

TITLE 2

Government and Administration

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Title 2 ► Chapter 1

City Government; Elections

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Sec. 2-1-1 City Government.

- (a) **Mayor-Council Government.** The City of Amery is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 62 and 66 of the Wisconsin Statutes, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The City of Amery operates under the Mayor-Council form of government under Chapter 62, Wis. Stats., with general administrative responsibilities performed by the City Administrator.
- (b) **Division of Responsibilities.**
- (1) **Legislative Branch.** The Common Council is the legislative branch of City Government. Its primary business is the passage of laws in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Common Council shall establish the salaries of all officers and employees of the City, and be charged with the official management of the City's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the City.
 - (2) **Executive Branch.** The Mayor shall be the chief executive officer. The Mayor shall take care that all City ordinances and state laws are observed and enforced and that all City officers, boards, committees and commissions discharge their duties. When present, he/she shall preside at the meetings of the Common Council. The Mayor shall from time to time give the Council such information and recommend such measures as he/she may deem advantageous to the City.
 - (3) **Administrative Officer.** The City Administrator shall be the chief administrative officer. He/she shall be responsible for directing and coordinating the administration

of the City government in accordance with policies established by the Common Council as set forth in this Code of Ordinances.

State Law Reference: Wis. Const., Art. XI, Sec. 3.

Sec. 2-1-2 Official Newspaper.

The *Amery Free Press* is hereby designated as the official newspaper of the City of Amery, Wisconsin, and all ordinances, notices and proceedings of the said City required by law to be published shall be published in either or both at the pleasure of the Common Council.

State Law Reference: Sec. 985.06, Wis. Stats.

Sec. 2-1-3 Elections.

- (a) **Annual City Election.** The annual City election shall be held on the first Tuesday in April or at such other date as prescribed by state law.
- (b) **Hours.**
 - (1) **General Elections.** The polls at general elections in the City shall be opened at 8:00 a.m. and closed at 8:00 p.m.
 - (2) **Notice.** Notice of all elections, stating the prescribed polling hours, shall be given by publication in the official newspaper at least ten (10) days before the election.
- (c) **Central Polling Place.** Centennial Hall shall be the central polling place for all wards of the City of Amery, unless otherwise designated by the Common Council, at least ten (10) days before the election at which another central polling place is to be used, pursuant to Sec. 5.25, Wis. Stats.
- (d) **Registration.** Registration of electors is required in accordance with Ch. 6, Wis. Stats.

Sec. 2-1-4 Non-Partisan Primary for City Offices.

Whenever three (3) or more candidates file nomination papers, candidates for elective City offices may be nominated by a non-partisan primary conducted pursuant to Sec. 8.05(4), Wis. Stats. Such candidate shall file with his/her nomination papers a declaration that he/she will qualify for the office to which he/she may be elected.

State Law Reference: Secs. 8.05(4) and 8.11, Wis. Stats.

Sec. 2-1-5 Election Officials.

Pursuant to the Wisconsin Statutes, there is hereby established one (1) set of election officials to conduct all elections in the wards of the City which shall consist of seven (7) election inspectors. However, the City Administrator, in his/her capacity as City Clerk, shall have the power to limit the number of election officials. The Common Council hereby authorizes the selection of alternate election officials and/or the selection of two (2) or more sets of election officials to work at different times on election day; the City Clerk is authorized to establish different working hours for different officials assigned to the same polling place. The City Administrator, in his/her capacity as City Clerk, shall determine in advance of each election whether the number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the City Administrator, in his/her capacity as City Clerk, shall further redistribute duties among the remaining officials provided there are an odd-number of election officials.

Sec. 2-1-6 Wards.

- (a) **Wards Established.** The City shall consist of five (5) wards, the respective boundaries of which are described as follows:
- (1) **First Ward.** All that portion of the City of Amery lying west of STH 46 and north of Memorial Drive, west of Harriman Avenue, east of Water Avenue, north of West Elm Street and north of Baker Street.
 - (2) **Second Ward.** All that portion of the City of Amery lying east of STH 46 and North of Broadway Street.
 - (3) **Third Ward.** All that portion of the City of Amery lying west of STH 46 and North of Deronda Street, east of 105th Street (except for the two houses located south of Oak Court west of 105th Street), then south of Baker Street, West Elm Street, Water Avenue, and Memorial Drive.
 - (4) **Fourth Ward.** All that portion of the City of Amery lying west of STH 46 and south of Deronda Street.
 - (5) **Fifth Ward.** All that portion of the City of Amery lying south of Broadway and east of STH 46.
- (b) **Map.** Incorporated within this Section by reference is a list of census blocks contained within each ward and a map of the City, which illustrates the revised ward boundaries.

Sec. 2-1-7 Combination of Wards.

The City shall consist of two (2) aldermanic districts, the respective boundaries of which are described as follows:

2-1-7

- (a) **First Aldermanic District.** The First Aldermanic District consists of the First and Second Wards as those wards are defined in Section 2-1-6.
- (b) **Second Aldermanic District.** The Second Aldermanic District consists of the Third, Fourth and Fifth Wards as those wards are defined in Section 2-1-6.
- (c) **Statutory Authorization.** Sec. 5.15(6)(b), Wis. Stats., permits the governing body of any municipality, by resolution, at least sixty (60) days prior to the next election, to combine two (2) or more wards for voting purposes.

State Law Reference: Sec. 5.15(6)(b), Wis. Stats.

Title 2 ► Chapter 2

Mayor; Common Council

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Sec. 2-2-1 Common Council.

The Alderpersons of the City of Amery shall constitute the Common Council. The Common Council shall be vested with all the powers of the City not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.

State Law Reference: Sec. 62.11, Wis. Stats.

Sec. 2-2-2 Alderpersons.

- (a) **Number.** The City shall have six (6) Alderpersons in addition to the Mayor, who is a member of the Common Council by virtue of his/her office as Mayor.

- (b) **Districts.** Two (2) Alderpersons shall be elected from each aldermanic district. Each of said Alderpersons shall be an elector of the City, and in case of such aldermanic district offices, of the aldermanic district, and actually residing therein. In addition to aldermanic seats elected by district, two (2) Alderpersons shall be elected "at-large". Each of such Alderpersons shall be an elector of the City and actually residing therein.
- (c) **Election.** The at-large aldermanic seats shall be first filled by election at the spring election of 1988. The candidate for the position of Alderperson at-large receiving the greatest number of votes in said election shall have an initial term of four (4) years, with such seat having subsequent terms of four (4) years each. The candidate for the position of Alderperson at-large receiving the next greatest number of votes shall have an initial term of two (2) years, with such seat having subsequent terms of four (4) years each. (Charter Ordinance).
- (d) **Appointment as Mayor.** An Alderperson shall be eligible for appointment as Mayor to fill an unexpired term.

State Law Reference: Sec. 62.09, Wis. Stats.

Sec. 2-2-3 Mayor.

- (a) **Election.** The Mayor shall be elected in even-numbered years for a term of two (2) years.
- (b) **Duties.**
 - (1) The Mayor shall be the Chief Executive officer of the City. The Mayor shall take care that City ordinances and the State Statutes are observed and enforced.
 - (2) The Mayor shall, from time to time, provide the Council such information and recommend such measures as he/she may deem advantageous to the City. When present, he/she shall preside at the meetings of the Council.
 - (3) The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.
- (c) **Veto Power.** The Mayor shall have the veto power as to all acts of the Council except such as to which it is expressly or by necessary implications otherwise provided. All such acts shall be submitted to him/her by the City Administrator, and shall be enforced upon his/her approval, evidenced by his/her signature, or upon his/her failing to approve and disapprove within five (5) days, which fact shall be certified thereon by the City Administrator. If the Mayor disapproves, he/she shall file his/her objection with the City Administrator, who shall present it to the Council at its next regular meeting. A two-thirds (2/3) vote of all the members of the Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.
- (d) **Mayoral Appointments.**
 - (1) Wherever in this Code of Ordinances the Mayor is required to appoint citizens to committees, commissions and/or boards, the Mayor shall give written notice naming

the appointees to be nominated by executive letter to the Common Council at least three (3) days prior to the Council meeting at which such appointment shall be made. In the event the Common Council rejects a Mayor's appointment, the same name may not be submitted for the same job for a period of twelve (12) months after the refusal of such appointment.

- (2) In the event a vacancy occurs in any committee, board or commission requiring the appointment of a citizen member and the Mayor does not nominate a successor thereof for a period of sixty (60) days after the vacancy occurs, the Common Council may then nominate an appointee to such position, subject to the approval of the Mayor.
- (3) In the event the Council, by parliamentary practice, tables an appointment by the Mayor, such tabling action shall be effective for that meeting, but at the next regular meeting of the Common Council, such appointment shall be on the meeting agenda for further consideration, and the particular appointment involved may not be tabled a second time.

State Law Reference: Sec. 62.09(8), Wis. Stats.

Sec. 2-2-4 President of the Council.

The Common Council at its first meeting subsequent to the regular election and qualification of new members shall, after organization, annually 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 powers and duties of the Mayor, except that he/she shall not have power to approve an act of the Council which the Mayor has disapproved by filing objections with the City Administrator. He/she shall, when so officiating, be styled "Acting Mayor." The President of the Council shall be elected for a one (1) year term of office.

State Law Reference: Sec. 62.08(9)(e), Wis. Stats.

Sec. 2-2-5 Standing Committees; Action on Committee Reports.

- (a) **Standing Committees.** At the organizational meeting of the Common Council in each year following the annual election, the Mayor shall appoint three (3) or more Alderpersons to each of the following committees, subject to Council confirmation, which shall have such duties and responsibilities as prescribed by the Mayor and this Code of Ordinances, and to make whatever recommendations to the Council as they deem appropriate or as may be directed by the Council:

- (1) Finance Committee (finance, licenses and personnel).
- (2) Public Works Committee (streets, sidewalks, sewers, water, lighting).
- (3) Public Safety Committee (building codes and property maintenance, police, fire).
- (4) Public Welfare Committee (parks, recreation programs, health, public assistance, nuisances).

(b) **Committee Appointments.**

- (1) Committee appointments shall be made pursuant to Section 2-2-3(d). The chairperson of each committee shall be designated by the Mayor. Each member shall serve as appointed unless excused by a majority of the members of the Council. All Alderpersons shall serve on at least one (1) standing committee. The Mayor shall be an ex officio member of each standing committee.
- (2) The Mayor may declare the entire Council a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairman of the same.
- (3) The Mayor may, from time to time, appoint such special committee or committees as may deem advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them.

(c) **Reference and Reports.**

- (1) The Mayor shall refer new business coming before the Common Council to the appropriate committee, unless otherwise referred or disposed of by motion of the Council.
- (2) The committee to which any matter is referred shall report its recommendation thereon, 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 (3) Alderpersons present. Members dissenting from a report of a committee shall be so reported when they request it.
- (3) The chairperson of the committee shall report verbally to the Council at the meeting at which the report of the committee is to be made. Adoption of the committee report shall comprise final Council action on any ordinance, resolution or other matter recommended for adoption by the committee report.
- (4) Formal committee recommendations will be placed on the agenda for Council action only if they are submitted to the City Administrator in written form by noon of the Friday prior to the meeting at which action is requested.

- (d) **Cooperation of City Officers.** All City officers shall, upon request of the chairman of the committee, confer with the committee and supply to it such information as may be requested in connection with any matter pending before the committee.

Sec. 2-2-6 General Powers of the Common Council.

- (a) **General.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways,

streets, navigable waters and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

- (b) **Acquisition and Disposal of Property.** The Common Council may acquire property, real or personal, within or without the City, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the City, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such City-owned property, except dedicated, platted parks.
- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase or condemnation under Ch. 32, Wis. Stats., any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sec. 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **City Finances.** The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the City finances.
- (e) **Construction of Powers.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.
- (f) **Vacancies.** Pursuant to Section 62.09(5), Wis. Stats., if any officer be incapacitated or absent for any cause, the Common Council may appoint some person to discharge his/her duties until he/she returns or such disability has ended.

State Law Reference: Art. XI, Sec. 3, Wis. Const.; Sections 62.09(7) and 62.11, Wis. Stats.

Sec. 2-2-7 Cooperation with Other Municipalities.

The Common Council, on behalf of the City, may join with other villages, towns, or cities or other governmental entities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees and joint purchasing programs.

State Law Reference: Sec. 66.0301, Wis. Stats.

Sec. 2-2-8 Internal Powers of the Council.

The Common Council has the power to preserve order at its meetings, compel attendance of Alderpersons and punish nonattendance. The Common Council shall be judge of the election and qualification of its members.

State Law Reference: Sec. 62.11, Wis. Stats.

Sec. 2-2-9 Salaries.

- (a) **Salary Determination.** The Mayor and Alderpersons who make up the Common Council, whether operating under general or special law, may, by majority vote of all the members of the Common Council, determine that an annual salary or per diem compensation be paid the Mayor and Alderpersons. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.
- (b) **Establishment of Salaries for Elected Officials.**
 - (1) The salary of the Mayor shall be Six Thousand Dollars (\$6,000.00) per year, said amount to be paid quarterly.
 - (2) The salary of an Alderperson shall be One Thousand Five Hundred Dollars (\$1,500.00) per year, said amount to be paid quarterly.

State Law Reference: Sec. 62.09(6), Wis. Stats.

Sec. 2-2-10 Meetings of the Common Council.

- (a) **Annual Organization Meeting.** Following a regular City election, the Common Council shall meet on the third Tuesday of April or at the next Council meeting after that date for the purpose of organization.
- (b) **Regular Meetings.** Regular meetings of the Common Council shall be held on the first (1st) Wednesday of each calendar month, at the hour of 5:00 p.m. Any regular meetings falling upon a legal holiday shall be held on the next following secular day, at the same hour and place, or as otherwise designated by majority vote of the Common Council. All

meetings of the Council shall be held in the City Hall, including special and adjourned meetings, unless another location is designated by the Common Council at a previous meeting.

State Law Reference: Sec. 62.11(2), Wis. Stats.

Sec. 2-2-11 Special Meetings.

- (a) Special meetings may be called by the Mayor upon written notice of the time and purpose thereof to each member of the Council delivered to him/her personally or left at his/her usual place of abode at least six (6) hours before the meeting. The City Administrator shall cause an affidavit of service of such notice to be filed in his/her office prior to the time fixed for such special meetings. Special meetings shall comply with the notice provisions of the Wisconsin Open Meeting Law. In addition, a special meeting may be called by a written request signed by two (2) Alderpersons, which written notice for said special meeting shall be delivered to every member of the Council and the Mayor personally, or left at or mailed to their abode at least twenty-four (24) hours before said meeting being called. If written consent is obtained, it shall be filed with the City Administrator prior to the beginning of the meeting.
- (b) Non-governmental parties requesting a special meeting of the Council or committees thereof shall pay a fee equivalent to the Council's actual expenses for such meeting.

State Law Reference: Sec. 62.11(2), Wis. Stats.

Sec. 2-2-12 Open Meetings.

Except as provided in Sec. 19.85, Wis. Stats., all meetings of the Common Council, committees thereof, and City boards, committees and commissions, shall be open to the public.

State Law Reference: Sec. 62.11(3)(c) and Ch. 19, Subch. IV, Wis. Stats.

Sec. 2-2-13 Quorum.

- (a) A majority of the members-elect of the Common Council shall constitute a quorum, but a lesser number may adjourn if a majority is not present or compel the attendance of absent members. The Mayor shall not be counted in computing a quorum. No action shall be taken unless a quorum is present.

- (b) The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour.

State Law Reference: Sec. 62.11(3)(b), Wis. Stats.

Sec. 2-2-14 Presiding Officers.

- (a) **Presiding Officer.** The Mayor shall preside over all meetings of the Common Council. In the absence of the Mayor, the President of the Council shall preside.
- (b) **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 which are regularly moved or which 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/her signature, when necessary, all ordinances, resolutions, orders and proceedings of the meetings of the Council over which he/she presides.
 - (10) Preserve order and decorum; speak to points of order in preference to others, rising from his/her 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.
- (c) **Temporary Absence of Presiding Officer.** In the absence of the Mayor and President of the Council, one (1) of its members shall be elected to preside temporarily until the return of the Mayor or President.

State Law Reference: Sec. 62.09(8), Wis. Stats.

Sec. 2-2-15 Order of Business.

- (a) **Order of Business.** At all regular meetings, the order of business shall be according to the tentative agenda prepared by the City Administrator. All matters to be considered at a regular or special Council meeting shall be submitted to the City Administrator at least

by noon of the Thursday prior to the meeting. All copies of the agenda shall be forwarded by the City Administrator to the representatives of the media have requested meeting agendas under the Open Meeting Law as part of his/her notice of such public meeting, and to members of the Council. The following order may be observed in the conduct of all meetings of the Council:

- (1) Call to Order by presiding officer.
 - (2) Roll call.
 - (3) Reading, correction and approval of the minutes of the last preceding meeting or meetings.
 - (4) Public comment time (no action to be taken).
 - (5) Reports of standing committees.
 - (6) Unfinished business remaining from preceding sessions in the order in which it was introduced.
 - (7) New business, including introduction of ordinances.
 - (8) Reports from the Mayor, City officials and department heads.
 - (9) Communications and miscellaneous business.
 - (10) Adjournment.
- (b) **Order to be Followed.** No business shall be taken up out of order unless by unanimous consent of all Alderpersons and in the absence of any debate whatsoever.
- (c) **Citizen Comments.** The Mayor or presiding officer shall determine at what point in a meeting citizens will be called upon to speak and may impose a limit on the length of time a citizen may address the Council. A written form may be provided by the City Administrator on which citizens may register to speak at a Council meeting. The subject to be addressed and/or agenda item shall be indicated.

Sec. 2-2-16 Introduction of Ordinances.

- (a) **Ordinances to be in Writing.** All ordinances submitted to the Council shall be in writing and be titled. Upon passage by the Council, the City Administrator shall superintend the publication of the same. Any written material introduced may be referred to the appropriate committee pursuant to Section 2-2-5. Any member of the Council may require the reading in full of any ordinance or resolution at any time it is before the Council.
- (b) **Subject and Numbering of Ordinances.** Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- (c) **Notice.**
- (1) The Common Council may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.

- (2) Ordinances will be placed on the agenda for Council action only if they are submitted to the City Administrator in written form not later than noon on the Friday prior to the regular or special Council meeting at which action is requested.

Sec. 2-2-17 Publication and Effect of Ordinances.

- (a) All general ordinances of the City and all regulations imposing any penalty shall be published in the official paper of the City once within fifteen (15) days of passage and shall be immediately recorded, with the affidavit of publication, by the City Administrator in a book kept for that purpose. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Common Council shall be prima facie proof of due passage, publication and recording thereof.
- (b) All ordinances shall take effect and be in force from and after passage and publication, unless otherwise provided and published copies thereof shall have appended the date of first publication.
- (c) The City Code of Ordinances shall be kept currently to date; and upon passage of any ordinance, the City Administrator shall provide for incorporation of the same into the ordinance code.

State Law Reference: Sec. 62.11(4), Wis. Stats.

Sec. 2-2-18 Conduct of Deliberations.

- (a) **Roll Call.** When the presiding officer shall have called the members to order, the City Administrator shall proceed to call the roll in rotating order, noting who are present, and who are absent. If, after having gone through the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month. If they do not, the Council shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner as provided by the Wisconsin Statutes or Sections 2-2-11 and 2-2-12.
- (b) **Meeting Attendance.** All members of the Common Council shall attend all Council meetings, meetings of committees to which members have been appointed, and special or adjourned meetings when duly notified thereof. A member who does not appear in answer to his/her name when the roll is called at any regular meeting or any special or adjourned meeting when notified thereof shall be marked absent. Any member seeking to be excused from attending any regular or special meeting must notify the Mayor or City Administrator in advance of such meeting, explaining the reason for his/her absence and, upon complying

with this requirement, such members shall be duly excused from attending said meeting. An Alderperson shall be physically present at the meeting in order to vote at such meeting.

(c) **Recognition for Debate.**

- (1) When a member is to speak in debate, or deliver any matter to the Council, he/she shall respectfully address himself/herself to the presiding officer, and confine his/her remarks to the question under debate, and avoid personalities.
- (2) When two (2) or more members address the presiding officer at the same time, the presiding officer shall name the member who is to speak first.

(d) **Roll Call Vote Procedure.**

- (1) The ayes and nays shall be ordered upon any question at the request of any member of the Council, or the Mayor, and the City Administrator shall call the roll starting with the Alderperson according to seating order on the next call of the roll, at the same or any subsequent meeting, the Administrator shall start with the Alderperson whose name appears next on said seating order, and each subsequent call of roll shall begin with the name of the Alderperson next in seating order.
- (2) The Mayor shall not vote except in the case of a tie. When the Mayor does vote in case of tie, his/her vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure. A majority vote of all members of the Council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by state statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.

(e) **Reconsideration.** When a motion has been decided, it shall be in order for any member who voted in the majority, to move a reconsideration thereof, at the same or next succeeding meeting and the Mayor shall call for a roll call of the Alderpersons. If a majority of the members present shall be in favor of a reconsideration, the subject shall be before the Council for further action.

(f) **Motions With Preference.** During any meeting of the Common Council certain motions will have preference. In order of precedence they are;

- (1) **Motion to Adjourn.** This motion can be made at any time and has first precedence. This is a non-debatable motion.
- (2) **Motion to Lay on the Table.** This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.
- (3) **Motion to Call Previous Question.** This motion may be made at any time after the debate or discussion commences related to an action item, business item, motion or question that is properly before the Common Council. This motion is a non-debatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. The motion, if adopted, brings the Common Council to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.

- (4) **Motion to Postpone to a Date Certain.** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Common Council. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion must establish a date and time certain when the debate and discussion before the Common Council will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Common Council.
- (5) **Motion to a Committee.** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Common Council. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion, if adopted, forwards the action item, business item, motion or question to a committee for further review and discussion. The committee must be a committee of the Common Council.
- (6) **Motion to Amend or Divide the Question.** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Common Council. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to divide.
- (7) **Motion to Postpone Indefinitely.** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Common Council. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question.
- (8) **Motion to Introduce a Matter Related to the Action Item, Business Item, Motion or Question.** This motion may be made at any time after the debate and discussion commences on the action item, business item, motion or question properly before the Common Council. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.
- (g) **Public Directory Votes.** No member of the Common Council shall request, at a meeting of the Common Council, a vote from the general public unless the proposed vote of the general public is so noted by the presiding officer of the meeting as strictly an advisory vote to the Council. Any vote taken by the general public at a meeting of the Common Council shall be considered by the Council only as an advisory vote and shall not be considered as a directory vote.
- (h) **Rules of Parliamentary Procedure.** The rules of parliamentary practice in *Robert's Rules of Order*, (Tenth Addition), which is hereby incorporated by reference, shall govern the

proceedings of the Council in all cases to which they are applicable and in which they are not inconsistent with these rules or with the laws of the State of Wisconsin.

- (i) **Reconsideration of Questions.** It shall be in order for any member, if in the majority, to move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular adjourned meeting. A motion to reconsider being put and lost shall not be renewed.
- (j) **Call for the Previous Question.** Any member desirous of terminating the debate may call the previous question when the question announced by the Mayor shall be "call the main question." If a majority of the members present vote in the affirmative, the main question shall be put to a vote 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 the pending amendment and then upon the main question.
- (k) **Amendment of Rules.** The rules of this Section shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Council.
- (l) **Suspension of Rules.** Any of the provisions of this Section may be suspended temporarily by a recorded vote of two-thirds (2/3) of the Council members present at any meeting.

State Law Reference: Sec. 62.11, Wis. Stats.

Sec. 2-2-19 Procedure at Public Hearings.

The following procedures shall be followed at public hearings, and may also be followed when citizen input is necessary during regular items of business before the Common Council:

- (a) The presiding officer shall generally call on those persons who wish to speak on the matter, or call initially on those persons who wish to speak for the proposition. Each person wishing to speak for the proposition shall give his or her name and address.
- (b) Each person speaking or initially on the matter or specifically behalf of the proposition shall be limited in time to five (5) minutes.
- (c) The presiding officer shall then call on those persons who wish to oppose the proposition if the presiding officer has first asked for only those favoring the proposition to speak.
- (d) Each such person speaking in opposition to the proposition shall give his or her name and address and shall also be limited to five (5) minutes.
- (e) Any person wishing to speak in rebuttal to any statements made may, with the permission of the presiding officer, do so, provided, however, such rebuttal statement shall be limited to three (3) minutes by any one (1) individual.
- (f) When the presiding officer in his/her discretion is satisfied that the proposition has been heard, he/she shall announce the fact that the hearing is concluded.

Title 2 ► Chapter 3

Municipal Officers and Employees

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Sec. 2-3-1 General Provisions.

- (a) **General Powers.** Officers of the City of Amery shall have generally the powers and duties prescribed for like officers of cities, towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Mayor, shall perform such duties as shall be required of him/her by the Council. Officers whose powers and duties are not enumerated in Chapter 62 of the Wisconsin Statutes shall have such powers and duties as are prescribed by law for like officers or as are directed by the Council.
- (b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.

- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to City officers.
- (d) **Legal Representation.** Whenever any City official in his/her official capacity proceeded against or obliged to proceed before any civil court, board, committee or commission, to defend or maintain his/her official position, or because of some act arising out of the performance of his/her official duties, and he/she has prevailed in such proceedings, or the Council has ordered the proceedings discontinued, the Council may provide for payment to such official such sum as it sees fit, to reimburse him/her for the expenses reasonably incurred for costs and attorney's fees.

State Law Reference: Sections 62.09(7) and 62.115, Wis. Stats.

Sec. 2-3-2 Appointed Officials.

- (a) **Appointed Officials.** The following shall be appointed officials:

Official	How Appointed	Term
(1) Attorney	Mayor, subject to confirmation by Council	1 year
(2) Administrator-Clerk-Treasurer	3/4 vote of the Council	Indefinite
(3) Chief of Police	Mayor, subject to confirmation by Council	Indefinite
(4) Fire Chief	Mayor, subject to confirmation by Council	Indefinite
(5) Director of Public Works	Mayor, subject to confirmation by Council	Indefinite
(6) Building Inspector	Mayor, subject to confirmation by Council	Indefinite
(7) Director of Economic Development & Planning	Mayor, subject to confirmation by Council	1 year
(8) Municipal Court	Municipal Judge	2 years

- (b) **Time for Taking Office.** The regular term of all appointed officials shall commence with their appointment at the first regular meeting of the Common Council in May of each year; except officials appointed for indefinite terms, who shall take office upon appointment and qualification.
- (c) **Offices Dispensed With.** The offices of Street Commissioner, Board of Public Works, and Board of Police and Fire Commissioners are dispensed with, and the duties thereof shall be performed by the Common Council. The office of constable is dispensed with.

Sec. 2-3-3 City Administrator-Clerk-Treasurer.

- (a) **Offices Combined.**
 - (1) **Selection Not to Be Governed by Statutes.**
 - a. The City of Amery, pursuant to Secs. 62.09 and 66.0101, Wis. Stats., hereby elects not to be governed by those portions of Ch. 62, Wis. Stats., which are in conflict with this Section. (Charter Ordinance).
 - b. The City Administrator shall be appointed by a three-fourths (3/4) vote of the members of the Common Council. The Administrator shall hold his/her office for an indefinite term, subject to removal for cause by a three-fourths (3/4) vote of the full Council, pursuant to Sec. 17.12(1)(d), Wis. Stats. The appointment may be terminated by the Administrator upon sixty (60) days' written notice.
 - (2) **Office of City Administrator.** In order that the various officers, officials and employees and departments executing policy and administering the affairs of the City of Amery may operate as efficiently as possible under a system of part-time Mayor and part-time Alderperson, and to better ensure competent, expeditious, efficient and harmonious administration and action in respect to any activity common to one or more of the City's officers, officials and departments, and in order that there may be uniform application of policy, there is herewith created the office of City Administrator for the City of Amery.
 - (3) **Officers of City Clerk, City Treasurer and City Administrator Combined.** The offices of City Clerk, City Treasurer and City Administrator shall be held by the same person. The City Administrator shall oversee all functions of City operations as prescribed by the Common Council.
 - (4) **Title.** For the purposes of this Code of Ordinances, the official holding the office of City Administrator-Clerk-Treasurer shall be referred to as the City Administrator.
 - (5) **Duties.** Such person elected to perform the duties of the combined offices shall perform all duties required of both Clerk and Treasurer offices as provided by law, and such other duties as are requested to be executed by such person by the Common Council from time to time.
 - (6) **Audits.** Annual recurring audits shall be made of the records of such official and such audit shall be made either by a certified public accountant or by the Municipal

Accounting Division of the Wisconsin Department of Revenue pursuant to Sec. 73.03(14), Wis. Stats., the designation to be made by the Common Council.

(b) **General Duties of the City Administrator.**

- (1) The duties and responsibilities of the City Administrator include directing the effective and efficient performance of all City employees and coordinating and expediting all City services, functions, and programs.
- (2) The City Administrator shall have the responsibility to recommend all candidates for appointment to department head positions to the Common Council and Mayor. The City Administrator has the responsibility to recommend to the Common Council and Mayor removal of all department head positions in a manner which is not inconsistent with state law and this Code of Ordinances. He/she shall act as personnel officer, accepting and coordinating recommendations from department heads on wages, hours and conditions of employment.
- (3) The City Administrator will receive policy guidance and direction from the Mayor and Common Council and shall be accountable to the Mayor in performance of the duties of this office.
- (4) The City Administrator shall be responsible for directing, coordinating and expediting the activities of all City departments, except for such authority vested by Wisconsin Statutes in certain boards and commissions. He/she shall include making or directing such studies as are necessary to answer the most economical efficient operation of such departments, sources, and programs from the various departments when deemed necessary.
- (5) The City Administrator shall be at all times responsible to the Mayor and Common Council and shall be responsible for effectuating all actions of the same which require administrative implementation or where the Mayor and Common Council has directed him/her to act.
- (6) The City Administrator shall be the chief financial officer and purchasing agent of the City.
- (7) The City Administrator shall direct and coordinate with the cooperation of department heads the preparation of the annual City budget for submission to the Common Council. In the event that the City Administrator does not agree with the budget as submitted by a department head, he/she shall notify the department head accordingly and the matter shall be placed on the Common Council agenda so that both the City Administrator and the department head can be given an opportunity to state their positions and the Common Council shall resolve such disputes.
- (8) The City Administrator shall make such reports as the Mayor and Common Council may require as to the current fiscal status of budget items and to review and report to the Mayor and Common Council any variations in the operation of the City budget. He/she shall attend all Council meetings and take official minutes.
- (9) The City Administrator shall submit as deemed necessary recommendations or suggestions for improving the health, safety or welfare of the City and shall institute

and operate a system whereby City departments as well as persons having business with the Mayor and/or Common Council or any City department may properly and efficiently conduct such business.

- (10) The City Administrator shall perform such other duties as directed by the Mayor and Common Council.
- (c) **Duties as Clerk.** In his/her capacity as City Clerk, the City Administrator shall be responsible for performing those duties required by Sec. 62.09(9) of the Wisconsin Statutes and for the following additional duties:
- (1) Perform all election duties as required by Wisconsin Statute and keep and maintain all election records and all property used in conjunction with holding of elections;
 - (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) Attend meetings, take minutes and maintain files for the Common Council, and such other official boards and commissions as may be directed;
 - (5) Maintain a file on all City records, ordinances, resolutions and vouchers;
 - (6) Type and distribute reports for the Council and for federal and state agencies;
 - (7) Audit and obtain approval on claims charged against City;
 - (8) Assist the City Assessor in maintaining property assessment records;
 - (9) Administer oaths and affirmations;
 - (10) Issue licenses to various vendors in City;
 - (11) Develop and implement improved internal control and financial reporting procedures as necessary or as requested;
 - (12) Develop and implement improved internal control and financial reporting procedures as necessary or as directed;
 - (13) File financial and other reports with various state agencies;
 - (14) File insurance claims on behalf of the City;
 - (15) Locate suppliers of goods or services and obtain quotes;
 - (16) Advertise for bids, receive them and summarize the results;
 - (17) Identify and evaluate ideas to achieve more efficient and effective operation;
 - (18) Coordinate, supervise and conduct elections;
 - (19) Confer with Mayor, department heads and Common Council committees about projects and problems;
 - (20) Maintain personnel files;
 - (21) Perform such other duties as may be directed by Common Council.
- (d) **Duties as Treasurer.** In his/her capacity as City Treasurer, the City Administrator shall be responsible for performing those duties required by Sec. 62.09(11) of the Wisconsin Statutes and for the following additional duties:
- (1) Prepare the tax roll and tax notices required by the State of Wisconsin.
 - (2) Prepare financial and bank statements;

- (3) Maintain fiscal records for the City and serve as City Comptroller;
 - (4) Make reports to the State on assessments;
 - (5) Prepare and send invoices for services provided by municipal utilities.
 - (6) Perform record keeping, billing, collections, banking, investments, accounting and financial reporting of all City operations, including utilities;
 - (7) Collect all taxes for the City and other taxing bodies;
 - (8) Invest idle funds for maximum interest earnings;
 - (9) Prepare monthly financial report;
 - (10) Maintain payroll records and prepare payroll checks from approved employee time sheets;
 - (11) Prepare check vouchers for payment of approved claims for signature;
 - (12) Coordinate the preparation and compilation of the annual City budget;
 - (13) Make property tax settlements with the County Treasurer and turn over to school district and other taxing units their proportionate share of property tax collections;
 - (14) Issue purchase orders.
- (e) **Duties Prescribed By Law or Council.** The Administrator shall perform such other duties as are prescribed by State Statutes and by order of the Council. The Administrator generally shall perform, under direction of the Mayor or other presiding officer of the Council, all duties pertaining to his/her office as Administrator, and shall be responsible for all the official acts of assistants.
- (f) **Bond.** The City Administrator shall execute to the City a surety company fidelity bond in an amount determined by the Common Council.

State Law Reference: Sec. 62.09(9) and (11), Wis. Stats.

Sec. 2-3-4 Deputy Clerk-Treasurer.

The City Administrator may appoint a Deputy Clerk-Treasurer subject to confirmation by a majority of the members of the Common Council. The Deputy Clerk-Treasurer shall act under the City Administrator's direction and who, during the temporary absence or disability of the City Administrator or during a vacancy in such office, shall perform the duties of City Administrator. The acts of the Deputy shall be covered by official bond as the Common Council shall direct. The Common Council shall set the salary of the Deputy Clerk-Treasurer.

Sec. 2-3-5 Director of Public Works.

- (a) **Selection.** The Director of Public Works shall be appointed pursuant to Section 2-3-2. Selection shall be made solely on merit upon the basis of general qualifications and fitness for performing the duties of the position.

(b) **Powers and Duties.** Subject to the direction of the Mayor, Common Council and City Administrator, the Director of Public Works shall have the following duties:

(1) **General.**

- a. Plans, directs and manages all public works (streets, storm sewers, sidewalks, curb and gutter).
- b. Supervises and coordinates all maintenance work and construction or reconstruction projects involving public works.
- c. Prepares specifications and bid documents for truck and equipment purchases, re-roofing, insulation and similar types of projects.
- d. Prepares recommendations for annual and long-range projects.
- e. Visits the various operations on an as-needed basis.

(2) **Public Works Director.**

- a. Has responsibility for overall management and control of the Street Department.
- b. Advises the Mayor and Common Council on various public works projects or problems and makes recommendations.
- c. Makes recommendations relating to all street, storm sewer and sidewalk projects.
- d. Plan, direct and inspect the repair and maintenance of streets, curbs and gutters, sidewalks, street lights, street trees;
- e. Supervise plowing of snow and all phases of snow and ice control on City streets, alleys, sidewalks and public parking lots;
- f. Supervise the operation of the municipal garage and the repair and maintenance of City-owned vehicles and equipment;
- g. Schedule the daily and weekly jobs of the Public Works Department employees and make necessary modifications due to emergencies;
- h. Plan for the maintenance and repair of all City vehicles, machinery and equipment and is responsible for related records;
- i. Repair and maintain all official City sign use and traffic control marking, to be done in compliance with the State Traffic Code and local ordinances.
- j. Perform such other duties as may be directed by the Common Council.

Sec. 2-3-6 City Attorney.

(a) **Selection.** The City Attorney shall be appointed pursuant to Section 2-3-2.

(b) **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/she shall, when requested by City officers, give written legal opinions, which shall be filed with the City.
- (3) He/she shall draft ordinances, bonds and other instruments as may be required by City officials.

- (4) He/she may appoint an assistant, who shall have power to perform his/her duties and for whose acts he/she 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.

State Law Reference: Sec. 62.09(12), Wis. Stats.

Sec. 2-3-7 Chief of Police.

(a) **Appointment.**

- (1) The Chief of Police shall be appointed pursuant to Section 2-3-2 and shall hold office during satisfactory performance, subject to suspension or removal pursuant to law.
- (2) The compensation to be paid the Chief of Police for his/her services, the hour of active duty, rest days, vacation periods and other involvement of his or her employment shall be such as may be determined by the Common Council from time to time.

(b) **General Duties.** The Chief of Police shall:

- (1) Have command of the Police Department of the City under direction of the Mayor;
- (2) