

## CHAPTER 33

### ADMINISTRATIVE PROCEDURE

33.01	Purpose and Authority	33.04	Determinations Not Subject To Review
33.02	Review of Initial Determination	33.05	Administrative Appeal
33.03	Determinations Reviewable	33.06	Conflicting Ordinance Provisions

---

**33.01 Purpose and Authority.** The purpose of this chapter is to afford a constitutionally sufficient, fair and orderly administrative procedure and review in connection with determinations made by County officers, employees, agents, agencies, committees, boards and commissions which may involve constitutionally protected rights of specific persons who are entitled to due process protection under the 14th Amendment to the U.S. Constitution. Chapter 68 of the Wisconsin Statutes relating to municipal administrative review procedure shall be in full force and effect in the County, except as those provisions are otherwise provided in this Chapter.

**33.02 Review of Initial Determination.** Upon the filing of a written request by any person aggrieved by an initial determination filed pursuant to the provisions of Wis. Stats. § 68.08, the following procedures shall be followed:

(1) A copy of the request shall be immediately forwarded to the Corporation Counsel.

(2) All County officers, employees, agents, agencies, committees, boards and commissions receiving such a request shall conduct administrative reviews of their own determinations in accordance with Wis. Stats. § 68.09.

(3) As an alternative to § 33.02(2), a County officer, employee, agent, agency, committee, board or commission may utilize an independent, internal review by an individual internal to the agency, committee, board or commission who was not involved with the initial determination.

(3) The authority may affirm or modify the initial determination and shall mail or deliver to the person aggrieved the authority's decision on review which shall state the reasons for such decision within 15 days of receipt of the request.

The decision shall advise the person aggrieved of the right to appeal the decision within 30 days from the date of the notice of the decision and the office or person with whom the notice of appeal shall be filed.

**33.03 Determinations Reviewable.** The following determinations are reviewable under this Chapter:

(1) The grant or denial in whole or in part after application of an initial permit, license, right, privilege or authority except where another statute or ordinance provides for review.

(2) The suspension, revocation or non renewal of an existing permit, license, right, privilege or authority, except as provided in § 38.04 of this Chapter.

(3) The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions for eligibility for such grant.

(4) The imposition of any penalty or sanction upon any person except a County employee or officer other than by a court.

**33.04 Determinations Not Subject to Review.** The following determinations are not reviewable under this Chapter:

(1) A legislative enactment, which is an ordinance, resolution or an adopted motion of the County Board or any committee, board or commission except as provided in § 33.03.

(2) Any action subject to administrative or judicial review procedures under statutes other than Chapter 68 of the Wisconsin Statutes.

(3) The denial of a tort or contract claim required to be filed with the County pursuant to statutory procedures for the filing of such claims.

(4) The suspension, removal or disciplining, or non renewal of a contract, of a County employee or officer.

(5) Judgments or orders of a court, arbitrator or other tribunal.

(6) Determinations made during labor negotiations.

(7) Any action which is subject to administrative review procedures as otherwise provided in this code.

(8) Notwithstanding any other provision of this Chapter, any action or determination of a County authority which does not involve a constitutionally protected right of a specific person or persons to due process in connection with the action or determination.

**33.05 Administrative Appeal.** A hearing on administrative appeal shall be conducted within 15 days of receipt of the notice of appeal as follows:

(1) A hearing officer shall be appointed by the Corporation Counsel to conduct the hearing. The hearing officer shall be an attorney, licensed to practice law in the State of Wisconsin, who shall not be an elected official or employee of Sauk County. The Corporation Counsel may enter into cooperative agreements with other counties or municipalities to provide these services reciprocally.

(2) The procedures contained in Wis. Stats. § 68.11 shall govern pre-hearing and post hearing procedure and the conduct of the hearing.

(3) A court reporter shall be retained to complete a transcript of the hearing.

**33.06 Conflicting Ordinance Provisions.** The provision of this chapter shall not be deemed to repeal or supersede the provisions of any other section of the Code in conflict herewith or providing other procedures for review of administrative determinations with the County except when otherwise provided in said sections.

---

As adopted by the Sauk County Board of Supervisors on June 20, 2000 - Ordinance No. 132-00.