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RESOLUTION # 30-2012

**GENERAL CODE OF ONEIDA COUNTY, WISCONSIN
ORDINANCE AMENDMENT #**

Ordinance Amendment offered by Supervisors of the Oneida County Board of Health.

Whereas, Oneida County Code section 2.35 sets forth the procedure for review of administrative decisions for Oneida County; and

Whereas, the current procedure for review of administrative decisions has members of the Finance and Insurance Committee reviewing decisions made by the Health Department; and

Whereas, the Oneida County Board of Health believes that administrative decisions of the Health Department would be better reviewed by the Oneida County Board of Health or the Health and Aging Committee after April 17th 2012.

NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Section 2.35 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

2.35 COMMITTEE DESIGNATION FOR ADMINISTRATIVE REVIEW PROCEDURE.

(Rep. & recr. #55-2011)

- (1) **PURPOSE.** The purpose of this section is to afford a constitutionally sufficient, fair, and orderly administrative procedure and review in connection with determinations made by County authorities which involve constitutionally protected rights of specific persons which are entitled to due process protection under the 14th Amendment to the U.S. Constitution.
- (2) **REVIEW OF ADMINISTRATIVE DETERMINATIONS.** As pertains to the County, the provisions of §68.01, Wis. Stats., are adopted and included herein by reference.
- (3) **DETERMINATIONS REVIEWABLE.** The following determinations are reviewable under this section:
 - (a) The provisions of §§68.02(1), (2), (3) and (4), Wis. Stats., are adopted and included herein by reference.
 - (b) Any determination made by a city, village, town, special purpose district or board or commission thereof, located within the County which is reviewable by the County authorities under the Wisconsin Statutes.
- (4) **DETERMINATIONS NOT SUBJECT TO REVIEW.**
 - (a) The Oneida County Department of Social Services has, by County Board resolution, adopted its own administrative review procedures and, thus, shall not be subject to the provisions of this section.
 - (b) The Oneida County Health Department has, by County Board resolution, adopted its own administrative review procedures and, thus,

52 shall not be subject to the provisions of this section.
53 ~~(b)~~ (c) As pertains to the County, the provisions of §68.03, Wis. Stats., are
54 adopted and made a part hereof by reference.
55 (5) COUNTY AUTHORITY DEFINED. "County authority" includes every board,
56 commission, committee, agency, officer, employee, or agent thereof making a
57 determination under §68.01, Wis. Stats., and every person, board, commission,
58 committee, or agency of the County appointed to make an independent review.
59 (6) PERSONS AGGRIEVED. A person aggrieved includes any individual,
60 partnership, corporation, association, public or private organization, officer,
61 department, board, commission, or agency of the County, whose rights, duties,
62 or privileges are adversely affected by a determination of a County authority.
63 (7) PROCEDURE. The provisions of §§68.07, 68.08, 68.09(1), (3), (4) and (5),
64 68.10, 68.11, 68.12, 68.13, 68.14, and 68.15, Wis. Stats., are adopted and made
65 a part hereof by reference.
66 (8) DESIGNATION OF REVIEW AUTHORITY.
67 (a) Initial Review. If the initial determination has been made by an officer,
68 employee, or agent of the County, the initial review shall be made by the
69 committee, board, or commission having primary jurisdiction over that
70 individual. If the initial determination was made by a committee, board,
71 commission, or agency of the County, then the initial review shall be
72 made by the same committee, board, commission, or agency.
73 (b) Appellate Review. The impartial decision maker under the provisions of §
74 68.11(2), Wis. Stats., as adopted and made a part hereof by reference
75 shall be the Chairperson of the Finance Committee and 2 members of the
76 Finance Committee as designated by the Chairperson, provided that they
77 have not participated in the making or reviewing of the initial
78 determination. However, if the Chair of the Finance Committee upon
79 receipt of the appeal, and after conferring with the Finance Committee,
80 determined that an impartial person or 3-person panel with expertise
81 should be appointed, he may do so.
82 (9) COMPENSATION OF REVIEW AUTHORITY. Individuals acting in a review
83 capacity shall be entitled to the same per diem and reimbursement for expenses
84 incurred as is provided under the provisions of §3.10 of this Code.
85 (10) TIME LIMITATIONS.
86 (a) Time Within Which to Initiate Grievance. A person aggrieved shall initiate
87 the grievance review under the provisions of this section by no later than
88 60 days from the date she/he knew or should have known of the
89 occurrence out of which the alleged grievance has occurred.
90 (b) Time Limit for Initial Review. The initial review under subsection (8)(a)
91 shall be scheduled and conducted within 30 days of the filing of the
92 review request by the person aggrieved and the initial determination shall
93 be made in writing with copy provided to the aggrieved person no more
94 than 30 days thereafter.
95 (c) Time Limit for Appellate Review. If the aggrieved person wishes to seek
96 an appeal, he must do so in writing within 30 days of the written
97 determination given at the initial review. Upon receipt of such request for
98 appellate review, the appellate review under subsection (8)(b) shall be
99 scheduled and conducted within 30 days thereafter. A final determination
100 shall be made in writing with a copy provided to the aggrieved person no
101 more than 30 days thereafter.
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Approved by the Oneida County Board of Health this 8th day of March, 2012.

Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority = _____

The County Board has the legal authority to adopt: Yes _____ No _____ as reviewed by the Corporation Counsel, _____, Date: _____

Offered and passage moved by: _____
Supervisor

Supervisor

Supervisor

Supervisor

Supervisor

_____ Ayes
_____ Nays
_____ Absent
_____ Abstain
_____ Enacted

by the County Board of Supervisors this _____ day of _____, 2012.

_____ Defeated

Mary Bartelt, County Clerk

Ted Cushing, County Board Chair