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### **3.01 PROCUREMENT POLICY**

- (1) **Purpose.** Establish a policy for the procurement of County supplies, services, and construction which complies with current Wisconsin Statutes. (Ord #335 1/26/10, Ord #368-13 8/19/13, Ord #391-17 2/28/17)
- (2) **Delegation of Authority.** The Finance Director in consultation with the County Administrator shall establish and maintain a written Procurement Policy subject to the approval of the Administrative Committee and the County Board of Supervisors. Procurement Policy shall be maintained as an appendix to this ordinance and shall be periodically reviewed and/or updated.
- (3) **Compliance.** The designated Purchasing Agent shall comply with the County Procurement Policy.
- (4) **Budget Funds.** The designated Purchasing Agent shall have authority to procure of supplies, services and construction under the general expenditure section of the approved Department Budget. Approval of the County Administrator shall be obtained prior to procurement of supplies, services and construction which requires a transfer from other sections of the approved department budget to the general expenditures section of the budget to fund the purchase.
- (5) **Non-Budgeted Funds.** The designated Purchasing Agent shall obtain the appropriate level of approval from the County Administrator, Committee of Jurisdiction, Administrative Committee and County Board. (Ord #396-18 1/30/18)

### **3.02 AGREEMENTS**

- (1) **Agreements.** All agreements to which the County is a party shall be submitted to Corporation Counsel for review. Corporation Counsel review shall be completed prior to approval by Committee of Jurisdiction and/or County Board pursuant to Marinette County Ordinance 2.07(5) (d). If for some reason the agreement is not submitted for review by the County Corporation Counsel prior to consideration by the Committee of Jurisdiction and/or County Board, said agreement approval shall be subject to County Corporation Counsel review before execution. All agreements, except those authorized by statute or County Ordinance to be signed by a party other than the County Clerk shall be executed by the County Clerk. All agreements, except timber sale agreements, shall be filed in the County Clerk's Office. (Ord #374-14 5/27/14, Ord #391-17 2/28/17, Ord #396-18 1/30/18 )

### **3.03 DISPOSAL OF COUNTY-OWNED SURPLUS PERSONAL PROPERTY**

- (1) Marinette County owned personal property/equipment that is not utilized as a trade-in may be considered surplus by the entity responsible for surplus equipment. The County Administrator may authorize the disposal of such property by any means determined by the County Administrator to be in the best interest of the County, including but not limited to sale at public auction; sale through an auction service; acceptance of an offer to purchase in response to request for competitive bids or proposals; donation or sale to a county agency, board, commission, department or office; donation or sale to a city,

town, village or school district located within Marinette County; or destruction of the property when appropriate.

- (2) Any county department, city, town, village or school district located within Marinette County may submit a request for surplus equipment. Each request shall be placed on a list maintained by the County Administrator's Office until the request is filled or for a period of one year whichever occurs first. Prior to disposing of surplus equipment the entity responsible for said equipment shall first check the list and make surplus property available to any county department first and the city, town, village or school district second with order of consideration based on when the request was received with the earliest requests considered first. Requestors who fail to follow up in a timely fashion upon receiving written notice the surplus equipment requested is now available will receive no further consideration.
- (3) If disposal is in the form of a sale, all receipts from the sale shall be maintained by the selling department and net profit shall be paid into the county general fund. Excepted are monies derived from the sale of Library, Highway, Forestry, and Land Information Departments or internal service fund equipment, which shall be credit to the respective department revenue account.
- (4) The County entity responsible for disposal of surplus equipment shall maintain a list of such equipment; a record of the date and method of disposal, and the name and address of the person or entity taking possession of the equipment. Such inventory shall be kept as a public record for a period of not less than two (2) years from the date of disposal of the equipment.
- (5) In the event equipment is allocated to a county agency, board, commission, department, or office, the recipient of the surplus equipment shall compensate the department that declared the equipment to be surplus. The County Administrator shall determine the amount of such compensation.
- (6) In the event the surplus equipment is disposed of by any means other than an auction or competitive bid, the selling department shall consult with the County Administrator to determine an appropriate sales price.  
(Ord #262 1/28/03, Ord #282 8/31/04, Ord #344 8/31/10, Ord #364 3/26/13, Ord #419 3/26/19)

