

Chapter 2 ADMINISTRATION*

***Cross references:** The issuance of corporate bonds and notes of the city of whatever name or description saved from repeal, § 1-10(1); rights, licenses or franchises or the creation of any contract with the city saved from repeal, § 1-10(4); the letting of contracts without bid saved from repeal, § 1-10(8); budget ordinances, resolutions and actions saved from repeal, § 1-10(14); administration and enforcement of building regulations, § 14-36 et seq.; cemetery commission, § 22-31 et seq.; civil emergencies, ch. 30; administration and enforcement of health regulations, § 42-31 et seq.; law enforcement, ch. 46; protection of persons and property committee, § 46-56 et seq.; library, ch. 50; library board, § 50-31 et seq.; parks and recreation commission, § 62-36 et seq.; planning, ch. 66; plan commission, § 66-31 et seq.; board of public works, § 82-1; taxation, ch. 90; board of review, § 90-31 et seq.; administration and enforcement of traffic regulations, § 94-36 et seq.; utilities, ch. 98; board of public works, § 98-31 et seq.; water utility commission, § 98-96 et seq.; administration and enforcement of sewer utilities, § 98-211 et seq.; sewerage utility commission, § 98-266 et seq.; tree board, § 102-91 et seq.

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ARTICLE I. IN GENERAL

Sec. 2-1. Form of government.

The city shall be organized and governed under the provisions of Wis. Stats. ch. 62, known as mayor-alderperson plan.

(Code 1983, § 1.01(1))

Secs. 2-2--2-30. Reserved.

ARTICLE II. MAYOR AND COUNCIL*

***Cross references:** Establishment of council districts, council district boundaries, and election precincts saved from repeal, § 1-10(9); elections, ch. 26; civil emergencies, ch. 30.

DIVISION 1. GENERALLY

Sec. 2-31. City council.

The mayor and councilmembers shall constitute the city council.

(Code 1983, § 2.01(1))

Sec. 2-32. Election, qualifications of councilmembers.

The council shall be the judge of the election and qualification of its members, may compel their attendance, and may fine or expel for neglect of duty.

(Code 1983, § 2.01(4))

Sec. 2-33. Requirements for confirmation.

A majority of all the councilmembers shall be necessary to a confirmation. In case of a tie, the mayor shall have a casting vote as in other cases.

(Code 1983, § 2.01(5))

Secs. 2-34--2-50. Reserved.

DIVISION 2. MAYOR

Sec. 2-51. Duties.

The mayor shall be the chief executive officer of the city. He shall be responsible for the enforcement of all city ordinances and state laws and shall see that officers and

employees discharge their duties. He shall have such other duties and responsibilities as prescribed in Wis. Stats. § 62.09(8).

(Code 1983, § 1.10(2))

Sec. 2-52. Voting powers.

- (a) The mayor shall not be counted in determining whether a quorum is present at a meeting but may vote in case of a tie.
- (b) When the mayor votes in case of a tie, his vote shall be counted in determining whether a sufficient number of the council has voted favorably or unfavorably on any measure.

(Code 1983, § 2.01(2), (3))

Secs. 2-53--2-65. Reserved.

DIVISION 3. COUNCIL MEETINGS

Sec. 2-66. Regular meetings.

- (a) The regular meeting of the city council shall be held at the council chambers of the city hall on the fourth Monday of each month at 7:00 pm.; except when the day for holding any regular meeting shall be a legal holiday, the regular meeting shall be held at the same time and place on the following day.
- (b) Following a regular city election, the new council shall first meet on the third Tuesday of April in each election year.

(Code 1983, § 2.02(1); Ord. No. ORO2-04, § I, 4-22-2002)

Sec. 2-67. Special meetings.

- (a) Special meetings of the city council may be called by the mayor (or in his absence by the president of the council) at such time as he may appoint, by written notice of the purpose and time of the meeting to each member delivered to him personally or left at his usual place of abode, at least six hours before the meeting.
- (b) The purpose of a special meeting shall be designated in the notice; no business shall be transacted at the special meeting except for the purpose stated in the notice.
- (c) Special meetings may be held upon notice and when a quorum is present.

(Code 1983, § 2.02(2))

Sec. 2-68. Adjournments.

Any regular or special meeting may be adjourned by a majority of the members present, but no adjournment shall be made to a time later than the next regular meeting.

(Code 1983, § 2.02(3))

Sec. 2-69. Meeting shall be public.

All meetings of the council shall be open and public as provided in Wis. Stats. § 19.81 et seq., and its proceedings shall be recorded by the city clerk/treasurer as allowed by state law.

(Code 1983, § 2.02(4))

Sec. 2-70. President of council; acting mayor.

The council at its organization meeting shall after organization choose from its members a president, who, in the absence of the mayor, shall preside at meetings of the council, and during the absence or inability of the mayor shall have the power and duties of the mayor; except he shall not have power to approve an act of the council the mayor has disapproved by filing objections with the clerk/treasurer. He shall when so officiating be styled acting mayor.

(Code 1983, § 2.03)

Sec. 2-71. Call to order.

The mayor or president of the council (as the case may be) shall promptly call each meeting of the council to order at the hour fixed for the holding of such meeting. In the absence of the mayor and president, the city clerk/treasurer shall call the meeting to order and the councilmembers present shall elect one of their number president pro tem.

(Code 1983, § 2.02(5))

Sec. 2-72. Roll call and quorum.

Before proceeding to business, the roll of the members of the council shall be called alphabetically, and the names of those present and those absent shall be recorded in the proceedings of the council. Five members or more shall constitute a quorum for transaction of business; but a lesser number may adjourn and may compel the attendance of absent members. The mayor shall not be counted in determining whether a quorum is present.

