

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

Ordinance Amendment To Ordinance Section 43.06 Assessing Service Fee On Worthless Checks And Processing Overpayments Received By The County

Ordinance Amendment offered by Finance, Personnel & Insurance Committee

BACKGROUND: The Sauk County threshold of \$2.00 over/under payment has not changed in many years. The current labor and material cost to refund overpayments or collect short payments typically exceeds the \$2.00 limit set. Each overpayment/refund/shortage can often create labor for any number of departments. State Statute 59.66 Unclaimed funds has a value set at \$20.00 or greater in order to post as part of unclaimed funds process. Accounting Office, Treasurer's Office, and Register of Deeds have discussed the costs of labor, materials and postage and concur that a \$10.00 threshold for Sauk County would be appropriate.

NOW, THEREFORE, THE SAUK 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existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.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 43.06 of the General Code of Sauk County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

Sec 43.06 – Assessing service fee on worthless checks and processing overpayments received by the County.

- (1) *Authority and purpose.* This ordinance is enacted on the authority of Wis. Stats § 59.54(24) which authorizes a county to enact and enforce an ordinance which imposes charges on persons who issues worthless checks, and permit a county office to retain payments of fees, licenses, and similar charges and waive underpayments.
- (2) *Service fee on worthless checks.* If a check tendered to make any payment of any fee, tax or other charge legally imposed by any office, official, employee or officer acting on behalf of Sauk County, is not paid by the bank on which it is drawn, or if a demand for payment under a debit of credit card transaction or other instrument is not paid by the bank upon which demand is made, the person, firm corporation, or other organization shall remain liable for the payment of the amount for which the check was tendered or the amount agreed to be paid by debit or credit card or other instrument, and for a charge of \$30.00. The levying of this charge shall not preclude the issuing person, firm, corporation or other organization from being subject to any other civil or criminal proceeding or penalty authorized by law.
- (3) *Overpayment and underpayment of fees.* Unless otherwise provided by law, the County may retain overpayments of fees, licenses and similar charges when the overpayment is ~~\$2.00~~ \$10.00 or less, unless such refund is specifically requested in writing. Underpayments of not more than ~~\$2.00~~ \$10.00 may be waived when the administrative cost of collecting would exceed the amount of the underpayment.

Approved for presentation to the County Board by the Finance, Personnel & Insurance Committee this 12th day of February, 2025.

Consent Agenda Item: [] YES [] NO

Fiscal Impact: [] None [] Budgeted Expenditure [] Not Budgeted

Vote Required: Majority = _____ 2/3 Majority = _____ ¾ Majority = _____

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

Offered and passage moved by: Finance, Personnel & Insurance

_____ ☐ Aye ☐ Nay ☐ Abstain ☐ Absent

Lynn Eberl, Chair

_____ ☐ Aye ☐ Nay ☐ Abstain ☐ Absent

Aaron Evert

_____ ☐ Aye ☐ Nay ☐ Abstain ☐ Absent

Brandon Lohr

_____ ☐ Aye ☐ Nay ☐ Abstain ☐ Absent

Terry Spencer

_____ ☐ Aye ☐ Nay ☐ Abstain ☐ Absent

Jacob Roxen

_____ ☐ Aye ☐ Nay ☐ Abstain ☐ Absent

Andrea Lombard

_____ ☐ Aye ☐ Nay ☐ Abstain ☐ Absent

Tim McCumber

_____ ☐ Aye ☐ Nay ☐ Abstain ☐ Absent

Sheila Carver

_____ ☐ Aye ☐ Nay ☐ Abstain ☐ Absent

Gaile Burchill

Fiscal Note: The current labor and material cost to refund or follow up on short payments has far exceeded the \$2.00 limit set. Accounting Office, Treasurer's Office, and Register of Deeds have discussed the actual costs and agree with the labor and material costs for these duties that \$10.00 would be a reasonable rate to set.

MIS Note: None