### **3.04 USER FEE SCHEDULE**

The Administration department shall prepare a schedule of user fees for all Marinette County departments, to be submitted to the County Board for approval prior to County Board adoption of the budget. The adopted user fee schedule is distributed to all county departments and available for inspection in the County Administrator's office.(Ord #422 5/28/19)

### **3.05 RESERVED**

### **3.06 TAX DELINQUENT PROPERTY**

- (1) **Payments to Districts.** The Marinette County Treasurer shall not pay any taxation district in Marinette County special assessments for special charges that have not been previously paid to or retained by the Marinette County

Treasurer. When such special assessments and/or special charges are collected through in rem foreclosure and subsequent auction or other means, they shall be paid to the appropriate taxation district at the next following August settlement. In the event that such special assessments and special charges are not collectible, Marinette County shall not pay out such special assessments and special charges to the taxation district. (Ord #200 12/15/98)

**(2) In Rem Foreclosure.** Marinette County elects to adopt the provisions of §75.521 Wis. Stats., for the purpose of enforcing tax liens in the cases where the procedure provided by such section is applicable.

**(3) Sale of Tax Delinquent Real Estate.**

(a) Pursuant to §75.35(2)(d) the Infrastructure Committee shall manage and sell properties taken by County through the in rem foreclosure procedure with exception of properties rehabilitated under the revolving rehabilitation fund which shall be managed and sold by Marinette County Industrial development Corporation (MCIDC). The Infrastructure Committee is authorized to engage licensed real estate brokers and salespersons to assist in selling such lands and pay a commission for such service and to advertise such sale in such manner as it deems proper. The Forestry Administrator, subject to committee approval, may establish minimum sale price for these properties.

(b) Pursuant to §75.69, no tax delinquent real estate acquired by a county may be sold unless the sale and appraised value of such real estate has first been advertised by publication of a class 3 notice, under Chapter 985. Marinette County may accept the bid most advantageous to it but every bid less than the appraised value of the property shall be rejected. Marinette County is authorized to sell for an amount equal to or above the appraised value, without readvertising, any land previously advertised for sale. Additionally, no tax delinquent real estate may be sold unless notice of such sale is mailed to the clerk of the municipality in which the real estate is located at least three (3) weeks prior to the time of the sale. Any county may sell tax delinquent real estate by open or closed bid.

(Ord #280 6/29/04, Ord # 433 3/31/2020)

### **3.07 BUDGET POLICY**

The County Administrator shall prepare an annual budget policy to be submitted to the Administrative Committee for review and forwarded to the County Board for approval not later than July 31 of each year. The approved budget policy is available for inspection in the County Administrator's office.

(Ord #336 1/26/10)

### **3.08 COUNTY SALES AND USE TAX**

**(1) Purpose.** This ordinance is enacted under authority of Subchapter V of Chapter 77, Wis. Stats. and the county sales and use tax imposed herein shall be used to reduce the annual property tax levy of Marinette County by paying the annual debt service obligation and shall additionally be used for funding capital outlay and/or economic development and tourism expenditures.

- (2) **Imposition of Tax.** There is hereby imposed a county sales and use tax at the rate of 0.5 percent in the manner and to the extent permitted as set forth in Subchapter V of chapter 77, Wis. Stats., and acts amendatory thereto.
- (3) **Effective Date.** The county sales and use tax established by this ordinance shall become effective the first day of October 2001.
- (4) **Repeal.** This Ordinance is subject to repeal by County Board action by delivery of a certified copy of a repeal ordinance to the Wisconsin Department of Revenue at least sixty (60) days before the effective date of repeal, which for all counties is December 31.
- (5) **Notification.** A certified copy of this ordinance shall be delivered to the Secretary of Revenue of the State of Wisconsin no later than May 31, 2001.
  
