

## **Chapter 2 - ADMINISTRATION**

**State Law reference**— Counties generally, Wis. Stats. § 59.001 et seq.; home rule for counties, Wis. Stats. § 59.03; county boards of supervisors, Wis. Stats. § 59.10 et seq.; county officers, Wis. Stats. § 59.17 et seq.; county administration, Wis. Stats. § 59.52; county finance and budget, Wis. Stats. § 59.60 et seq.; county and city finances and revenues, Wis. Stats. § 66.0601 et seq.; county civil service, Wis. Stats. § 63.01 et seq.; county and city officers and employees, Wis. Stats. § 66.0501 et seq.

### **ARTICLE I. - IN GENERAL**

#### **Sec. 2-1. - Creation of county.**

The county was created by act of the state legislature signed by the then state governor on July 6, 1853, and has been in continuous existence since that date.

#### **Secs. 2-2—2-20. - Reserved.**

### **ARTICLE II. - BOARD OF SUPERVISORS**

**State Law reference**— County boards of supervisors, Wis. Stats. § 59.10; powers of county boards, Wis. Stats. § 59.51 et seq.; removal of members of county boards of supervisors, Wis. Stats. § 17.14; definitions related to county board and county officials, Wis. Stats. § 59.001.

#### **Sec. 2-21. - Number of districts and elected supervisors.**

The county consists of 29 districts and the board of supervisors consists of 29 elected supervisors, one from each district.

**State Law reference**— County boards, Wis. Stats. § 59.10.

#### **Sec. 2-22. - Rules and regulations.**

The rules and regulations of the county board of supervisors, adopted June 30, 2005, as amended through February 26, 2014, are on file in the office of the county clerk and available on the county's website at the following address: <http://www.co.clark.wi.us>.

(Ord. No. 206-12-13, 2-26-2014)

#### **Secs. 2-23—2-47. - Reserved.**

### **ARTICLE III. - BOARDS, COMMITTEES AND COMMISSIONS**

**State Law reference**— Appointment and compensation of board committees, Wis. Stats. § 59.13.

**Sec. 2-48. - Boards, committees and commissions.**

The boards, committees and commissions ordinance, adopted February 26, 2014, has not been set out, but is on file in the office of the county clerk and available on the county's website at the following address: <http://www.co.clark.wi.us>. Information regarding boards, committees and commissions established by the board generally is included in the board rules and regulations described in section 2-22.

(Ord. No. 207-12-13, §§ 1-31, 2-26-2014)

**Secs. 2-49—2-67. - Reserved.**

**ARTICLE IV. - OFFICERS AND EMPLOYEES**

**State Law reference**— County officers generally, Wis. Stats. § 59.17 et seq.; compatibility of service in more than one county office, Wis. Stats. § 59.10; county civil service, Wis. Stats. § 63.01 et seq.; resignations, vacancies and removals from office, Wis. Stats. § 17.001 et seq.

**Sec. 2-68. - Officers and department heads to act to preserve records.**

It shall be the duty of every county officer and department head to take immediate steps towards the preservation of all records which he is bound by law to keep, preferable by having the records microfilmed by the county microfilm and photostat department, following the procedure of the present program of microfilming county records.

(Compiled Ords. of 2009, § 2.44.270)

**State Law reference**— Custodians of public records, delegation, Wis. Stats. §§ 19.21(1), 19.33.

**Sec. 2-69. - Highway commissioners; term of office.**

The highway commissioner shall upon first election serve until the first Monday in January of the second year succeeding the year of his election. If reelected the commissioner shall serve at the pleasure of the board of supervisors for an indefinite period.

(Compiled Ords. of 2009, § 2.14.020)

**State Law reference**— County offices and officers, Wis. Stats. § 59.20; county highway commissioners, Wis. Stats. § 83.01; filling of vacancies in officer of county highway commissioner, Wis. Stats. § 17.22.

**Sec. 2-70. - Bonds.**

The following bonds and bond amounts are as required by Wis. Stats. § 59.21, as that section may be revised or renumbered:

- (1) Abstractor's bond: \$5,000.00 with two or more sureties.

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- (2) Clerk of circuit court's bond: Not less than \$5,000.00 with two or more sureties.
- (3) Coroner's bond: Not less than \$500.00 nor more than \$10,000.00 with not less than two sureties.
- (4) Register of deeds bond: \$3,000.00 with two or more sureties.
- (5) Surveyor's bond: \$5,000.00.
- (6) Treasurer's bond: Not less than the amount nor exceeding twice the amount of all taxes directed to be levied by the county board and received by the treasurer next year, with three or more sureties, or, if furnished by a surety company, not less than ten percent of all taxes directed by the county board to be levied therein and to be received by the treasurer during the ensuing year or \$500,000.00, whichever is the smaller.
- (7) Highway commissioner's bond: \$3,000.00.
- (8) Veteran service commissioner's bond: \$5,000.00.
- (9) Sheriff's bond: Not less than \$5,000.00 nor more than \$25,000.00, with not less than three sureties.
- (10) Clerk: Not less than \$2,000.00.

