

CHAPTER 3

FINANCE AND TAXATION

- 3.01 Purchasing Policy and Procedure
- 3.02 Sale of Tax Deeded Land
- 3.03 Interest and Penalty on Delinquent Amounts

3.01 PURCHASING POLICY AND PROCEDURE

(1) PURPOSE:

- A. To establish a uniform procedure by which the departments or other units of Jackson County may purchase, lease or contract goods or services.
- B. To establish a procedure for Jackson County grant monies.

(2) DEFINITIONS:

- A. "EXPENDITURE" any purchase, lease, or contract for goods or services. Goods refers to one item individually or a number of the same items collectively with a value of \$500.00 or greater.
- B. "GRANT" a sum of money given by an individual, organization or government to Jackson County for a particular purpose.
- C. "QUOTE" a verifiable statement of current or market price.
- D. "RFP" a request for proposal. Procedure for comparing services or products based on specific criteria.

(3) CONFLICT OF INTEREST: Any County employee or official who identifies a conflict of interest shall disclose that conflict in writing to the Corporation Counsel and remove themselves from the procurement process.

(4) PROCEDURES: The following procedures shall be followed by departments when purchasing, leasing or contracting for goods or services on behalf of Jackson County using non-federal grant monies.

- A. BUDGETED EXPENDITURES. For any Expenditure that is specifically listed within the department's approved current year financial budget, the appropriate department head shall obtain quotes in the following manner:
 - 1. For any Expenditure up to \$5,000.00 it is recommended that two or more written competitive quotes (if available) be obtained on the goods or services. The department's oversight committee shall review and approve the final invoice or voucher for payment.
 - 2. Any Expenditure of \$5,000.00 to \$15,000.00 shall require three or more written competitive quotes (if available) on the goods or services and must receive prior approval by the department's oversight committee. If the oversight committee chooses a quote that is not the lowest quote, a complete explanation shall be made in the minutes of the oversight committee.

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3. Any Expenditure exceeding \$15,000.00 shall require four or more written competitive quotes (if available) on the goods or services and must receive prior approval by the department's oversight committee. The oversight committee in cooperation with the department head will select which quote to accept. If the oversight committee chooses a quote that is not the lowest quote, a complete explanation shall be made in the minutes of the oversight committee.
- B. UNBUDGETED EXPENDITURES WITH FUNDS. Any Expenditure not listed in the department's budget where funds are contained within the department's budget must have prior approval from the department's oversight committee.
- C. UNBUDGETED EXPENDITURES WITH NO FUNDS. Any Expenditure not listed in the department's budget where funds are not contained within the department's budget must have prior approval from the County Board of Supervisors. In the case of an emergency, the department head or designee shall consult with the County Board Chairperson or designee for approval.
- D. Expenditures made from state bids or other government or government consortium bids must follow the approval process set forth in this procedure.
- E. RFP. When acquiring professional services, the governing committee of any department may direct the department head to use the RFP process in place of the procedures set forth in Sections 3.01 (4) (A).
- (5) GRANTS. If County funds are to be used by a department in obtaining or engaging in any Grant, the department's oversight committee must first give approval. If matching County funds are required from outside the department's budget the County Board of Supervisors must first approve the Grant and fund transfer. Grants which are anticipated to commit the County and County funds to future programs beyond the term of the Grant must first be approved by the County Board of Supervisors. Unless specifically prohibited by the granting authority, Grants must be administered through a written contractual agreement between the County and the party providing the service.

The department head shall be responsible and ensure that all purchases made with Grant funds comply with the terms and conditions of the Grant and this procedure. If the requirements of the Grant conflict with this procedure, the department head may suspend the provisions of this policy that conflict with the Grant for the duration of the specific Grant.

Uniform Grant Guidance issued by the Federal Office of Management and Budget (OMB) outlined the following procurement standards for all dollars applied to federal Grant programs and these guidelines shall be used for all purchases:

A. MICRO PURCHASES (Items less than \$3,000).

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold of \$3,000. (2 CFR §200.67 Micro-purchase). To the extent practicable, the County must distribute micro-purchases equitably among the qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the department head considers the price to be reasonable.

B. SMALL PURCHASES (Items between \$3,000 and \$150,000).

Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that cost between \$3,000 and \$150,000. If small purchase procedures are used, price or rate quotations must be obtained from a minimum of two qualified sources.

C. LARGE PURCHASES BY SEALED BID (Items greater than \$150,000).

The sealed bid method is the preferred method for procuring construction if sealed bidding is feasible. Note that a federally funded public works project shall follow the lower dollar threshold requirements of Wisconsin Statutes 66.0901 and 59.52(29) outlined in the public works projects section below. Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.