- (6) **Sales and Use Tax Account.** The Marinette County Finance Department shall forthwith include in the Marinette County accounting system an account to be known as "County Sales and Use Tax Revenue", and shall reduce the amount of property tax levy, in the manner as specified in this Ordinance paragraph (1) purpose, by all actual and anticipated proceeds of the sales tax herein established beginning with the 2002 budgetary year and that any and all county sales tax receipts collected for the balance of 2001 shall be designated for application to the 2002 property tax levy in the manner as specified in this Ordinance paragraph (1) Purpose.  
(Ord #234 5/22/01, Ord #304 10/31/06, 10/30/07, Ord #322 10/28/08, Ord #330 10/27/09, Ord #346-10 9/29/10, Ord #353-1110/6/11, Ord #362-12 10/30/12, Ord #369-13 10/02/13, Ord #376-14 10/8/14, Ord #380-15 10/8/15, Ord #389-16 9/20/16)

**3.09 CONSTRUCTION AND MAINTENANCE OF STREETS AND HIGHWAYS IN MARINETTE COUNTY**

Pursuant to §83.035 Wis. Stats., Marinette County through the Highway Commissioner is authorized to enter into time and material or fixed price contracts with cities, villages and towns within the county borders to enable the county to construct and maintain streets and highways in such municipalities. Each contract shall include costs of labor, equipment, materials, administrative overhead, and all other miscellaneous expenses that may be appropriate to the project. Upon approval of the contract by the municipality, the total price including all of the foregoing components shall be the maximum cost to the municipality for that project.

**3.10 RESERVED**

**3.11 DOG DAMAGE CLAIMS TO CERTAIN DOMESTIC ANIMALS**

Pursuant to §174.11 Wis. Stats., the maximum amount that may be allowed for a claim for damages by dogs to domestic animals, including loss of fair market value, injury or death shall be limited to one thousand dollars (\$1,000.00) per domestic animal.  
(Ord #231 9/27/00)

### 3.12 GENERAL RELIEF INDIGENT BURIAL EXPENSES

Pursuant to §49.30 Wis. Stats., a General Relief Fund is created effective January 1, 1998 for the sole purpose of payment of indigent burial expenses and for no other purpose. The Marinette County Health and Human Services Department in accordance with rules promulgated by the State of Wisconsin shall administer this General Relief Fund program that will provide for partial state reimbursement of indigent burial expenses.

(Ord #191 1/27/98)

### 3.13 INVESTMENT POLICY

- (1) **Purpose.** To establish a uniform policy of investment.
- (2) **Standard.** Investments shall be made with judgment and care not for speculation, but for investment, considering the probable safety of the capital as well as the probable income to be derived.
- (3) **Objectives.** The primary objectives, in priority order, of Marinette County's investment activities shall be:
  - (a) **SAFETY.** Safety of principal is the foremost objective of the investment program.
  - (b) **LIQUIDITY.** Marinette County's investment portfolio will remain sufficiently liquid to enable Marinette County to meet all operating requirements that might be reasonably anticipated.
  - (c) **RETURN ON INVESTMENTS.** Marinette County's investment portfolio shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with Marinette County's investment risk constraints and the cash flow characteristics of the portfolio.
- (4) **Delegation of Authority.** In accordance with §59.62 Wis. Stats., management responsibility for the investment program is delegated to the Finance Director and County Treasurer. The Finance Director shall establish and maintain a written Investment Policy which shall be approved by the Administrative Committee and the County Board of Supervisors.
- (5) **Ethics and Conflicts of Interest.** Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or that could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the Administrative Committee any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the finances of Marinette County.
- (6) **Authorized and Suitable Investments.** Authorized and suitable investments shall be as set forth in the Investment Policy.
- (7) **Internal Control.** The Finance Director shall establish an annual process of independent review by an external auditor.

- (8) **Reporting.** The Finance Director shall report to the Administrative Committee as set forth in the Investment Policy.
- (9) **Diversification.** Marinette County shall diversity investments as set forth in the Investment Policy

### 3.14 FUND BALANCE POLICY

- (1) **Purpose.** To establish a policy for amount and replenishment of various county fund balance reserves.
- (2) **Delegation of Authority.** The Finance Director shall establish and maintain a written Fund Balance Policy subject to approval of the Administrative Committee and the County Board of Supervisors.  
(Ord #247 1/22/02, Ord #266 8/26/03, Ord #293 10/25/05, Ord #323 11/12/08, Ord #346 10/26/10, Ord #351 7/26/11)

