typically the retention schedule is calculated from an event, such as the close of a case or end of the project, plus the designated number of years)
  - FIS: Fiscal (Meaning the current fiscal year and the designated number of years)
  - N: Notify WHS before destruction
  - N/A: Not applicable
  - P: Permanent
  - PII: Personally Identifiable Information (has the Meaning specified in Sec. 19.62(5), Wis. Stats.
  - S: Until superseded
  - W: Waived Notification
  - WHS: Wisconsin Historical Society
  - WPRB: Wisconsin Public Records Board
- (h) Records Retention and Destruction. The records in the records retention/disposition schedule attached hereto as Appendix A and incorporated herein by reference are maintained by various Departments in the County and are subject to uniform regulation unless otherwise specified. The retention period and authority are listed with each record. All paper records shall be destroyed by shredding, all electronic records shall be destroyed by erasing, and all microfilm records shall be

shredded.

**5.108 JAIL FACILITY FEE SCHEDULE**

- (a) Authority. This ordinance is adopted pursuant to the authority granted by Sections 302.372, 800.095, 303.08, 302.425, 938.275, and 973.03, Wis. Stats.
- (b) Fee. The Sheriff is authorized to charge the following fees to pay for the cost of inmate care, processing, and release:

<u>Inmate Service</u>	<u>Fee Assessed</u>	<u>Authority</u>
Booking Fees	\$30.00 one-time fee	Sec. 302.372, Wis. Stats.
Drug Testing Fee	\$25.00 2 <sup>nd</sup> occasion and after	Sec. 301.372, Wis. Stats.
Transportation Fee	\$50.00 per trip	Sec. 301.372, Wis. Stats.
Pay to Stay	\$16.00 per day	Sec. 302.372, Wis. Stats.
Municipal Fee	\$16.00 per day	Sec. 800.095, Wis. Stats.
Housing Out of County	\$40.00 per person per day	Sec. 302.27, Wis. Stats.
Huber Board Fee	\$20.00 per day	Sec. 303.08, Wis. Stats.
Huber Board Fee (Transfer)	\$25.00 per day	Sec. 303.08, Wis. Stats.
G.P.S. Fee	\$25.00 per day	Sec. 302.425, 973.03, Wis. Stats.
G.P.S. Fee (Transfers)	\$30.00 per day	Sec. 302.425, 973.03, Wis. Stats.
G.P.S. Set Up Fee	\$25.00 one-time	Sec. 302.425, Wis. Stats.
Alcohol Monitor	\$5.00 per day	Sec. 303.08, Wis. Stats.
Juvenile Housing Fee	\$130.00 per day (Subject to Court App.)	Sec. 938.275, Wis. Stats.
Co-Pay Nurse	\$10.00	Sec. 302.372, Wis. Stats. Sec. 5.109, Oconto County Code
Co-Pay Medical	\$10.00	Sec. 372.372, Wis. Stats. Sec. 5.109, Oconto County Code
O.T.C. (2 Pill Dose)	\$1.50	Sec. 302.372, Wis. Stats. Sec. 5.1109, Oconto County Code

- (c) Payment. The Sheriff is authorized to obtain payment at the time of booking and/or by deducting

the fee from the prisoner's institutional account. If the prisoner's institutional account lacks sufficient funds to pay the fee, the Sheriff may employ any means authorized by law to collect the fees.

**5.109 PAYMENT OF MEDICAL, DENTAL, HOSPITAL AND MISCELLANEOUS EXPENSES BY PRISONERS**

- (a) This ordinance is adopted pursuant to the authority granted by Wis. Stats. 302.372 and 302.38.
- (b) Each sentenced person shall pay a \$10.00 co-payment for each prescription medication.
- (c) Each sentenced person shall pay a \$10.00 co-payment for each exam from the jail physician or jail nurse.
- (d) Each sentenced person shall pay for the costs of medical, dental, and hospital care outside of the jail.
- (e) Each sentenced person shall expenses incurred to investigate the prisoner's financial status.
- (f) Each sentenced person shall pay expenses incurred by the county to collect payment under this ordinance.
- (g) Each sentenced person shall pay any other expenses incurred by the county on behalf of a specific prisoner, such as for personal care, transportation, or special materials or supplies.
- (h) The Sheriff is authorized to obtain payment of jail expenses by deducting the amount of such expenses from the prisoner's institutional account. If the prisoner's institutional account lacks sufficient funds to pay the jail expenses, the Sheriff may employ any means authorized by law to collect the expenses.
- (i) The Sheriff is authorized to seek reimbursement in the manner authorized by the Oconto County Ordinance or as otherwise provided in Wis. Stats. Chapters 302 to 303, and the Sheriff is authorized to use a combination of methods to seek and secure reimbursement, but may not collect for the same expenses twice.

