

ENROLLED ORDINANCE 178-111

AMEND THE TEXT OF CHAPTER 18 OF THE WAUKESHA COUNTY CODE OF ORDINANCES REGARDING THE ADMINISTRATIVE REVIEW PROCESS

WHEREAS, pursuant to Wisconsin Statute Section 68.16, Waukesha County has elected not to be governed by the municipal administrative review procedure set forth in Wisconsin Statutes Chapter 68; and

WHEREAS, Waukesha County provides procedures for the administrative review of County authority determinations under Article IV, Chapter 18 of the Waukesha County Code of Ordinances (hereinafter the "Waukesha County Code"); and

WHEREAS, the purpose of the administrative review procedures set forth in Article IV, Chapter 18 of the Waukesha County Code is to provide review procedures where none are otherwise expressly provided for under the Waukesha County Code, Wisconsin State Statutes or common law; and

WHEREAS, Article IV, Section 18-153 of the Waukesha County Code sets forth matters that are not subject to the administrative review procedures of the Waukesha County Code. However, revisions are necessary to clarify that any matters that are subject to judicial review procedures under any other County ordinance or resolution, state statute, or common law certiorari review are not subject to the administrative review procedures under Article IV, Chapter 18; and

WHEREAS, it is desirable to amend Article IV, Section 18-154(d) of the Waukesha County Code to permit the fact-finding hearing to be held at a later date if mutually agreed to by the aggrieved person and the county authority; and

WHEREAS, Article IV, Section 18-156 provides for judicial review of any decision of the executive committee, but the type of review available and timing of the request should be clarified to avoid ambiguity.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Article IV, Section 18-153, Subsection 3 of the Waukesha County Code of Ordinances is hereby repealed and recreated to read as follows:

3. Any action subject to administrative or judicial review procedures under Wisconsin Law, excepting Chapter 68 of the Wisconsin Statutes;

BE IT FURTHER ORDAINED that Article IV, Section 18-153, Subsection 8 of the Waukesha County Code of Ordinances is hereby repealed and recreated to read as follows:

8. Any action subject to administrative or judicial review procedures prescribed by any other county ordinance or resolution;

BE IT FURTHER ORDAINED that Article IV, Section 18-154, Subsection (d) of the Waukesha County Code of Ordinances is hereby repealed and recreated to read as follows:

(d) Upon receipt of the request for administrative review, the executive committee shall schedule a fact-finding hearing within thirty (30) days of the receipt of the request unless the thirty-day period is enlarged by mutual agreement of the aggrieved person and the county authority. A notice of the hearing date and time shall be served, by first class mail, upon the aggrieved person, at least ten (10) days prior to the scheduled hearing date.

BE IT FURTHER ORDAINED that Article IV, Section 18-156 of the Waukesha County Code of Ordinances is hereby repealed and recreated to read as follows:

Section 18-156 Judicial review.

The aggrieved person may seek judicial review of the final determination of the executive committee by certiorari within 30 days of receipt of the final determination. The court may affirm or reverse the final determination, or remand to the executive committee for further proceedings consistent with the court's determination.

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REGARDING THE ADMINISTRATIVE REVIEW PROCESS

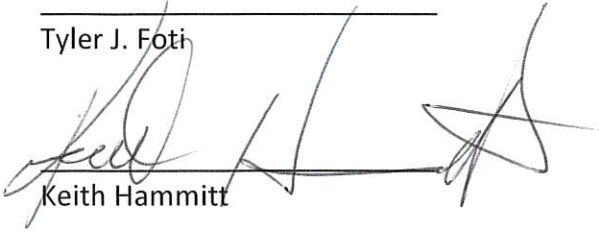
Presented by:
Executive Committee



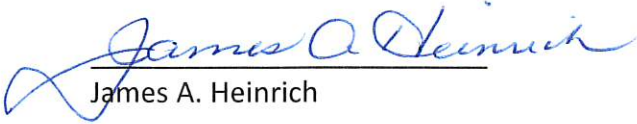
Paul L. Decker, Chair

Absent

Tyler J. Foti



Keith Hammitt



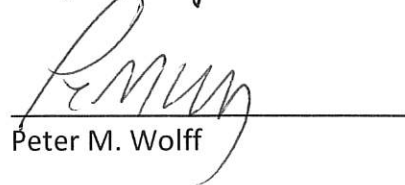
James A. Heinrich



Jacob LaFontain



Larry Nelson



Peter M. Wolff

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 4/12/2024, Margaret Wartman
Margaret Wartman, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X

Vetoed: _____

Date: 4/12/2024, Paul Farrow
Paul Farrow, County Executive

VOTE RESULTS >

22 YES **0** NO **0** ABSTAIN **3** ABSENT

Ordinance 178-O-111

Ordinance 178-O-111: Amend the Text of Chapter 18 of the Waukesha County Code of Ordinances Regarding

 **Passed By Majority Vote**

D1 - Foti	ABSENT	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Weil	AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Morris	ABSENT	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Decker	AYE	D22 - Szpara	AYE
D5 - Grant	AYE	D14 - Mommaerts	AYE	D23 - Hammitt	M AYE
D6 - Walz	ABSENT	D15 - Kolb	AYE	D24 - Bangs	AYE
D7 - LaFontain	S AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	AYE	D17 - Meier	AYE		
D9 - Heinrich	AYE	D18 - Nelson	AYE		