(Code 1983, § 2.02(6))

Sec. 2-73. Attendance; leave of absence.

No member of the council, the city clerk/treasurer, the chief of police or police officer whose duty it is to attend shall absent himself from the meetings of the council, unless for illness or other good cause, without first having obtained leave of absence from the presiding officer or their designee.

(Code 1983, § 2.02(7))

Sec. 2-74. Disturbance; how suppressed.

- (a) Whenever any disturbance or disorderly conduct occurs in the council chambers or rooms or halls adjacent to the chambers, the mayor or other presiding officer, with the aid of the chief of police, or other police officer in attendance, may cause the chambers to be cleared of all persons except members and officers of the council.
- (b) The council may punish by fine members or other persons present for disorderly behavior.

(Code 1983, § 2.02(8))

Sec. 2-75. Presiding officer; duties.

The mayor, president of the council or the presiding officer shall:

- (1) Open the session at the time fixed for the meeting, or at the time to which adjournment may be had, by taking the chair and calling the members to order.
- (2) Announce, at the conclusion of the roll call, the fact of the presence of a quorum, or not, as the case may be.
- (3) Announce the business before the council in the order in which it is to be acted upon.
- (4) Receive and submit, in proper manner, all motions and propositions presented by members.
- (5) Put to vote the questions that are regularly moved or that necessarily arise in the course of the proceedings, and announce the result.
- (6) Restrain the members while engaged in debate within the rules of order.
- (7) Enforce on all occasions the observance of order and decorum among the members.
- (8) Inform the council when necessary, or when referred to for that purpose, on any point of order or practice.
- (9) Authenticate, by his signature, when necessary, all ordinances, resolutions, orders and proceedings of the meetings of the council over which he presides.
- (10) Preserve order and decorum; speak to points of order in preference to others, rising from his seat for that purpose; and decide questions of order, subject to an appeal by any member.
- (11) Call a member to the chair, but such substitution shall not extend beyond an adjournment.

(Code 1983, § 2.04(1))

Sec. 2-76. Temporary absence of presiding officer.

In the temporary absence of the mayor and president of the council, one of its members shall be elected to preside temporarily until the return of the mayor or president.

(Code 1983, § 2.04(2))

Secs. 2-77--2-90. Reserved.

DIVISION 4. ORDER OF BUSINESS, RULES OF PROCEDURE

Sec. 2-91. Order of business.

The business of the council shall be conducted in the following order, unless temporarily suspended by unanimous vote:

- (1) Call to order by presiding officer.
- (2) Announcements.
- (3) Roll call.
- (4) Approval of agenda.
- (5) Reading, correction and approval of minutes of the previous meeting.
- (6) Public appearances.
 - a. Guests.
 - b. Citizen input.
- (7) Reports of officers and department heads.
- (8) Committee reports.
 - a. Boards.
 - b. Commissions.
- (9) Old business.
- (10) New business, including introduction of ordinances and resolutions.
- (11) Communications and miscellaneous business.
 - a. City clerk/treasurer.
 - b. City administrator.
 - c. Mayor.
 - d. Any other.
 - e. Press time.
- (12) Adjournment.

(Code 1983, § 2.06(10))

Sec. 2-92. Rules of procedure.

- (a) *Introduction of ordinances, resolutions, etc.*
 - (1) All ordinances, resolutions or communications shall be in writing and have endorsed thereon the name of the person presenting the same, and shall be delivered to the clerk/treasurer to be read to the council.
 - (2) The style of all ordinances shall be: "The City Council of the City of Brillion does ordain as follows."
- (b) *Reference and reading of ordinances.* All general ordinances and every ordinance, resolution, committee recommendation or other matter appropriating moneys of the city shall be referred to a committee and shall receive two readings before the council. The first reading at its introduction may be by title only; and the second reading, after the report of a committee, shall be at length.
- (c) *Reports of committees.*
 - (1) The committee to which any matter is referred shall report its recommendation on the matter in writing, at the first regular meeting after such reference, unless there is no objection by the council to further time being taken. Action on the report of a committee shall be deferred until the next regular meeting by the request of three councilmembers present. Committee reports shall be oral except when ordered by the mayor that they be in writing.
 - (2) Members dissenting from a report of a committee shall be so reported when they request it.
- (d) *Roll call vote.*
 - (1) On all ordinances and resolutions, on any confirmation, and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the city or any of its funds, the vote shall be by ayes and nays.
 - (2) On all other questions, it shall be in order for a member to call for the ayes and nays.
 - (3) All roll call votes shall be duly recorded in the minutes of the meeting.
- (e) *Members who shall vote.* Every member, when a question is put, shall vote unless the presiding officer shall, for special cause, excuse him; but it shall not be in order for a member to be excused after the council has commenced voting.
- (f) *Veto by mayor.* All acts subject to the veto power of the mayor shall be submitted to him by the clerk/treasurer and shall be in force upon his approval evidenced by his signature, or upon his failing to approve or disapprove within five days, which fact shall be certified on the act by the clerk/treasurer. If the mayor disapproves, he shall file his objections with the clerk/treasurer, who shall present them to the council at its next meeting. A two-thirds vote of all members of the council shall then make the act effective notwithstanding the objections of the mayor.

- (g) *Publication of proceedings.*
- (1) The proceedings of the council shall be published in the official city newspaper in such manner as the council may direct.
 - (2) All ordinances shall be published in the official city newspaper within 15 days of passage and shall take effect on the day after publication or at a later date if expressly prescribed.
 - (3) All ordinances and resolutions adopted shall be signed by the mayor and countersigned by the clerk/treasurer.
 - (4) The city Code of Ordinances shall be kept currently to date; and upon passage of any ordinance, the clerk/treasurer shall provide for incorporation of the same into the Code.
- (h) *Recognition for debate.*
- (1) When a member is to speak in debate, or deliver any matter to the council, he shall respectfully address himself to the presiding officer and confine his remarks to the question under debate, and avoid personalities.
 - (2) When two or more members address the presiding officer at the same time, the presiding officer shall name the member who is to speak first.
- (i) *Motions.* No motion shall be discussed or acted upon until it has been seconded, nor shall any motion be withdrawn without the consent of the person making the same and the person seconding it.
- (j) *Precedence of motions.* When a question is under consideration, no motion shall be entertained except:
- (1) To adjourn.
 - (2) To lay on the table.
 - (3) For the previous question.
 - (4) To postpone to a certain day or time.
 - (5) To commit to a standing or special committee.
 - (6) To amend or to substitute.
 - (7) To postpone indefinitely.

These several motions shall take precedence in their order as they stand in this section.

- (k) *Motions decided without debate.* A motion to adjourn, to lay on the table, and for the previous question shall be decided without debate.
- (l) *Moving the previous question.* Any member wishing to terminate the debate may call the previous question. The question to be announced by the presiding officer shall be: "Shall the main question now be put?" Such motion shall be decided without debate. If a majority of the members present vote in the affirmative, the main question shall be taken without further debate; and its effect shall be to put an end to all debate and

bring the council to a direct vote, first upon a pending amendment, if any, and then upon the main question.

- (m) *Division of question.* Any member may call for a division of the question when the same can be separated into two or more distinct propositions.
- (n) *Motion for reconsideration.* Any member who voted in the majority on any question that was adopted may move reconsideration of such vote, at the same or next succeeding regular meeting of the council. A motion to reconsider having been lost shall not be again in order.
- (o) *Suspension of rules.* Any of the rules outlined in this section may be suspended upon any pending measure by a two-thirds vote of the councilmembers present. These rules shall govern the council until altered or repealed.
- (p) *Amendment of rules.* The rules outlined in this section may be temporarily suspended in connection with any matter under consideration by a two-thirds vote of the members present.
- (q) *Robert's Rules of Order.* The deliberations of the council shall be conducted in accordance with the parliamentary rules contained in Robert's Rules of Order, latest edition, which is incorporated in this section by reference.

(Code 1983, § 2.08)

Secs. 2-93--2-110. Reserved.

DIVISION 5. COMMITTEES

Subdivision I. In General

Sec. 2-111. Council committees.

The following standing committees of the council shall consist of four members each with one of their members designated as chairman, who shall be appointed by the mayor, subject to confirmation by the council, on the third Tuesday of April after each municipal election:

- (1) Committee on city affairs and public welfare.
- (2) Committee on finance and purchasing.
- (3) Committee on protection of persons and property.
- (4) Personnel committee.

(Code 1983, § 2.07; Ord. No. O-87-1, § 1, 4-27-1987)

Secs. 2-112--2-125. Reserved.

Subdivision II. Personnel Committee

Sec. 2-126. Membership; duties.

- (a) The committee shall consist of four voting members appointed by the mayor and confirmed by the council, and any other non-voting advisors therein recommended and so appointed and affirmed. Any council member not named to a committee may serve as an alternate.
- (b) In addition to duties assigned elsewhere, the personnel committee shall have charge of all matters arising under Wis. Stats. ch. 111, and shall be responsible for the direction of all personnel matters involving employees of the city.

(Code 1983, § 1.80)

Sec. 2-127. Election; certification; decertification; factfinding and mediation.

The personnel committee shall direct the conduct on behalf of the city of all proceedings involving the state employment relations commission relative to the election, certification and decertification of collective bargaining units, including proceedings for the determination of the number of employees, type of bargaining unit and eligibility of employees in the classified service, to participate in such elections and relative to factfinding proceedings and mediation; and shall also direct all the proceedings before courts or other governmental agencies involving personnel matters.

(Code 1983, § 1.81)

Sec. 2-128. Collective bargaining.

- (a) *Generally.* Collective bargaining with certified bargaining units shall be carried on by the personnel committee or its designee, which shall adopt, and thereafter may amend, rules and procedures governing the conduct of such bargaining (not in conflict with any other existing ordinances of the city). Department heads and supervisory personnel shall not distribute to any city employees any written communication bearing upon the subject matter or program of such collective bargaining or other employment relations matters unless such communications shall have the prior approval of the city attorney or labor negotiator designated by the city council.
- (b) *Agreement.* The agreements reached at the conclusion of such collective bargaining shall be reduced to writing by the committee and submitted in the form of a proposed ordinance or resolution to the city council for its approval or rejection.
- (c) *Enforcement.* The city attorney and/or labor negotiator may institute legal proceedings to prevent employees from continuing to engage in practices prohibited by or in violation of Wis. Stats. ch. 111, and enforce any ordinance or resolution by the council relative to agreements reached at the conclusion of collective bargaining procedures as provided for in subsections (a) and (b) of this section.
- (d) *Public hearing.* Recognized city employee organizations shall submit their requests to the council, which shall refer these matters to the personnel committee. The personnel committee may then conduct a public hearing on the requests, and all interested

persons may appear and state their views on the requests.

- (e) *Employees excluded from recognized bargaining units.* The personnel committee shall annually review the wages, hours and conditions of employment of all employees not represented by recognized city employee organizations and submit their recommendations to the council each year for the following year.

(Code 1983, §§ 1.82--1.86)

Secs. 2-129--2-145. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES*

***Cross references:** Fixing of salaries and expenses of public officials and employees saved from repeal, § 1-10(3); department of building inspection, § 14-71 et seq.; director for civil emergencies, § 30-31 et seq.; fire department, § 34-32 et seq.; city physician/health officer, § 42-76 et seq.; police department, § 46-31 et seq.; city forester, § 102-121 et seq.

State law references: Officers enumerated, Wis. Stats. § 62.09; payment of expenses and judgments regarding municipal officers in their official capacity generally, Wis. Stats. §§ 895.35, 895.42.

DIVISION 1. GENERALLY

Sec. 2-146. Eligibility.

No person shall be elected by the people to a city office who is not at the time of his election at least 18 years of age, a citizen of the United States and of the state and an elector of the city, and, if a district office, of the district and actually residing in the district.

(Code 1983, § 1.02(2))

Sec. 2-147. Oath.

Every person elected or appointed to an office shall take and file his oath of office with the city clerk/treasurer within ten days after notice of his election or appointment.

(Code 1983, § 1.05(1))

Sec. 2-148. Eligibility.

Every appointed official, unless otherwise provided, shall be a qualified elector of the city.

(Code 1983, § 1.03(3))

Sec. 2-149. Official bonds.

Such officials and officers as state statutes or the common council may direct shall execute and file an official bond in such sum as the council may determine, with two or more sureties, or such bond furnished by a surety company as provided in Wis. Stats. § 632.14 et seq. The council may at any time require new and additional bonds of any officer. All official bonds shall be filed within ten days after the officer executing the same is notified of his election or appointment. Official bonds filed with the city clerk/treasurer shall be recorded in a book kept for that purpose.

(Code 1983, § 1.05(2))

Sec. 2-150. Letter of appointment.

When an appointive officer has filed the oath and bond if required, the clerk/treasurer shall issue to him a letter of appointment. If the appointment is to a board or commission, the appointee shall file the letter with the secretary of the board or commission.

(Code 1983, § 1.05(4))

Sec. 2-151. Appointment by mayor; confirmation by council.

- (a) *Appointment.* All officials not elected and others necessary for the proper management of the city, unless otherwise provided, shall be appointed by the mayor, subject to confirmation by the common council at a subsequent meeting of the common council following appointment.
- (b) *Confirmation.*
 - (1) A majority of all members of the council shall be necessary to an appointment made by the common council or to a confirmation of an appointment made by the mayor.
 - (2) An appointee by the mayor requiring confirmation by the common council who shall be rejected by the council shall be ineligible for appointment to the same office for one year thereafter.
 - (3) The city officers elected or appointed by the council shall be elected or appointed at the meeting of the new common council held on the third Tuesday of April following a regular city election unless otherwise specifically provided.

(Code 1983, § 1.03(2)(a)--(c), (j))

Sec. 2-152. Term of appointed officials.

All appointive officials, unless otherwise specifically provided, shall be appointed for the statutory term, subject to removal at the pleasure of the common council.

(Code 1983, § 1.04(3)(e))

Secs. 2-153--2-165. Reserved.

DIVISION 2. CITY ADMINISTRATOR

Sec. 2-166. Office created.

In order to provide the city with a more efficient, effective and responsible government under a system of a part-time mayor and part-time common council at a time when city government is becoming increasingly complex, there is created the office of city administrator.

(Ord. No. OR95-03, § 1(1), 8-14-1995)

Sec. 2-167. Appointment, term of office, removal.

The administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the common council. The administrator shall hold office for an indefinite term subject to removal at any time through the procedures in Wis. Stats. § 17.12. This section, however, shall not preclude the common council from establishing other employment terms and conditions not inconsistent with the provisions of this Code.

(Ord. No. OR95-03, § 1(2), 8-14-1995)

Sec. 2-168. Residency.

The administrator shall become a resident of the city within one year following the date of appointment unless this requirement is specifically waived or varied by ordinance or by contract authorized by the common council, and entered into with the administrator, covering the terms and conditions of residency.

(Ord. No. OR95-03, § 1(3), 8-14-1995)

Sec. 2-169. Functions and duties.

The administrator, subject to the limitations defined in resolutions and ordinances of the city and state statutes shall be the chief administrative officer of the city, responsible only to the mayor and the common council for the proper administration of the business affairs of the city, pursuant to statute, the ordinances of the city, and the resolutions, board motions and directives of the common council, with powers and duties as follows:

- (1) *General duties.*
 - a. Carry out directives of the mayor and common council that require administrative implementation, reporting promptly to the mayor and common council any difficulties encountered.
 - b. Be responsible for the administration of all day-to-day operations of the city government, including the monitoring of all city ordinances, resolutions, common council meeting minutes, and state statutes.

- c. Prepare a plan of administration, including an organization chart, which defines authority and responsibility for all nonstatutory positions of the city and submit it to the common council for adoption as the official organization and administrative procedure plan for the city.
- d. Establish when necessary, administrative procedures to increase the effectiveness and efficiency of city government according to current practices in local government, not inconsistent with subsection c. or directives of the mayor and common council.
- e. Serve as ex officio, nonvoting member of all boards, commissions and committees of the city, except as specified by the common council or state statute.
- f. Keep informed concerning current federal, state and county legislation and administrative rules affecting the city and submit appropriate reports and recommendations to the common council.
- g. Keep informed concerning the availability of federal, state and county funds for local programs; assist department heads and the common council in obtaining these funds under the direction of the mayor and the common council.
- h. Represent the city in matters involving legislative and intergovernmental affairs as authorized and directed as to that representation by the mayor and common council.
- i. Act as public information officer for the city with the responsibility of assuring that the news media are kept informed about the operations of the city and that all open meeting rules and regulations are followed.
- j. Establish and maintain procedures to facilitate communications between citizens and city government to assure that complaints, grievances, recommendations and other matters receive prompt attention by the responsible official, and to assure that all such matters are expeditiously resolved.
- k. Promote the economic well-being and growth of the city through public and private sector cooperation, and serve as marketing director.
- l. Coordinate with the private agent and the utility commission in the administration of the water and sewer utilities.

(2) *Responsibilities of the common council.*

- a. Attend all meetings of the common council, unless excused by the mayor or majority vote of the common council, assisting the mayor and the common council as required in the performance of their duties.
- b. In coordination with the mayor, the common council, and the city clerk/treasurer, ensure that appropriate agendas are prepared to all meetings of the common council, all common council committees, and all other appropriate committees and commissions of the city, together with

such supporting material as may be required; with nothing in this subsection being construed as to give the administrator authority to limit or in any way prevent matters from being considered by the common council, or any of its committees and commissions.

- c. Assist in the preparation of ordinances and resolutions as requested by the mayor or the common council, or as needed.
- d. Keep the mayor and common council regularly informed about the activities of the administrator's office by oral or written report at regular and special meetings of the common council.
- e. If action normally requiring common council approval is necessary at a time when the common council cannot meet, receive directives from the mayor.

(3) *Personnel.*

- a. Be responsible for the administrative direction and coordination of all employees of the city according to the established organization procedures.
- b. Recommend to the common council the appointment, promotion and, when necessary for the good of the city, the suspension or termination of department heads.
- c. In consultation with the appropriate department head, be responsible for the appointment, promotion and, when necessary for the good of the city, the suspension or termination of employees below the department head level.
- d. Serve as personnel officer for the city with responsibilities to see that complete and current personnel records, including specific job descriptions, for all city employees are kept; evaluate in conjunction with department heads the performance of all employees on a regular basis; recommend salary and wage scales for city employees not covered by collective bargaining agreements; develop and enforce high standards of performance by city employees; assure that city employees have proper working conditions; work closely with department heads to promptly resolve personnel problems or grievances.
- e. Assist in labor contract negotiations and collective bargaining issues.
- f. Work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training schools, etc., provided that funds have been budgeted for these activities.

(4) *Budgeting and purchasing.*

- a. Be responsible for preparation, posting and publishing, including all

official notices required, of the annual city budget and city budget proceedings, in accordance with guidelines as may be provided by the common council and in coordination with department heads, and pursuant to statute, for review and approval by the mayor and the common council.

- b. Administer the budgets as adopted by the common council and utility commission.
- c. Report regularly to the common council on the current fiscal position of the city.
- d. Supervise the accounting system of the city and ensure that the system employs methods in accordance with current professional accounting practices.
- e. Serve as the purchasing agent for the city, supervising all purchasing and contracting for supplies and services, subject to the purchasing procedures established by the common council and any limitation contained in the statute.

(Ord. No. OR95-03, § 1(4), 8-14-1995)

Sec. 2-170. Cooperation.

All officials and employees of the city shall cooperate with and assist the administrator so that the city government shall function effectively and efficiently.

(Ord. No. OR95-03, § 1(5), 8-14-1995)

Secs. 2-171--2-185. Reserved.

DIVISION 3. CITY CLERK/TREASURER*

***State law references:** Treasurer and clerk generally, Wis. Stats. § 62.09(9), (11).

Sec. 2-186. Appointment; offices combined; term.

- (a) The city clerk/treasurer shall be responsible for the duties of the city clerk/treasurer as defined by the Wis. Stats. §§ 62.09 and 66.01. The city clerk/treasurer shall be responsible for the supervision of city office and clerical support staff.
- (b) The city, pursuant to Wis. Stats. §§ 62.09 and 66.01, hereby elects not to be governed by those portions of Wis. Stats. ch. 62 which are in conflict with this section.
- (c) The offices of city clerk and city treasurer are hereby consolidated, and the duties of both offices shall be performed by the person appointed as city clerk/treasurer. The city clerk/treasurer position shall be filled by appointment pursuant to subsection (c) of this

section.

- (d) The city clerk/treasurer shall be appointed in even-numbered years by the mayor subject to confirmation by the common council. The city clerk/treasurer shall hold office for a two-year term, subject to removal as provided by law.

(Code 1983, § 1.04(3)(a); Ord. No. O-89-5, § 2, 9-11-1989; Ord. No. OR98-23, § 1, 10-26-1998)

Sec. 2-187. Duties.

The city clerk/treasurer shall be responsible for performing those duties required by Wis. Stats. § 62.09(9) and (11) and for the following additional duties; these are not to be construed as exclusive or all-inclusive and other duties may be required and assigned:

- (1) Administer all elections and activities related to elections and be responsible for training of election inspectors.
- (2) Publish all legal notices unless otherwise provided; file and preserve all contracts, bonds, oaths of office and other documents not required to be filed elsewhere.
- (3) Issue all licenses required by ordinance or statute, except as otherwise provided.
- (4) Prepare the tax roll and tax notices required by the state.
- (5) Attend meetings, take minutes and maintain files for the common council, and such other official boards and commissions as may be directed.
- (6) Maintain a file of all city records, ordinances, resolutions and vouchers.
- (7) Type and distribute reports for the council and for federal and state agencies.
- (8) Audit and obtain approval on claims charged against the city.
- (9) Prepare financial and bank statements.
- (10) Assist the city assessor in maintaining property assessment records.
- (11) Maintain fiscal records for the city.
- (12) Supervise the city office and clerical support staff.
- (13) Make reports to the state on assessments.
- (14) Perform recordkeeping, billing, collections, banking, investments accounting and financial reporting of all city operations, including utilities.
- (15) Develop and implement internal control and financial reporting procedures as necessary or as requested.
- (16) Collect all taxes for the city and other taxing bodies.
- (17) Invest idle funds per the city investment policy.
- (18) Prepare monthly financial report.

- (19) Maintain payroll records and prepare payroll checks from approved employee time sheets.
- (20) Prepare check vouchers for payment of approved claims for signature.
- (21) Assist city administrator with the preparation and compilation of the annual city budget.
- (22) File financial and other reports with various state agencies.
- (23) Risk management administration and file insurance claims on behalf of the city.
- (24) Make property tax settlements with the county treasurer and turn over to school district and other taxing units their proportionate share of property tax collection.
- (25) Advertise for bids, receive them and summarize the results.
- (26) Oversee the issuance of purchase orders.
- (27) Identify and evaluate ideas to achieve more efficient and effective operation.
- (28) Confer with mayor, city administrator, department heads and common council committees about projects and problems.
- (29) Perform such other duties as may be directed by common council and city administrator.

(Code 1983, § 2.05(1)--(5); Ord. No. OR98-23, § 1, 10-26-1998)

Sec. 2-188. Deputy clerk/treasurer.

The city clerk/treasurer may appoint a deputy clerk/treasurer. The deputy clerk/treasurer shall act under the city clerk/treasurer's direction and, during the temporary absence or disability of the city clerk/treasurer or during a vacancy in such office, shall perform the duties of city clerk/treasurer. The acts of the deputy shall be covered by official bond as the common council shall direct.

(Code 1983, § 2.05(6))

State law references: Similar provisions, Wis. Stats. § 62.09(9)(f) and (11)(i).

Sec. 2-189. Bond.

The city clerk/treasurer shall execute to the city a surety company fidelity bond in amount determined by the common council.

(Code 1983, § 1.05(3); Ord. No. OR98-23, § 1, 10-26-1998)

Secs. 2-190--2-210. Reserved.

DIVISION 4. CITY ATTORNEY

Sec. 2-211. Duties.

The city attorney shall have the following duties:

- (1) The attorney shall conduct all of the law business in which the city is interested, and shall serve as legal advisor to the mayor, common council and officers of the city.
- (2) He shall, when requested by city officers, give written legal opinions, which shall be filed with the city.
- (3) He shall draft ordinances, bonds and other instruments as may be required by city officials.
- (4) He may appoint an assistant, who shall have power to perform his duties and for whose acts he shall be responsible to the city. Such assistant shall receive no compensation from the city, unless previously provided by ordinance.
- (5) The common council may employ and compensate special counsel to assist in or take charge of any matter in which the city is interested.
- (6) The city attorney shall perform such other duties as provided by state law and as designated by the common council.

(Code 1983, § 1.12(2))

State law references: Similar provisions, Wis. Stats. § 62.09(12).

Sec. 2-212. Term of office.

The term of office for the city attorney shall be one year.

(Code 1983, § 1.04(3)(b))

Secs. 2-213--2-230. Reserved.

DIVISION 5. PUBLIC WORKS DIRECTOR

Sec. 2-231. Position created.

In order to provide the city and its water and sewer utilities with an efficient, effective and responsible government under a system of a part-time mayor and part-time common council, there is created the position of public works director/supervisor (working) for the city.

(Ord. No. O-0-92-4, § 1(1), 3-9-1992)

Sec. 2-232. Appointment, term of office, removal.

The public works director/supervisor shall be appointed on the basis of merit with due regard to training, experience, supervising ability and general fitness for the position, by a majority vote of the membership of the common council. The public works director/supervisor

shall hold office for an indefinite term subject to removal at any time by a majority vote of the common council.

(Ord. No. O-0-92-4, § 1(2), 3-9-1992)

Sec. 2-233. Residence.

The public works director/supervisor residency requirements are to be determined by the city council.

(Ord. No. O-0-92-4, § 1(3), 3-9-1992)

Sec. 2-234. Functions and duties of public works director/supervisor.

- (a) The public works director/supervisor shall be responsible and answerable only to the mayor, common council, chairman of the utilities commission and city administrator. He is to carry out the directions and policies, pursuant to statute, this Code, and the resolutions, board motions and directives of the common council and city administrator.
- (b) The public works director shall have the following duties:
 - (1) Supervise and direct the general operations of the public works activities of the city; responsible for the overall construction, care, repair and maintenance of all city-owned buildings, grounds and facilities.
 - (2) Assist the mayor, common council and its committees and the city administrator in their efforts to promote long range, planned growth and development in the city.
 - (3) Assume responsibility for and supervision of all maintenance, preventative maintenance, repair and construction of streets, parking lots, facilities, curb and gutter, sidewalks, bridges, signs, markings, storm sewer, city buildings, structures, property and all machinery and equipment used in these activities.
 - (4) Be responsible for the coordination of all custodial and maintenance operations for all city buildings, facilities and grounds.
 - (5) Have a working knowledge of all city buildings, their construction, internal mechanical systems and equipment.
 - (6) Develop and implement a comprehensive building safety inspection program for all city buildings, grounds and facilities.
 - (7) Review for accuracy and completeness of all payroll records such as time cards/time sheets and is required to initial them before turning them into the city clerk/treasurer.
 - (8) Function as the city forester and shall have all duties and responsibilities for that position as outlined in the city municipal code and the state statutes.
 - (9) Provide liaison between utility operators, the utility commission and the common council as directed by the mayor and city administrator.
 - (10) Work in cooperation with the other department heads in the city, shall maintain

a computerized citywide inventory of all equipment located in all buildings, and, at least once annually, review and update these records.

- (11) Attend and report to the common council at their regular meetings on the activities of this department. Also, to attend and participate in council committees as required, to make requests and provide input into their recommendations to the council.

(Ord. No. O-0-92-4, § 1(4), 3-9-1992)

Sec. 2-235. Responsibilities to the common council.

The responsibilities of the public works director/supervisor to the common council shall be to:

- (1) Attend all meetings of the common council, utilities commission and city affairs committee; if requested, attend other meetings of other committees.
- (2) Keep the city administrator, mayor, common council and utility commission regularly informed about the activities under his jurisdiction.

(Code 1983, § 1.16; Ord. No. O-84-4, § 1, 7-28-1986; Ord. No. O-0-92-4, § 1, 3-9-1992)

Secs. 2-236--2-250. Reserved.

DIVISION 6. WEED COMMISSIONER*

***Cross references:** Noxious weeds, § 102-31 et seq.

Sec. 2-251. Appointment; oath; term of office; duties.

The weed commissioner shall be appointed by the mayor, subject to council confirmation. The term of office of the weed commissioner shall commence on May 1 following his appointment. The weed commissioner shall take the official oath, which oath shall be filed in the office of the clerk/treasurer, and shall hold office for one year. The weed commissioner shall hold office pursuant to and fulfill the duties set out in state law.

(Code 1983, § 1.04(3)(c))

State law references: Weed commissioner generally, Wis. Stats. §§ 66.97, 66.98.

Secs. 2-252--2-265. Reserved.

ARTICLE IV. PUBLIC RECORDS*

***State law references:** Public records generally, Wis. Stats. § 19.21 et seq.

Sec. 2-266. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authority means any of the following city entities having custody of a city record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

Custodian means that officer, department head, division head or employee of the city designated under section 2-268 or otherwise responsible by law to keep and preserve any city records or file, deposit or keep such records in his office, or is lawfully in possession or entitled to possession of such public records and who is required by this article to respond to requests for access to such records.

Record means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

(Code 1983, § 3.07(1))

Cross references: Definitions generally, § 1-2.

Sec. 2-267. Duty to maintain.

- (a) Except as provided under section 2-272, each officer and employee of the city shall safely keep and preserve all records received from his predecessor or other persons and required by law to be filed, deposited or kept in his office or are in the lawful possession or control of the officer or employee or his deputies, or to the possession or control of which he may be lawfully entitled as such officer or employee.
- (b) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his successor all records then in his custody and the successor shall provide a receipt to the officer or employee, who shall file such receipt with the clerk/treasurer. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the clerk/treasurer, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

(Code 1983, § 3.07(2))

Sec. 2-268. Legal custodian.

- (a) Each elected official is the legal custodian of his records and the records of his office, but the official may designate an employee of his staff to act as the legal custodian.
- (b) Unless otherwise prohibited by law, the clerk/treasurer or his designee shall act as legal custodian for the city council and for any committees, commissions, boards or other authorities created by ordinance or resolution of the city council.
- (c) For every authority not specified in subsection (a) or (b), the authority's chief administrative officer is the legal custodian for the authority; but the officer may designate an employee of his staff to act as the legal custodian.
- (d) Each legal custodian shall name a person to act as legal custodian in his absence or the absence of his designee.
- (e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Wis. Stats. subch. II, ch. 19 and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

(Code 1983, § 3.07(3))

Sec. 2-269. Public access to records.

- (a) Except as provided in section 2-271, any person has the right to inspect a record and to make or receive a copy of any record as provided in Wis. Stats. § 19.35(1).
- (b) Records will be available for inspection and copying during all regular office hours.
- (c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy, unless circumstances dictate a longer notice.
- (d) A requestor shall be permitted to use facilities comparable to those available to city employees to inspect, copy or abstract a record.
- (e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- (f) A requester shall be charged a fee to defray the cost of locating and copying records as follows:
 - (1) The cost of photocopying shall be \$0.25 per page. Such cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.
 - (2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
 - (3) The actual full cost of providing a copy of other records not in printed form on

paper, such as films, computer printouts and audiotapes or videotapes, shall be charged.

- (4) If mailing or shipping is necessary, the actual cost shall also be charged.
 - (5) There shall be no charge for locating a record unless the actual cost exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester.
 - (6) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.
 - (7) Elected and appointed officials of the city shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
 - (8) The legal custodian may provide copies of a record without charge or at a reduced charge where he determines that waiver or reduction of the fee is in the public interest.
- (g) Pursuant to Wis. Stats. § 19.34, and the guidelines listed in that section, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs. Each authority shall also prominently display at its office, for the guidance of the public, a copy of this section and sections 2-270 and 2-271. This subsection does not apply to members of the city council.

(Code 1983, § 3.07(4))

Sec. 2-270. Access procedures.

- (a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Wis. Stats. § 19.37. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose for the request. No request may be refused because the request is received by mail unless prepayment of a fee is required under section 2-269(f)(6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- (b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons for denial. If the legal custodian,

after conferring with the city attorney, determines that a written request is so general as to be unduly time-consuming, the party making the request may first be required to itemize his request in a manner that would permit reasonable compliance.

- (c) A request for a record may be denied as provided in section 2-271. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, the determination is subject to review upon petition for a writ of mandamus under Wis. Stats. § 19.37(1), or upon application to the attorney general or a district attorney.

(Code 1983, § 3.07(5))

Sec. 2-271. Limitations on right to access.

- (a) As provided by Wis. Stats. § 19.36, the following records are exempt from inspection under this article:
 - (1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law.
 - (2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aid by the state.
 - (3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection.
 - (4) A record or any portion of a record containing information qualifying as a common law trade secret.
- (b) As provided by Wis. Stats. § 43.30, public library circulation records are exempt from inspection under this section.
- (c) In responding to a request for inspection or copying of a record not specifically exempt from disclosure, the legal custodian, after conferring with the city attorney, may deny the request, in whole or in part, only if he determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include but are not limited to the following:
 - (1) Records obtained under official pledges of confidentiality that were necessary and given in order to obtain the information contained in them.
 - (2) Records of current deliberations after a quasi-judicial hearing.
 - (3) Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance or discipline of any city officer or employee, or the investigation of charges against a city officer or employee, unless such officer or employee consents to such disclosure.

- (4) Records concerning current strategy for crime detection or prevention.
 - (5) Records of current deliberations or negotiations on the purchase of city property, investing of city funds, or other city business whenever competitive or bargaining reasons require nondisclosure.
 - (6) Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
 - (7) Communications between legal counsel for the city and any officer, agent or employee of the city, when advice is being rendered concerning strategy with respect to current litigation in which the city or any of its officers, agents or employees is or is likely to become involved, or communications privileged under Wis. Stats. § 905.03.
- (d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the city attorney prior to releasing any such record and shall follow the guidance of the city attorney when separating out the exempt material. If in the judgment of the custodian and the city attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

(Code 1983, § 3.07(6))

Sec. 2-272. Preservation through microfilm.

Any city officer or the director of any department or division of city government may, subject to the approval of the city council, keep and preserve public records in his possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Wis. Stats. § 16.61(7) and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of sections 2-269--2-271.

(Code 1983, § 3.07(7))

Sec. 2-273. Destruction of obsolete public records.

- (a) *Financial records.* The clerk/treasurer may destroy the following nonutility records of which he is the legal custodian and which are considered obsolete, after completion of an audit by state auditors or an auditor licensed under Wis. Stats. ch. 442, but not less than seven years after payment or receipt of any sum involved in the particular transaction unless a shorter period has been fixed by the committee on public records pursuant to Wis. Stats. § 16.61(3)(e), and then after such shorter period:
- (1) Bank statements, deposit books, slips and stubs.

- (2) Bonds and coupons after maturity.
 - (3) Canceled checks, duplicates and check stubs.
 - (4) License and permit applications, stubs and duplicates.
 - (5) Official bonds.
 - (6) Payrolls and other time and employment records of personnel included under the state retirement plan.
 - (7) Receipt forms.
 - (8) Special assessment records.
 - (9) Vouchers, requisitions, purchase orders and all other pertinent supporting documents.
 - (10) Vouchers and supporting documents pertaining to charges not included in plant accounts of municipal utilities and the sewer department.
 - (11) Other municipal utility and sewer department records with the written approval of the state public service commission.
- (b) *Utility records.* The clerk/treasurer may destroy the following records of any municipal utility subject to the regulations by the public service commission, and of the sewer department of the city, of which he is the legal custodian and which are considered obsolete, after completion of an audit by the state auditors or by an auditor licensed under Wis. Stats. ch. 442, but not less than two years after payment or receipt of the sum involved in the applicable transaction:
- (1) Water stubs.
 - (2) Sewer rental charge stubs.
 - (3) Receipts of current billings.
 - (4) Customer's ledgers.
- (c) *Other records.* The clerk/treasurer may destroy the following records of which he is the legal custodian and which are considered obsolete, but not less than seven years after the record was effective:
- (1) Assessment rolls and related records, including board of review minutes.
 - (2) Contracts and relevant papers.
 - (3) Correspondence and communications.
 - (4) Financial reports other than annual financial reports.
 - (5) Insurance policies.
 - (6) Oaths of office.
 - (7) Reports of boards, commissions, committees and officials duplicated in the city council minutes.

- (8) Resolutions and petitions.
- (9) Voter cards.
- (d) *Statute, administrative regulation to govern.* This section shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or state administrative regulation.

(Code 1983, § 3.08)

Secs. 2-274--2-300. Reserved.

ARTICLE V. CLAIMS

Sec. 2-301. Common council to audit accounts.

No account or demand against the city except for salaries and wages shall be paid until it has been audited by the finance committee, or authorized by the city administrator or city clerk/treasurer, and an order drawn on the clerk/treasurer. Every such account shall be itemized. After auditing, the council shall cause to be endorsed by the clerk/treasurer, over his hand on each account. The minutes of the proceedings of the council shall show the total dollar amount spent. Every such account or demand allowed in whole or in part shall be filed by the clerk/treasurer, and those of each year consecutively numbered and have endorsed the number of the order on the clerk/treasurer issued in payment.

(Code 1983, § 3.06(1))

Sec. 2-302. Claims to be verified.

All accounts, demands or claims against the city shall be verified by the claimant or proper official.

(Code 1983, § 3.06(2))

Sec. 2-303. Fire volunteer funds.

- (a) *Definition.* A separate account for the municipal fire department for "Fire Volunteer Funds" established in accordance with W.S.S. 66.0608. "Fire Volunteer Funds" are funds raised by employees of the municipality's fire department, by volunteers, or by donation to the fire department, for the benefit of the municipality's fire department.
- (b) *General authority.*
 - (1) The fire chief, or their designee, has authorization to deposit volunteer funds of the department in an account in the name of the fire department, in a public depository.
 - (2) The municipality's fire department has exclusive control over the expenditure of volunteer funds of the department for which the individual serves as an official or employee in an account in a public depository.

- (c) *Limitations, requirements.* A limit of up to \$100,000 of volunteer funds may be deposited into the accounts (checking, savings, and C.D.'s). Withdrawals in excess of 50% of volunteer fund balance will be in accordance with the bylaws of the organization.
- (d) *Ownership of Funds.* Volunteer funds shall remain the property of the municipality until the funds are disbursed.
- (e) *Auditing of Funds.* The city shall require an annual detailed audit of the volunteer funds by a certified public accountant licensed or certified and designated by the governing body.

(Ord. No. OR02-06, § 1, 5-28-2002)