**5.110 CUSTODY AND MAINTENANCE OF ELECTRONIC RECORDS**

- (a) Definitions. For purposes of this ordinance the following words or phrases shall have the following meanings:

"Record" shall have that definition as is provided in Section 19.32, Statutes.

- (b) Responsibility for Custody and Maintenance of Records.

- (1) Each Oconto County Department shall be responsible to act as the legal custodian, in compliance with the Wisconsin Open Records Law (Section 19.32 et. Seq., Wisconsin Statutes) in relationship to those records subject to said law which are in the physical possession of that department, except as stated herein.
- (2) The Oconto County Technology Services Department shall not be designated as the legal custodian nor shall be responsible for maintaining records generated by or transmitted to a County department utilizing electronic systems maintained by the Technology Services Department except for those records specifically generated and intentionally transmitted to the Technology Services Department as the subject of said transmission.
- (3) The Oconto County Technology Services Department shall not be responsible for monitoring and maintenance, destruction or deletion of records which are stored within the electronic systems maintained by the Technology Services Department for which it has not been designated as the legal custodian, pursuant to this Ordinance.

**5.111 MAILBOX INSTALLATION**

- (a) Purpose. This Ordinance is intended to establish standards for the safe installation of mailboxes within the right-of-way adjacent to highways in Oconto County. The term “mailbox” means any device used to receive mail, newspapers, packages, or similar items and the term includes any structure used to support the mailbox.
- (b) Authorization. A person may install and maintain a mailbox within the right-of-way adjacent to or near the person’s residence provided that the mailbox complies with all requirements established by the United States Postal Service and all requirements established by this Ordinance.
- (c) Requirements.
  - (1) Location. A mailbox must be placed on the right side of the highway, except in the case of one-way traffic; at the far side of the driveway; and a minimum of 60 feet from any intersecting road in the direction of the delivery route.
  - (2) Setback. The mailbox must be set back a sufficient distance so that no portion of the mailbox extends over the traveled portion of the highway or the outside edge of the shoulder.
  - (3) Height. The bottom of the mailbox receptacle must be a minimum of 42 inches to a maximum of 48 inches from the street surface.
  - (4) Material. A mailbox must be constructed of light sheet metal, plastic, or a similar material. The mailbox must be firmly attached to any support structure in order to minimize the possibility of its separating from the structure if struck by a vehicle.
  - (5) Number and Separation. No more than two mailboxes may be mounted on a single support post. A light weight newspaper box mounted below a mailbox will not be counted toward this limit. Support posts must be separated by a distance that is equal to three-quarters of the height of the support posts.
  - (6) Support Structure. A mailbox support structure must be designed to break off or move out of the way if struck by a vehicle. No support may extend more than 24 inches into the ground; be placed in concrete; or filled with an anchor plate. A metal support may have an anti-twist device if the device does not extend more than 10 inches below the ground surface. The maximum material specifications for a support post are:
    - (A) A square wood post must not be larger than 4 inches by 4 inches nominal.
    - (B) A round wood post must not be larger than 4 inches in diameter.
    - (C) A metal pipe must have an inside diameter of 1 ½ inches or less.
    - (D) A metal channel must weigh less than 2 pounds per foot.
- (d) Variance. The Highway Commissioner is authorized to grant a variance on a case by case basis to any requirement specified in sub. (3) provided that the variance is authorized in writing and does not compromise public safety.
- (e) Enforcement. This Ordinance may be enforced under the provisions of Wis. Stats. §86.04 pertaining to highway encroachments.

**5.112 BAN ON DIGITAL, PHOTOGRAPHIC OR ELECTRONIC IMAGING IN COUNTY OFFICE OR PROPERTY**



(a) Purpose. It is the policy of Oconto County that the buildings held and operated by Oconto County are generally open to the public, subject to certain necessary restrictions. Further it is the policy of Oconto County that the public should retain the right to inspect and copy public records held by Oconto County subject to the limitations provided by law. Notwithstanding these policies, it has been determined by the legislature and held by the Courts of the State of Wisconsin, that while these records and buildings are subject to public access and inspection, the custodian of the records or building reserves the right reasonably to limit access, and to determine the method of record duplication. Because the use of cameras, digital imaging or audio recording devices in public offices of Oconto County may be used to supersede the duly established fee system, may violate the privacy rights of citizens of Oconto County or may be used to convey confidential information and thus undermine the operation of the County, it is the purpose of this section to set forth the limitations on duplication and imaging that may occur in the properties held by Oconto County.

(b) Definitions.

- (1) Copy/Copying: Make a copy by means of a photostat device to make paper copies of documents and other visual images.
- (2) Camera: A device which copies images on film or digitally.
- (3) Digital Imaging: The use of any electronic device to scan, copy or duplicate from an original document to digital information in the form of pixels that can be read and manipulated by a computer, and subsequently reformed as a visible image.
- (4) Digital or Audio Imaging Device: Any electronic device, which is implemented in obtaining digital images, including but not limited to digital cameras, electronic scanners, cellular telephones and any device which electronically, mechanically or digitally re-creates sound waves, such as spoken voice, singing, instrumental music, or sound effects.
- (5) Fee System: The system of charges implemented through the Oconto County and Wisconsin Statutes requiring custodian of records to charge a requestor for costs associated with creation of copies.
- (6) Legal Custodians: The 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.
  - (A) 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.
  - (B) For every authority not specified in subs. (a) or (b), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.
- (7) Prior Authorization: means advanced written permission by the official charged with maintenance of the area in which the imaging will take place.
- (8) Public Office: includes appointive office or position of a local governmental unit in which an individual serves as the head of a department, agency, or division of the local governmental unit, but does not include any office or position filled by a municipal employee.
- (9) Public Record: any material on which written, drawn, printed, spoken, visual or

electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Public Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and optical disks.

- (10) Public Restroom: any segregated area in property owned or operated by the County, which has been designated for placement of toilets and sinks.
- (11) Vital Records Area: means a designated area in an office where vital records are stored and where they are made available for public use.
- (12) Related data: means court orders, amendment forms of all types, affidavits, documentary proofs, correspondence and indexes associated with a specific vital record.
- (13) Vital record: means a certificate of birth, death, divorce or annulment, a marriage document or a fetal death report, including related data.

(c) Policy.

- (1) In accordance with Wisconsin Law, no person shall use cameras, cellular phone cameras, digital imaging devices or audio recording devices in any public records areas defined in this section;
  - (A) No person shall use cameras, camera phones, digital imaging or audio recording devices in any area in which the use of such devices has been explicitly prohibited, without prior authorization from the legal custodian or public office responsible for the area or the records.
  - (B) The legal custodian or public office responsible for the area shall provide a public notice by posting a sign in the areas in which the use of said devices are banned.
  - (C) Audio recording devices are not banned from open meetings of the County Board or its Committee.
- (2) The use of cameras, camera phones, digital imaging and audio recording devices in any public restroom is banned.
  - (A) No person shall use personal photocopying machines, digital imaging devices or cameras to make copies of any vital records, public record or related data for the purpose of superseding the legislatively established fee system without prior approval from the legal custodian.
  - (B) If such approval is granted, the legal custodian reserves the right to implement whatever usual and customary charges may be implemented in the copying of the record.

(d) Limitations. The limitations to the access of public records as provided by law are hereby incorporated into this section by reference.

(e) Penalty. Whoever violates this ordinance shall be subject to a forfeiture of not less than \$25.00 nor more than \$500.00 together with the costs of prosecution and, in default of payment of the forfeiture and costs, shall be imprisoned in the Oconto County Jail until said forfeiture and costs are paid, but not to exceed 90 days.

**5.113 PENALTY ON DELINQUENT GENERAL PROPERTY TAXES, SPECIAL ASSESSMENTS, SPECIAL CHARGES, AND SPECIAL TAXES**

- (a) Intent. It is the intent of Oconto County by imposing the penalty authorized under Section 74.47 (2), Wis. Stats., to encourage the timely payment of general property taxes, special charges, special assessments, and special taxes to generate additional needed revenue.
- (b) Penalty. Pursuant to Sec. 74.47 (2), Wis. Stats., there is hereby imposed a penalty of 0.5% per month or fraction of a month, in addition to the interest under Sec. 74.47(1), Wis. Stats., on any delinquent general property taxes, special assessments, special charges, and special taxes included in the tax roll for each and every year.
- (c) Effective Date. This ordinance shall be effective January 1, 2011. The penalty provided in par. (2) shall apply to any delinquent general property taxes, special assessments, special charges and special taxes that are included in the tax roll for each and every year and, also, to any general property taxes, special assessments, special charges and special taxes that are delinquent on the effective date of this ordinance or any year thereafter.

**5.114 FAIR AND OPEN HOUSING**

- (a) Adoption. The Oconto County Board of Supervisors hereby adopts Section 106.50, Wis. Stats., and all subsequent amendments thereto.
- (b) Implementation. The officials and employees of Oconto County shall assist in the orderly prevention and removal of all discrimination in housing within the County by implementing the authority and enforcement procedures set forth in Sec. 106.50, Wis. Stats.
- (c) Enforcement. The Office of the Oconto County Administrator shall maintain forms for complaints to be filed under Sec. 106.50, Wis. Stats., and shall assist any person alleging a violation thereof in the County to file a complaint thereunder with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Sec. 106.50, Wis. Stats.

**5.115 PROPERTY ASSESSED CLEAN ENERGY FINANCING**

- (a) **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 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 for these properties.
- (b) **STATUTORY AUTHORITY.** This ordinance is enacted pursuant to Wis. Stat. § 66.0627, as amended, which authorizes a County to make a loan or enter into an agreement regarding loan repayments to a 3rd party for owner-arranged or lessee-arranged financing, to an owner or a lessee of a premises located in the County for making or installing an energy efficiency improvement, a water efficiency improvement or a renewable resource application to a premises.
- (c) **DEFINITIONS.** In this section:
  - (1) “Annual installment” means the portion of the PACE loan that is due and payable for a particular year under the supplemental agreement.
  - (2) “Borrower” means the property owner or lessee of the subject property that borrows the proceeds of a PACE loan.
  - (3) “Default loan balance” means the outstanding balance, whether or not due, of a PACE loan at the time that the County receives foreclosure proceeds.

- (4) "Foreclosure proceeds" means the proceeds received by the County from the disposition of a subject property through an in rem property tax foreclosure.
  - (5) "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.
  - (6) "PACE" means the acronym for property assessed clean energy.
  - (7) "PACE default provisions" means:
    - (A) The delinquent annual installment(s) due when the County initiates the in rem property tax foreclosure on the subject property;
    - (B) 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;
    - (C) Any default interest charges applied to unpaid annual installments referenced in subs. (1.) and (2.) above, as provided in the supplemental agreement; and
    - (D) Any default loan balance.
  - (8) "PACE lender" means any person that makes a PACE loan, and which may include an affiliate of the borrower.
  - (9) "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.
  - (10) "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.
  - (11) "Program Administrator" means the person retained by the Wisconsin PACE Commission as provided in subsection (5)(b).
  - (12) "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.
  - (13) "Supplemental agreement" means a written agreement among a borrower, a PACE lender and the County, as provided for in subsection (7).
  - (14) "Wisconsin PACE Commission" means the Wisconsin PACE Commission formed under Wis. Stat. § 66.0301, as amended, by the County and one or more other political subdivisions as defined in Wis. Stat. § 66.0627, pursuant to a Joint Exercise of Powers Agreement relating to the Wisconsin PACE Commission.
- (d) **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.

(e) WISCONSIN PACE COMMISSION.

- (1) 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.
- (2) 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.

(f) LOAN APPROVAL.

- (1) 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.
- (2) The County shall approve the financing arrangements between a borrower and PACE lender.

(g) SUPPLEMENTAL AGREEMENT.

- (1) The County, the borrower and the PACE lender shall execute the supplemental agreement which, without limitation:
  - (A) 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;
  - (B) Shall recite the amount and the term of the PACE loan;
  - (C) Shall provide for the amount, or a method for determining the amount, of the annual installment due each year;
  - (D) Shall provide whether default interest may be applied to unpaid annual installments;
  - (E) Shall require the PACE lender and the borrower to comply with all federal, state and local lending and disclosure requirements;
  - (F) Shall provide for any fees payable to the County and/or Program Administrator;
  - (G) Shall recite that the supplemental agreement is a covenant that runs with the land;
  - (H) 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
  - (I) May allow for amendment by the parties.
- (2) 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.

- (3) Each PACE loan shall be amortized over the term of the PACE loan as provided in the supplemental agreement.
  - (4) The annual payments of a PACE loan may be payable in installments as authorized by Wis. Stat. § 66.0627, as amended.
- (h) 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.
- (i) 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.
- (j) PROPERTY TAX FORECLOSURE PROCEDURES.
- (1) 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.
  - (2) 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.
  - (3) 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.
- (k) 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.
- (l) 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.