### 3.15 POST-ISSUANCE COMPLIANCE POLICY FOR TAX-EXEMPT TAX-ADVANTAGED OBLIGATIONS AND CONTINUING DISCLOSURE.

- (1) **Purpose.** To establish a policy designed to monitor post-issuance compliance
  - (a) with applicable provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations promulgated thereunder ("Treasury Regulations") for obligations issued by the Issuer on tax-exempt or tax-advantaged basis ("Obligations"); and
  - (b) with applicable requirements set forth in certificates and agreement(s) ("Continuing Disclosure Agreements") providing for ongoing disclosure in connection with the offering of obligations to investors ("Offerings"), for obligations (whether or not tax-exempt / tax-advantaged) subject to the continuing disclosure requirements of Rule 15c2-12(b)(5) (the "Rule") promulgated by the Securities and Exchange Commission ("SEC") under the Securities Exchange Act of 1934.
- (2) **Delegation of Authority.** The Finance Director shall establish and maintain a written Post-Issuance Compliance Policy for Tax-Exempt Tax-Advantaged Obligations and Continuing Disclosure subject to approval of the Administrative Committee and the County Board of Supervisors. (Ord #373-14 4/15/14)

### 3.16 DEBT POLICY

- (1) **Purpose.** To establish a policy setting forth guidelines for financing of capital expenditures and/or economic development expenditures beneficial to Marinette County.
- (2) **Delegation of Authority.** The Finance Director shall establish and maintain a written Debt Policy subject to approval of the Administrative Committee and the County Board of Supervisors. (Ord #378 12/16/14)

### 3.17 GRANTS AND DONATIONS

- (1) **Budgeted Grants/Donations.** Grants/donations may be addressed through the budget process. The grants/donations shall be clearly identified in the department budget which tacitly by budget approval authorizes application for, acceptance and administration of the grant. The department if awarded a

budgeted grant/donation must later receive authority to enter into agreement for any grant/donation requiring agreement. All agreements to which the County is a party shall be submitted to Corporation Counsel for review prior to approval by Committee of Jurisdiction and/or County Board pursuant to Marinette County Ordinance 2.08(5)(d). (Ord #379 5/26/15)

- (2) **Non-budgeted Grants/Donations.** Applications for and acceptance of grants/donations not identified in the budget shall be submitted to the committee of jurisdiction for approval. Application for and acceptance of grants/donations in an amount totaling \$15,000.00 or greater shall be forwarded to the full County Board for approval. Authority to administer grants/donations, including entering into agreements, shall be sought at the same time as application and acceptance. (Ord #379 5/26/15)

### **3.18 ADDITIONAL REVENUE POLICY**

- (1) **No County Contribution Grant/Donation Revenue.** In the event an approved grant/donation program or project generates additional revenue without a required county contribution, the additional revenue may be spent by the receiving department subject to approval of the committee of jurisdiction and in consultation with the County Administrator. (Ord #379 5/26/15, Ord #384 1/26/16)
- (2) **County Contribution Grant/Donation Revenue.** In the event an approved grant/donation program or project requiring additional county contribution generates additional revenue, the additional revenue may be spent by the receiving department subject to approval of the committee of jurisdiction and in consultation with the County Administrator. If the county contribution is appropriated from contingency and is equal to or less than 10% of the budgeted activity only Administrative Committee approval is required. In the event the county contribution from contingency exceeds 10% of the budgeted activity or is appropriated from a fund balance, Administrative Committee and County Board approval are required. (Ord #379 5/26/15, Ord #384 1/26/16)
- (3) **Other Revenue.** In the event revenue is generated by a department from sources other than grants/donations, the additional revenue shall be deposited in the department's revenue and spending of the revenue is subject to approval of the committee of jurisdiction and in consultation with the County Administrator. (Ord #379 5/26/15, Ord #384 1/26/16)

### **3.19 UNIFORM GRANT GUIDANCE POLICIES AND PROCEDURES**

- (1) **Purpose.** To establish policies and procedures related to Federal grants as required under the U.S. Office of Management and Budget's (OMB) Uniform Grant Guidance. These policies and procedures shall apply to all grants received by the County.
- (2) **Delegation of Authority.** The Finance Director in consultation with the County Administrator shall establish and maintain written Uniform Grant Guidance Policies and Procedures subject to approval of the Administrative Committee and County Board of Supervisors. Uniform Grant Guidance

Policy shall be maintained as an appendix to this ordinance and shall be periodically reviewed and/or updated.

- (3) **Compliance.** All County staff accepting or managing grant funds shall comply with the Uniform Grant Guidance Policy.  
(Ord #396-18 1/30/18)

### 3.20 **PROPERTY ASSESSED CLEAN ENERGY FINANCING**

- (1) **Purpose.** The County finds that renovations or additions to premises located in the County made to improve energy efficiency, improve water efficiency, and/or use renewable resource applications, increase property values, stimulate local economic activity, provide local and global environmental benefits, and promote the general welfare of County residents. The purpose of this Section is to facilitate loans arranged by property owners or lessees to make such improvements by treating loan principal and interest, fees, and other charges as special charges eligible for inclusion on the tax roll for these properties.
- (2) **Statutory Authority.** This ordinance is enacted pursuant to Wis. Stat. § 66.0627, as amended, which authorizes a County to make a loan or enter into an agreement regarding loan repayments to a 3rd party for owner-arranged or lessee-arranged financing, to an owner or a lessee of a premises located in the County for making or installing an energy efficiency improvement, a water efficiency improvement or a renewable resource application to a premises.
- (3) **Definitions.** In this section:
- (a) “Annual installment” means the portion of the PACE loan that is due and payable for a particular year under the supplemental agreement.
  - (b) “Borrower” means the property owner or lessee of the subject property that borrows the proceeds of a PACE loan.
  - (c) “Default loan balance” means the outstanding balance, whether or not due, of a PACE loan at the time that the County receives foreclosure proceeds.
  - (d) “Foreclosure proceeds” means the proceeds received by the County from the disposition of a subject property through an *in rem* property tax foreclosure.
  - (e) “Loan amount” means the principal, interest, administrative fees (including the Program Administrator’s fees) and other loan charges to be paid by the borrower under the PACE loan.
  - (f) “PACE” means the acronym for property assessed clean energy.
  - (g) “PACE default provisions” means:
    - (1) The delinquent annual installment(s) due when the County initiates the *in rem* property tax foreclosure on the subject property;
    - (2) Any additional annual installment(s) that become due between the time that the County initiates *in rem* property tax foreclosure on the subject property and the date the County receives the foreclosure proceeds;

(3) Any default interest charges applied to unpaid annual installments referenced in subs. (1.) and (2.) above, as provided in the supplemental agreement; and

(4) Any default loan balance.

(h) "PACE lender" means any person that makes a PACE loan, and which may include an affiliate of the borrower.

(i) "PACE loan" means a loan made by a PACE lender to a borrower under this Section for energy efficiency improvements, water efficiency improvements, or renewable resource applications made to or installed on a subject property.

(j) "Person" means any individual, association, firm, corporation, partnership, limited liability company, trust, joint venture or other legal entity, or a political subdivision as defined in Wis. Stat. § 66.0627.

(k) "Program Administrator" means the person retained by the Wisconsin PACE Commission as provided in subsection (5)(b).

(l) "Subject property" means any premises located in the County on which an energy efficiency improvements, water efficiency improvements, or renewable resource applications are being or have been made and financed through an outstanding PACE loan.

(m) "Supplemental agreement" means a written agreement among a borrower, a PACE lender and the County, as provided for in subsection (7).

(n) "Wisconsin PACE Commission" means the Wisconsin PACE Commission formed under Wis. Stat. § 66.0301, as amended, by the County and one or more other political subdivisions as defined in Wis. Stat. § 66.0627, pursuant to a Joint Exercise of Powers Agreement relating to the Wisconsin PACE Commission.

**(5) Pace Loans as Special Charges; Delinquent Amounts as Liens.** Any PACE loan made and secured pursuant to this Section shall be considered a special charge on the subject property. Any annual installment or portion of a PACE loan made and secured pursuant to the Section that becomes delinquent according to the terms of the PACE loan shall be a lien against the subject property and placed on the tax roll, as permitted pursuant to Wis. Stat. §66.0627 as amended

**(6) Wisconsin Pace Commission.**

a. Any of the powers and duties of the County under this Section, except for those under subsection (9) may (but are not required to) be delegated to the Wisconsin PACE Commission.

b. The Wisconsin PACE Commission is further authorized to retain a Program Administrator to act as its agent and administer the PACE program, subject to adherence with PACE program requirements set forth in this Section and in Wis. Stat. § 66.0627 as amended.

**(7) Loan Approval**

(a) A prospective borrower applying for a PACE loan shall comply with the loan application process set forth in the program manual.

- (b) The County shall be given the option to approve the financing arrangements between a borrower and PACE lender.

**(8) Supplemental Agreement**

- (a) The County, the borrower and the PACE lender shall execute the supplemental agreement which, without limitation:
    - (1) Shall inform the participants that the PACE loan amount shall be imposed as and considered a special charge, and each year's annual installment may be included on the property tax roll of the subject property as a special charge and an annual installment that is delinquent shall be a lien against the subject property pursuant to Wis. Stat. § 66.0627, as amended;
    - (2) Shall recite the amount and the term of the PACE loan;
    - (3) Shall provide for the amount, or a method for determining the amount, of the annual installment due each year;
    - (4) Shall provide whether default interest may be applied to unpaid annual installments;
    - (5) Shall require the PACE lender and the borrower to comply with all federal, state and local lending and disclosure requirements;
    - (6) Shall provide for any fees payable to the County and/or Program Administrator;
    - (7) Shall recite that the supplemental agreement is a covenant that runs with the land;
    - (8) May provide for prepayments of annual installments by the borrower with a resulting reduction in the special charge for the prepayment, subject to any prepayment premium charged by the PACE lender, if any; and
    - (9) May allow for amendment by the parties.
  - (b) Prior to executing the supplemental agreement, the owner of the subject property, if different from the borrower, and any existing mortgage holder(s) on the subject property must have executed a separate writing acknowledging the borrower's use of PACE financing for the subject property and the special charge that will be imposed under this Section and its consequences, including the remedies for collecting the special charge.
  - (c) Each PACE loan shall be amortized over the term of the PACE loan as provided in the supplemental agreement.
  - (d) The annual payments of a PACE loan may be payable in installments as authorized by Wis. Stat. § 66.0627, as amended.
- (8) Annual Installments Added to Tax Rolls.** Upon the request of the Program Administrator the County shall place each year's annual installment on the tax roll for the subject property as permitted pursuant to Wis. Stat. § 66.0627, as amended.
- (9) Remittance of Special Charges.** The County shall promptly remit to the Wisconsin PACE Commission any payment(s) for a special charge imposed under this Section, including penalties and charges thereon, it may receive from any taxing district or the County treasurer pursuant to Wis. Stat. Ch. 74, as amended.

**(10) Property Tax Foreclosure Procedures.**

- (a) The County elects to utilize the provisions of Wis. Stat. § 75.521, as amended, for the purpose of enforcing tax liens if a subject property owner fails to pay any special charges imposed on the subject property under this Section as required.
- (b) The County shall begin an in rem property tax foreclosure proceeding on the subject property at the earliest time allowed under Wisconsin Statutes, unless the County determines that subject property is a “brownfield” (as defined in Wis. Stat. § 75.106, as amended) or that in rem property tax foreclosure is not in the best interests of the County due to the condition of the property or for other reasons.
- (c) If the County has determined that it will not commence an in rem property tax foreclosure proceeding, then the PACE lender may request that the County, pursuant to Wis. Stat. § 75.106, as amended, assign the County’s right to take judgment against the subject property, provided that the PACE lender and the County fully comply with all provisions of Wis. Stat. § 75.106, as amended, concerning the subject property and the PACE lender agrees to pay the amounts required by Wis. Stat. § 75.36(3)(a)1 and 1m, as amended.

**(11) Sale of Foreclosed Property.** If the County prevails in an in rem property tax foreclosure action against a subject property, the County shall diligently proceed to sell the subject property pursuant to the procedures set forth in Wis. Stat. § 75.69, as amended.

**(12) Distribution of Foreclosure Proceeds.** The County treasurer shall follow the procedures set forth in Wis. Stat. § 75.36, as amended, to distribute the proceeds from the sale of a subject property.

(Ord #418-19 2/26/19)