1. In order for sealed bidding to be feasible, the following conditions should be present:

- a. A complete, adequate and realistic specification or purchase description is available;
- b. Two or more responsible bidders are willing and able to compete effectively for the business; and
- c. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

2. If sealed bids are used, the following requirements apply:
 - a. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for state, local, and tribal governments, the invitation for bids must be publically advertised;
 - b. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
 - c. All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
 - d. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
 - e. Any or all bids may be rejected if there is a sound documented reason.

D. LARGE PURCHASES BY COMPETITIVE PROPOSALS (Items greater than \$150,000) The technique of competitive proposals for other contracts greater than \$150,000 is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
2. Proposals must be solicited from an adequate number of qualified sources;
3. The County must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
4. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

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5. The County may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms are a potential source to perform the proposed effort.

E. NONCOMPETITIVE PROPOSALS. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

1. The item is available only from a single source;
2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
3. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the County; or
4. After solicitation of a number of sources, competition is determined inadequate.

(6) PUBLIC WORKS PROJECTS. In accordance with Wisconsin Statutes 66.0901 and 59.52(29), public works contracts for construction, execution, repair, remodeling or improvement of a public work, building or for the furnishing of supplies or materials of any kind over \$25,000 shall be competitively bid and shall be awarded to the lowest responsible, responsive vendor without regard to the vendor's location. The County Board shall give a class 1 notice before it contracts for public works contracts estimated to have a cost between \$5,000 and \$25,000 or shall contract with a person qualified as a bidder under Wisconsin Statutes 66.0901(2).

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- (7) EXCLUSIONS. Certain Expenditures and county departments are not covered by this purchasing policy.
- A. Office and maintenance supplies, maintenance service agreements and repairs to office equipment that are in the budget are not covered by this procedure.
 - B. The Jackson County Highway Department is not covered under this Procedure according to Wisconsin State Statutes Chapter 59. The Highway Department will follow procedures established in the Wisconsin State Statutes chapters 80, 83 and 86.
 - C. In the event a County Declaration of Emergency is declared pursuant to Jackson County Ordinance 6.09, any Expenditure made by the head of emergency management services or his or her designee and any Expenditure made by the head of law enforcement or his or her designee are not covered by this procedure.

3.02 SALE OF TAX DEEDED LAND.

- (1) ESTABLISHMENT OF COMMITTEE. The management and sale of real properties acquired by the County through enforcement of the collection of delinquent taxes by tax deed, foreclosure of the tax certificates or by deed in lieu of tax deed shall be solely vested in the County Tax Deed and Land Committee.
- (2) COMMITTEE COMPOSITION. The County Tax Deed and Land Committee shall consist of no less than 4 nor more than 6 members, with at least one being other than a member of the County Board. Committee members shall be appointed by the County Board for 2 year terms to expire in April of every even-numbered year.
- (3) COMPENSATION. Committee members shall receive the same compensation for their services as do members of other designated committees of the County Board and shall also receive such mileage and reimbursement for expenses as the Board allows. County Supervisors serving on the Committee shall be subject to the compensation limitations in 59.06(2), Wis. Stats.

(4) POWERS AND DUTIES.

- A. The Committee shall meet as often as the needs of the position dictate but no less than 4 times per year and the Committee shall submit a written report of its activities prior to each County board meeting.
- B. The Committee shall have full and complete authority to manage and sell all lands obtained by the County by tax deed, foreclosure of tax certificate or deed in lieu of tax deed. As set forth above, the Committee shall report all of its activities to the County Board, but this provision is not to be interpreted so as to indicate that the County Board has the power or responsibility to approve or disapprove of any of the terms of an actual sale or management policy made or implemented by the Committee.
- C. The Committee shall be provided with a complete list by the County Clerk of all properties acquired by the County by tax deed, foreclosure of tax certificate or deed in lieu of tax deed. The list shall be prepared as follows:
 1. Such properties shall be appropriately separated into townships, villages and cities.
 2. The name of the last property owner shall be set forth and the date of the acquisition by the County shall be indicated.
 3. The amount of delinquent taxes prior to the County's acquisition and the year of delinquency shall be shown.
 4. A brief description of the type of properties and current use of such properties shall be indicated.
 5. An indication shall be made if a previous tax deed has been taken on such properties and if a quit claim deed has been executed in favor of a previous owner within the last 20 years.
 6. An indication shall be made of the fair market value established by appraisers for such properties.

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- D. Referring to the list in par. (c) above, the Committee shall make a decision in relation to each property based upon the best interest of all citizens of the County. An attempt shall be made to sell all properties and return them to the County tax roll, unless such sale would be detrimental to the County's interests. Furthermore, the Committee shall determine a course of action and management of each parcel of land until such land is, in fact sold.
- E. The Committee shall have the power to hire a staff to assist it in its operations, subject to the approval of the County Board. With this in mind, the Committee shall prepare and present a budgetary request for each year's activities and present it in a timely fashion to the County Board.
- F. With Board approval, the Committee may engage the services of a licensed real estate broker to assist in the sale of such lands and may contract to pay a commission for such services.
- G. The Committee shall hire two appraisers to determine the fair market value of each parcel acquired by the County by the methods set forth above except as follows:
 - 1. The Committee determines that a single certified appraisal will accurately set forth the fair market value of the property, in which a single appraiser may be hired; or
 - 2. The parcel has a valuation for tax purposes of less than \$20,000; the valuation appears to be accurate, and each Committee Member who votes on the resolution setting forth the fair market value of the property or the approval of the sale, shall have personally viewed the parcel prior to said vote, in which case the use of appraisers may be waived.
- H. The Committee shall have the authority to direct its chairman to execute agreements of purchase and sale relating to such Committee and the County

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- I. The Committee shall have authority to direct the County Clerk to execute quit claim deeds conveying such upon the County.
- J. Such Committee shall make recommendations to the County Board that the County purchase lands adjacent to tax deeded lands where the Committee determines that such purchase would improve the salability of such tax deeded lands or will create access to streets or highways for lands lacking such access.

(5) PREFERENCE TO FORMER OWNER TO PURCHASE.

- A. The former owner who lost his or her title through delinquent tax collection enforcement procedure, or his or her heirs, may be given a preference in the right to purchase such lands as provided in this ordinance. Such sale shall be exempt from the provisions of 3.02(4)G of this ordinance if the net proceeds from the sale to the former owner as determined under §75.36(3), Wis. Stats. will be sufficient to pay all special assessments and special charges to which the property is subject, including interest imposed under §74.47, Wis. Stats, or if the county settles in full with the taxing jurisdiction for special assessments, as defined in §75.36(1), Wis.Stats, to which the property is subject, including an amount derived from the total current tax rate for the district wherein the property lies times the current assessed value, but not less than \$100.00. This amount shall be assessed for each year the property is off the tax roll. This preference shall not apply to tax-deeded lands which have been improved for or dedicated to a public use by the county subsequent to its acquisition thereof. Any request by a former owner or his heirs to repurchase property under this section must be in writing. Upon receipt of a request for repurchase, the applicant shall be notified of the date that the applicant must appear before the Committee. The full amount due must be received by the county treasurer from the repurchaser no later than 30 days following approval of the repurchase by the Committee.

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- B. The preference to former land owners in par. (a) above shall not apply to tax deeded lands which have been improved for or dedicated to a public use by the County subsequent to its acquisition thereof.
- C. Sale made by the County to former owners thereof shall not operate to revive any tax certificate lien or any other lien whatsoever which was cut off and rendered void by the tax deed, foreclosure of tax deed or deed in lieu of tax deed by which the County acquired title nor shall it revive the lien or any tax sale certificate or tax dated subsequently to date on which the County acquired its title.

(6) SALE RESTRICTIONS.

- A. The Committee shall be subject to the provisions of 75.69, Wis. Stats., that no real estate acquired by the County by tax deed, foreclosure of tax deed or deed in lieu of tax deed shall be sold unless the sale and appraised value of such real estate has first been advertised by publication of a class 3 notice under Ch. 985, Wis. Stats. The Committee may accept the bid most advantageous to it, but every bid less than appraised value of the property shall be rejected. The Committee is authorized to sell for an amount equal to or above the appraised value of such land, without readvertising, any land previously advertised for sale. The above restrictions do not apply to preference sales described in sub. (5).
- B. No tax delinquent real estate shall be sold by the Committee, unless notice of such sale is mailed to the clerk of any municipality in which the real estate is located at least 3 weeks prior to the time of sale.

This section added 10/23/01

- (7) A. The Committee may, in its discretion, require that any deed or other instrument of conveyance contemplated by this section, contain language reserving rights of the public to hunt and or fish on the subject property for such period of time deemed appropriate in the discretion of the Committee. In determining whether to encumber the subject property with reservation of hunting and/or fishing rights, the Committee shall consider such factors as proximity and contiguity of the parcel to other county land, the presence or absence of habitat for fish or game as well as the value of the parcel with or without said reserved rights. This section shall supercede Section 13.05/NR (6)(a) of the Ordinances of Jackson County as said Section may apply to Tax Deed Lands Revised 7-01.

3.03 INTEREST AND PENALTY ON DELINQUENT AMOUNTS. Pursuant to the authority of Wisconsin Statutes Section 74.47 (2), there is hereby imposed a penalty of 0.5 percent per month or fraction of a month, in addition to the interest provided for in Wisconsin Statutes Section 74.47 (1), on any delinquent general property taxes, special assessments, special charges and special taxes included in the tax roll. All interest and penalties collected by the County Treasurer shall be disbursed pursuant to the Wisconsin Statutes Section 74.47 (3). This penalty shall apply to any general property taxes, special assessments, special charges and special taxes delinquent on or after February 1, 2011.