(Compiled Ords. of 2009, §§ 2.48.020, 2.48.050, 2.48.060, 2.48.150, 2.48.180, 2.48.200)

**State Law reference**— Official oaths and bonds, Wis. Stats. § 59.21.

**Sec. 2-71. - Code of ethics ordinance.**

Therefore be it ordained by the Clark County Board of Supervisors, that Ordinance 201-8-11, creating Code of Ethics Ordinance, be created as attached.

(Ord. No. 201-8-11, 10-3-2011)

**Editor's note**— The Clark County Office of Personnel has decided to draft an ordinance regarding a code of ethics for public officials and employees as authorized under Wis. Stats., ch. 19. The code of ethics ordinance has been adopted by reference in its entirety. A complete copy of said ordinance is available at the offices of the county clerk for inspection by the public at all times during normal business hours.

**Secs. 2-72—2-98. - Reserved.**

**ARTICLE V. - DEPARTMENTS**

**DIVISION 1. - GENERALLY**

**Sec. 2-99. - Departmental organization.**

The administrative service of the county shall be divided into such departments as may be established from time to time by the county board. The county administrative coordinator shall appoint a director or head of each department or agency who shall be its principal officer.

**Sec. 2-100. - Department heads.**

Each department head shall be responsible for the administration and direction of the affairs and operations of his department or agency, subject to the direction and supervision of the administrative coordinator. Each such department head shall:

- (1) Be immediately responsible to the administrative coordinator for the effective administration of his respective department and all activities assigned thereto;
- (2) Keep informed as to the latest practices in his particular field and inaugurate, with the approval of the administrative coordinator, such new practices as appear to be of benefit to the service and to the public;
- (3) Submit annual reports of the activities of his respective department to the county administrative coordinator;
- (4) Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the county administrative coordinator;
- (5) Have power, when authorized by the county administrative coordinator, to appoint and remove, subject to personnel regulations, all subordinates under him; and
- (6) Be responsible for the proper maintenance of all county property and equipment used in his respective departments.

**Sec. 2-101. - Intradepartmental cooperation.**

Each department shall cooperate with every other department and shall furnish, upon the direction of the administrative coordinator, any other department such service, labor, and materials as may be requisitioned by the head of each department, as its own facilities permit.

**Secs. 2-102—2-130. - Reserved.**

**DIVISION 2. - RESERVED**

**Editor's note**—Res. No. 26-7-13, adopted July 25, 2013, repealed art. V, div. 2, §§ 2-131—2-135, which pertained to residency requirement and derived from Ord. No. 192-02-10, §§ 2.90.010—2.90.50.

**Secs. 2-131—2-158. - Reserved.**

**ARTICLE VI. - SOCIAL SERVICES ADMINISTRATION**

**State Law reference**— Social services generally, Wis. Stats. § 46.001 et seq.; county social service and mental hygiene budget and contract, Wis. Stats. § 46.031; establishment, approval

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and inspection of county social services buildings, Wis. Stats. § 46.17; minimum standards for county institutions, Wis. Stats. § 46.175; offices and employees of county institutions, Wis. Stats. § 46.19; county social services generally, Wis. Stats. § 46.22; public assistance and children and family services generally, Wis. Stats. § 49.001 et seq.; children's code, Wis. Stats. § 48.01 et seq.

**DIVISION 1. - GENERALLY**

**Sec. 2-159. - Social services board.**

The county social services board shall consist of five residents of the county. The members of such social services board shall be elected by the county board on the basis of knowledge and interest in public welfare. The members of the social services board shall hold office for a term of two years. The compensation of such members shall be the same per diem and mileage allowance as paid the county board members.

(Compiled Ords. of 2009, § 2.36.010)

**State Law reference**— County social services boards, Wis. Stats. § 46.22(1m).

**Secs. 2-160—2-186. - Reserved.**

**DIVISION 2. - SOCIAL SERVICES DEPARTMENT**

**Sec. 2-187. - Functions, powers and duties.**

In addition to the mandatory functions, duties and powers of the department of social services established by Wis. Stats. § 46.22(4), the department of social services shall have the following functions, duties and powers:

- (1) Institutional admissions and releases. To make investigations, in cooperation with the court, institution superintendent, district attorney and other agencies and officials operating in the welfare field, regarding admissions to and release (or conditional release) from the following county and state institutions:
  - a. County institutions. County infirmary, home, hospital (for mental diseases, tuberculosis or otherwise) or asylum.
  - b. State institutions. Mendota State Hospital, Winnebago State Hospital, Wisconsin General Hospital, Wisconsin Orthopedic Hospital for Children, Southern Colony and Training School, Northern Colony and Training School, Central State Hospital, Wisconsin School for Boys and Wisconsin School for Girls. The provisions of this subsection shall not be construed to authorize the department of social services to make investigations regarding admission to or release from the Wisconsin State Prison, the Wisconsin State Reformatory, the Wisconsin Home for Women, county houses of correction, jails, detention homes or reforestation camps.
- (2) Relief administration. To administer relief under Wis. Stats. § 49.02.

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- (3) Court-ordered investigations. To make investigations which are provided for under Wis. Stats. § 54.01 if the court having jurisdiction so directs.
- (4) Juvenile probation. To perform juvenile intake duties and functions as defined in Wis. Stats. § 48.03 when requested to do so by the juvenile judge of the county.
- (5) Family or personal services. To furnish services to families or person, other than the granting of financial or material aid, where such services may prevent such families or persons from becoming public charges or restore them to a condition of self-support.
- (6) Eligibility determination. To make certification or referral of eligibles for state or federal works or other assistance programs, eligibility for which is based on need, when designated to perform such certification or referral services, and to certify eligibility for and distribute surplus commodities and foodstuffs.
- (7) Child welfare administration. To administer child welfare services, including services to children who are mentally defective, dependent, neglected, delinquent or illegitimate, and to other children who are in need to such services. The authority given to the department of social services under this subsection to function as an authorized child welfare agency shall not be interpreted as excluding agencies licensed pursuant to Wis. Stats. § 48.60 from also exercising such functions.

(Compiled Ords. of 2009, § 2.36.020)

**State Law reference**— County departments of social services, Wis. Stats. § 46.22(1).

**Sec. 2-188. - Merit system; personnel examinations.**

The provisions of Wis. Stats. § 49.78(4) through (7) shall be applicable to the department of social services as authorized by Wis. Stats. § 49.22. Such merit system status as any county employee may have on the original effective date of Wis. Stats. § 49.22 shall not be deemed changed or interrupted by the provisions hereof; provided, that any department employee performing children's services on that effective date becoming subject to the provisions of Wis. Stats. § 49.78(4) through (7) shall be admitted to a merit system examination pursuant to Wis. Stats. § 49.78(4) through (7) regardless of the minimum qualifications established for such position.

(Compiled Ords. of 2009, § 2.36.090)

**Sec. 2-189. - To set salaries under merit system.**

The setting of salaries under the merit system shall be placed under the department of social services set up and made a part of the ordinance from which this section is derived (originally adopted in 1953), especially section 2-188 and this section, enacted pursuant to authority granted by Wis. Stats. § 49.22 to the end that quicker action can be had for obtaining the needed personnel.

(Compiled Ords. of 2009, § 2.36.100)

**Sec. 2-190. - Employees to comply with state law; records and reports.**

The department of social services and all county officers and employees performing any duties in connection with the administration of aid to the blind, old-aged assistance, all rules and regulations promulgated by the department pursuant to Wis. Stats. § 49.78(4) shall keep such records and furnish such reports as the department requires in relation to their performance of such duties.

(Compiled Ords. of 2009, § 2.36.110)

**Secs. 2-191—2-218. - Reserved.**

**DIVISION 3. - CHILD WELFARE SERVICES**

**Sec. 2-219. - Governing provisions designated.**

In administering child welfare services, the department shall be governed by the provisions set out in this division.

(Compiled Ords. of 2009, § 2.36.030)

**Sec. 2-220. - Cooperation with individuals, agencies or organizations.**

The department may avail itself of the cooperation of any individual or private agency or organization interested in the social welfare of children in the county.

(Compiled Ords. of 2009, § 2.36.040)

**Sec. 2-221. - Expenditures.**

The department shall administer and expend such amounts as may be necessary out of any moneys which may be appropriated for child welfare purposes by the county board or donated by individuals or private organizations.

(Compiled Ords. of 2009, § 2.36.050)

**Sec. 2-222. - Investigations; guidance and supervision of juvenile court probationers.**

Upon the request of the judge of the juvenile court, the department shall investigate the home environment and other factors in the life of any child brought to the attention of the court for alleged dependency, neglect or delinquency, and assume guidance and supervision of any child placed on probation by such court.

(Compiled Ords. of 2009, § 2.36.060)

**Sec. 2-223. - Oversight of juveniles from state institutions.**

Upon the request of the state department of social services and under its direction, the county department shall assume the oversight of any juvenile under parole from or otherwise subject to the supervision of any state institution.

(Compiled Ords. of 2009, § 2.36.070)

**Sec. 2-224. - Additional powers and duties under statutes; restrictions on authority.**

The department shall, without being licensed pursuant to Wis. Stats. § 48.37(2) have and exercise any additional powers and duties that are authorized for child welfare agencies under Wis. Stats. §§ 48.35 through 48.375; except that the department of social services shall not have authority to accept permanent care, custody and control of any child, to place children for adoption or to place children in foster homes in another state.

(Compiled Ords. of 2009, § 2.36.080)

**Secs. 2-225—2-241. - Reserved.**

**ARTICLE VII. - FINANCE**

**State Law reference**— County finance and budget, Wis. Stats. § 59.60 et seq.

**DIVISION 1. - GENERALLY**

**Sec. 2-242. - Fiscal year.**

The fiscal year of the county shall be from January 1 through December 31.

**State Law reference**— County fiscal year, Wis. Stats. § 59.23(2)(h).

**Sec. 2-243. - Authority to collateralize investments; institutions within county preferred for deposits.**

Efforts will be made to make deposits of public funds in financial institutions within the county; however, should the need arise, such public funds may have to be deposited outside the county but within the state.

(Compiled Ords. of 2009, § 3.12.080)

**Sec. 2-244. - Fees established by resolution; fee schedule.**

Fees for permits, licenses, and other county services shall be as established from time to time by resolution or ordinance, as required by law, of the county board and set forth in the county fee schedule, a copy of which is available in the office of the county clerk and on the county's website.

**Secs. 2-245—2-266. - Reserved.**

**DIVISION 2. - INSURANCE**

**State Law reference**— Authority of board with regarding to liability, property damage, fire and casualty and employee insurance, Wis. Stats. § 59.52(11).

**Sec. 2-267. - Liability and property damage insurance required.**

The county shall carry public liability and property damage insurance, either in commercial companies or by self-insurance created by setting up an annual fund for such purpose, covering, without exclusion because of enumeration, motor vehicles; malfeasance of professional employees; maintenance and operation of county highways, county parks, parkways, or airports; and any other county activities involving possibility of damage to the general public.

(Compiled Ords. of 2009, § 2.52.010)

**State Law reference**— County liability and property damage insurance, Wis. Stats. § 59.52(11)(a).

**Sec. 2-268. - County building insurance required.**

The county shall cause all county buildings to be insured in the name and for the benefit of the county.

(Compiled Ords. of 2009, § 2.52.020)

**Secs. 2-269—2-299. - Reserved.**

**DIVISION 3. - IDENTITY THEFT PREVENTION PROGRAM**

**Sec. 2-300. - Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Covered account means:

- (1) An account that a creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and
- (2) Any other account that the creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

Credit means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefor.

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Creditor means any person or entity who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies. For the purposes of this division, the county is a creditor.

Customer means a person that has a covered account with a creditor.

Department head means any department head who works at the discretion of the board of supervisors, any elected official, and any individual appointed to manage a department on a permanent or temporary basis.

Identity theft means a fraud committed or attempted using the identifying information of another person without authority.

Notice of address discrepancy means a notice sent to the county by a consumer reporting agency pursuant to 15 USC 1681(c)(h)(1), that informs the county of a substantial difference between the address for the consumer that the county provided to request the consumer report and the address in the agency's file for the consumer.

Personal identifying information means a person's credit card account information, debit card information, and bank account information and for a natural person includes their social security number, mother's birth name, drivers' license information and date of birth.

Red flag means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

Service provider means a person that provides a service directly to the county.

**Sec. 2-301. - Purpose; alternate designation of division.**

- (a) The purpose of this division is to comply with 16 CFR 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft. Pursuant to 16 CFR 681.1, the purpose of this division is also to establish a process by which the county will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the county has received a notice of address discrepancy.
- (b) This division may be referred to as the county's identity theft prevention program or ITTP.

**Sec. 2-302. - Findings.**

The board of supervisors has found as follows:

- (1) The county is a creditor pursuant to 16 CFR 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears. Covered accounts offered to customers for the provision of county services include water, sewer, solid waste, and stormwater.
- (2) The processes of opening a new covered account, restoring an existing covered account, making payments on such accounts, and making payments for property taxes and other services have been identified as potential processes in which identity theft could occur.

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- (3) The county limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts.
- (4) The county determines that there is a low risk of identity theft occurring in the following ways, (if any):
  - a. Use by an applicant of another person's personal identifying information to establish a new covered account;
  - b. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
  - c. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts; and
  - d. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment.

**Sec. 2-303. - Process of establishing a covered account.**

- (a) As a precondition to opening a covered account with the county, each applicant shall provide the county with personal identifying information of the customer in the form of a valid government issued identification card containing a photograph of the customer or, for customers who are not natural persons, a photograph of the customer's agent opening the account with written confirmation of being the authorized agent for the entity. The applicant shall also provide any other information necessary for the department providing the service for which the covered account is created. The information shall be entered directly into the county's records system and held in a secure storage area with access limited to those county personnel with the need to know.
- (b) For each customer account for which the county may now or hereafter provide individual customer access to the customer's account information, such account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The county may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs.

**Sec. 2-304. - Password required for access to covered account information.**

Access to any customer account that includes personal identifying information shall be password protected and shall be limited to authorized county personnel. Passwords shall be changed by the head of the department providing the service for which the covered account is created, or by such other county employee authorized to carry out the provisions of this division, on a regular basis. The password shall be at least eight characters in length and shall contain letters, numbers and symbols.

**Sec. 2-305. - Report of unauthorized access.**

Any unauthorized access to or other breach of customer accounts is to be reported immediately to the appropriate department head and the password changed immediately.

**Sec. 2-306. - Customer information confidential; report of requests for access.**

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Personal identifying information included in customer accounts is considered confidential and any request or demand that specifically asks for such information shall be immediately forwarded to the applicable department head or other person authorized by the board of supervisors to carry out the provisions of this division.

**Sec. 2-307. - Credit card payments.**

- (a) In the event that credit card payments that are made over the Internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.
- (b) All credit card payments made over the telephone or the county's website shall be entered directly into the customer's account information in the computer data base.
- (c) Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

**Sec. 2-308. - Sources and types of red flags.**

All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

- (1) Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include but are not limited to:
  - a. A fraud or active duty alert that is included with a consumer report;
  - b. A notice of credit freeze in response to a request for a consumer report, or a notice of address discrepancy provided by a consumer reporting agency;
  - c. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as a recent and significant increase in the volume of inquiries, an unusual number of recently established credit relationships, a material change in the use of credit, especially with respect to recently established credit relationships, or an account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.
- (2) Suspicious documents. Examples of suspicious documents include:
  - a. Documents provided for identification that appear to be altered or forged;
  - b. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
  - c. Identification on which the information is inconsistent with information provided by the applicant or customer;
  - d. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or

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- e. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.
- (3) Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:
- a. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor, such as instances in which the address does not match any address in the consumer report or the social security number (SSN) has not been issued, or is listed on the social security administration's death master file.
  - b. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.
  - c. Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.
  - d. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.
  - e. The SSN provided is the same as that submitted by other applicants or customers.
  - f. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.
  - g. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
  - h. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
  - i. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
- (4) Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:
- a. Shortly following the notice of a change of address for an account, the county receives a request for the addition of authorized users on the account.
  - b. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns as in instances where the customer fails to make the first payment or makes an initial payment but no subsequent payments.
  - c. An account is used in a manner that is not consistent with established patterns of activity on the account, such as instances where there is nonpayment when there is

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no history of late or missed payments or a material change in purchasing or spending patterns.

- d. An account that has been inactive for a long period of time is used, taking into consideration the type of account, the expected pattern of usage and other relevant factors.
- e. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
- f. The county is notified that the customer is not receiving paper account statements.
- g. The county is notified of unauthorized charges or transactions in connection with a customer's account.
- h. The county is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.

(5) Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts.

**Sec. 2-309. - Procedure regarding existing covered accounts.**

- (a) In the event that any county employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall implement the procedural policy prescribed by the department head, including, but not limited to, the procedure provided in this section, to determine whether such red flag or combination of red flags suggests a threat of identity theft.
- (b) If, in his discretion, the employee determines that identity theft or attempted identity theft is likely or probable, the employee shall immediately report such red flags to his department head.
- (c) If, in his discretion, the employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to his department head, who may in his discretion determine that no further action is necessary.
- (d) In either event, the employee shall provide a memorandum, in the form prescribed by the department head, to the department heading detailing the red flag issue, all actions taken by the employee as a result of the issue, and the conclusions reached by the employee.
- (e) If the department head in his discretion determines that further action is necessary, a county employee shall perform one or more of the following responses, as determined to be appropriate by the department head:
  - (1) Contact the customer;
  - (2) If, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account, change any account numbers, passwords, security codes, or other security devices that permit access to an account; or close the account;

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- (3) Cease attempts to collect additional charges from the customer for the covered account in question and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;
- (4) Notify a debt collector within 24 hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
- (5) Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
- (6) Take other appropriate action as determined by the department head to prevent or mitigate identity theft and provide a detailed report of the issue, the actions taken by the employee and the department head, and the conclusions reached.

**Sec. 2-310. - Procedure regarding new covered accounts.**

- (a) In the event that any county employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect an application for a new account, the employee shall implement the procedural policy prescribed by the department head, including, but not limited to, the procedure provided in this section, to determine whether such red flag or combination of red flags suggests a threat of identity theft.
- (b) If the employee determines that identity theft or attempted identity theft is likely or probable, the employee shall immediately report such red flags to his department head.
- (c) If the employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to his department head, who may in his discretion determine that no further action is necessary.
- (d) In either event, the employee shall provide a memorandum, in the form prescribed by the department head, to the department heading detailing the red flag issue, all actions taken by the employee as a result of the issue, and the conclusions reached by the employee.
- (e) If the department head in his discretion determines that further action is necessary, a county employee shall perform one or more of the following responses, as determined to be appropriate by the department head:
  - (1) Request additional identifying information from the applicant;
  - (2) Deny the application for the new account;
  - (3) Notify law enforcement of possible identity theft; or
  - (4) Take other appropriate action as determined by the department head to prevent or mitigate identity theft and provide a detailed report of the issue, the actions taken by the employee and the department head, and the conclusions reached.

**Sec. 2-311. - Updating the program.**

The corporation counsel shall annually review this division and, if deemed necessary, recommend to the county board changes with regard to any needed amendments, including amendments of the designation of red flags, in order to reflect changes in risks to customers or to the safety and soundness of the county and its covered accounts from identity theft. In so doing, the board of supervisors shall consider the following factors and exercise its discretion in amending the program:

- (1) The county's experiences with identity theft;
- (2) Updates in methods of identity theft;
- (3) Updates in customary methods used to detect, prevent, and mitigate identity theft;
- (4) Updates in the types of accounts that the county offers or maintains; and
- (5) Updates in service provider arrangements.

**Sec. 2-312. - Program administration.**

- (a) The corporation counsel is responsible for oversight of the program and for program implementation, including, but not limited to reviewing reports prepared by staff regarding compliance with red flag requirements and with making material changes to the program, as necessary in the opinion of the board of supervisors, to address changing identity theft risks and to identify new or discontinued types of covered accounts.
- (b) Department heads shall report to the chair of the county board of supervisors, who shall report to the board of supervisors at least annually, on compliance with the red flag requirements. The department head reports will address material matters related to the program and evaluate issues such as:
  - (1) The effectiveness of the policies and procedures of the county in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
  - (2) Service provider arrangements;
  - (3) Significant incidents involving identity theft and management's response; and
  - (4) Recommendations for material amendments of this division.
- (c) The county's department heads, under the supervision of the chair of the county board of supervisors, are responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of this division.

**Sec. 2-313. - Outside service providers.**

In the event that the county engages a service provider to perform an activity in connection with one or more covered accounts, the applicable department head, under the supervision of the chair of the board of supervisors, shall exercise his discretion in reviewing such arrangements in

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order to ensure, to the best of his ability, that the service provider's activities are conducted in accordance with the policies and procedures in this division, as agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.

**Sec. 2-314. - Annual report to board of supervisors.**

An annual report will be submitted to the board of supervisors on such annual date as is established by the board of supervisors. The report shall be submitted by the chair of the county board of supervisors and will include a summary of department head reports and recommendations for any amendment to this division. The annual report will be prepared by the clerk or such other person as may be designated by the board of supervisors.

**Sec. 2-315. - Treatment of address discrepancies.**

In the event that the county receives a notice of address discrepancy, the county employee responsible for verifying consumer addresses for the purpose of providing the county service or account sought by the consumer shall verify the information in the consumer report with the consumer or compare the information in the consumer report with:

- (1) Information the county obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 USC 5318(1);
- (2) Information the county maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
- (3) Information the county obtains from third-party sources that are deemed reliable by the relevant county employee.

**Sec. 2-316. - Furnishing consumer's address to consumer reporting agency.**

- (a) In the event that the county reasonably confirms that an address provided by a consumer to the county is accurate, the county is required to provide such address to the consumer reporting agency from which the county received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:
  - (1) The county is able to form a reasonable belief that the consumer report relates to the consumer about whom the county requested the report;
  - (2) The county establishes a continuing relation with the consumer; and
  - (3) The county regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.
- (b) Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the county to such agency for the reporting period in which the county establishes a relationship with the customer.

**Sec. 2-317. - Methods of confirming consumer addresses.**

The county employee charged with confirming consumer addresses may, in his discretion, confirm the accuracy of an address through verifying the address with the consumer, reviewing the county's records to verify the consumer's address, verifying the address through third-party sources, or using other reasonable processes.

**Secs. 2-318—2-337. - Reserved.**

**ARTICLE VIII. - ADMINISTRATIVE REVIEW**

**State Law reference—** Municipal administrative review procedure, Wis. Stats. § 68.001 et seq.

**DIVISION 1. - GENERALLY**

**Sec. 2-338. - State law adopted; exception.**

In order to ensure fair play and due process in the administration of the affairs, ordinances, resolutions and bylaws of the county, the governing body thereof declares that the provisions of Wis. Stats. § 68-001 et seq. relating to municipal administrative review procedure shall be in full force and effect in the county, except as provided in section 2-372.

(Compiled Ords. of 2009, § 2.24.010)

**Sec. 2-339. - Compliance with state provisions required; administrative reviews required upon request.**

All officers, employees, agents, agencies, committees, boards and commissions of the county shall comply with the requirements of Wis. Stats. § 68.001 et seq. and shall conduct initial administrative reviews of their determinations in accordance with Wis. Stats. § 68.09 upon filing of a proper written request therefor.

(Compiled Ords. of 2009, § 2.24.020)

**Secs. 2-340—2-366. - Reserved.**

**DIVISION 2. - APPEALS BOARD**

**Sec. 2-367. - Established; duty and responsibility.**

There is created for the county an administrative review appeals board consisting of three members, which shall have the duty and responsibility of hearing appeals from initial administrative determinations or decisions of officers, employees, agents, agencies, committees, boards and commissions of the county filed in accordance with Wis. Stats. § 68.10 and making a final determination thereon.

(Compiled Ords. of 2009, § 2.24.030)

**Sec. 2-368. - State law to govern.**

In conducting administrative review hearings and making final decisions, the administrative review appeals board shall be governed by the provisions of Wis. Stats. §§ 68.11 and 68.12.

(Compiled Ords. of 2009, § 2.24.040)

**Sec. 2-369. - Composition; appointment; terms; chairperson; alternate member.**

- (a) The administrative appeals review board shall consist of the county board chairperson, one county board supervisor and one citizen.
- (b) The supervisor member shall be designated annually by the county board chairperson at the first meeting of the board in April of each year and shall be subject to confirmation by the board. The citizen member shall be appointed by the county board chairperson, subject to confirmation of the county board, for a two-year term commencing on July 1 of even-numbered years.
- (c) The county board chairperson shall serve as the chairperson of the board.
- (d) The county board chairperson may appoint, subject to confirmation for a two-year term, one alternate member, who shall act with full power only when a member of the board is absent or refuses to serve because of interest in the subject matter of the appeal.

(Compiled Ords. of 2009, § 2.24.050)

**Sec. 2-370. - Procedural rules.**

The administrative review appeals board may adopt rules for conduct for hearings not in conflict or inconsistent with the provisions of Wis. Stats. § 68.11.

(Compiled Ords. of 2009, § 2.24.060)

**Sec. 2-371. - Salary and mileage.**

The members of the administrative review appeals board shall receive such salary and mileage as set by the county board.

(Compiled Ords. of 2009, § 2.24.070)

**Sec. 2-372. - Other provisions not repealed or superseded.**

The provisions of the ordinance codified at this division shall not be deemed to repeal or supersede the provisions of any ordinances in conflict herewith or providing other procedures for review of administrative determinations within the county, except when otherwise specifically provided in those ordinances.

(Compiled Ords. of 2009, § 2.24.080)

**Secs. 2-373—2-402. - Reserved.**

**ARTICLE IX. - PUBLIC RECORDS MANAGEMENT**

**State Law reference**— Public records and property, Wis. Stats. § 19.21 et seq.; records destruction, Wis. Stats. § 19.35(5); county public records management, Wis. Stats. § 59.52(2).

**Sec. 2-403. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Legal custodian means the individual responsible for maintaining records pursuant to Wis. Stats. § 19.22.

Record is defined in Wis. Stats. § 19.32(2).

(Compiled Ords. of 2009, § 2.88.040)

**State Law reference**— Similar definitions, Wis. Stats. § 19.32.

**Sec. 2-404. - Declaration of policy.**

The creation and upkeep of records by the agencies and departments of the county requires the establishment of policies to regulate the maintenance, retention and disposal of records. The county has established a county record retention schedule and authorized destruction of county records pursuant to a uniform schedule. Record custodians may destroy a record prior to the time set forth in the schedule only if such a record has been reproduced as an original record pursuant to Wis. Stats. § 16.61(17) or 16.612. Any record not covered by this chapter or any other regulation or law shall be retained seven years unless the record is added by amendment to the ordinance and the shorter period is approved by the state public records board.

(Compiled Ords. of 2009, § 2.88.010)

**State Law reference**— County records management, Wis. Stats. § 59.52(2).

**Sec. 2-405. - Historical records.**

The State Historical Society of Wisconsin (SHSW) has waived the required statutory 60 day notice under Wis. Stats. § 19.21(5)(d) for any record marked "W". SHSW must be notified prior to destruction of any record marked "N". Notice is also required for any record not listed in this article. "N/A" indicates not applicable and applies to any county record designated for permanent retention.

(Compiled Ords. of 2009, § 2.88.030)

**Sec. 2-406. - Records retention schedule.**

- (a) General records. The records retention schedule compiled by the county is adopted as though fully set forth in this section. The schedule lists records that are maintained by the various departments in the county and are subject to uniform regulation unless otherwise specified. Unless specifically waived by them, the SHSW must receive written notice at least 60 days prior to destruction of the following records pursuant to Wis. Stats. § 19.21(5)(d).
- (b) E-mail. For purpose of record retention, e-mails shall be considered correspondence.
- (c) Court records. The schedule for retention of court records applies to circuit courts, court commissioners, clerk of courts, and registers in probate. All records maintained by the clerk of court, register in probate, juvenile court relating to juvenile court matters, and the family court commissioner shall be retained in compliance with Supreme Court Rules, Chapter 72. Records not specified therein of a general countywide nature shall be retained in the same manner as provided for general records in the records retention schedule.
- (d) Data processing records. The county data processing personnel provide information technology services for departments and store records information electronically for departments. Record information stored electronically must be maintained pursuant to the guidelines established for the specific departmental records and countywide records enumerated in the records retention schedule. Where no other departmental guidelines apply, the records retention schedule shall control.
- (e) District attorney and victim witness records. District attorney records are governed by state record retention schedules (RDA No. 475/142 through 475/148). The state public records board and the state prosecutor's office have information on retention and disposal of these records.
- (f) Social services and community services records. Social services and community services records are deemed to include records related to administration, accounts receivable, business office, alcohol drug abuse services, economic support, public assistance, family and children's services home health, long term support, medical records, and mental health services records.
- (g) Case records and other public assistance records. With regard to case records and other public assistance records, if no payments have been made for at least three years and a fact sheet and financial record of payments for each aid account are preserved in accordance with rules adopted by DHSS, the record retention schedule shall apply.

**Sec. 2-407. - Movement of records in emergency.**

In the event of a natural or otherwise occurring disaster or emergency, the county clerk shall have the authority to remove any essential records from their customary or designated location and store them in an alternate location whether within or outside the county. The county clerk shall give due consideration to schedules and other requirements of record maintenance contained in this article.

(Compiled Ords. of 2009, § 2.88.060)

**Sec. 2-408. - Destruction after request for inspection.**

No requested record may be destroyed until after the request is granted or 60 days after the request is denied. If an action is commenced under Wis. Stats. § 19.37 the requested record may not be destroyed until a court order is issued and all appeals have been completed.

(Compiled Ords. of 2009, § 2.88.070)

**Sec. 2-409. - Destruction pending litigation.**

No record subject to pending litigation shall be destroyed until the litigation has been resolved.

(Compiled Ords. of 2009, § 2.88.080)

**Sec. 2-410. - Microfilming or optical disk storage of department records.**

Upon board resolution, departments may keep and preserve public records through the use of microfilm or optical disk storage providing that the applicable standards established in Wis. Stats. §§ 16.61(7) and 16.612 respectively are met. Departments should consider factors such as retention periods and estimated costs and benefits of converting records between different media in deciding which records to microfilm or store on optical disk. After verification, paper records converted to either microfilm or optical disk storage should be destroyed. The retention periods identified in this article apply to records in any media. Records kept in such fashion shall be deemed the original record.

(Compiled Ords. of 2009, § 2.88.090)

**Sec. 2-411. - Review and approval by public records and forms board.**

This article has been reviewed and approved by the public records and forms board.

(Compiled Ords. of 2009, § 2.88.110)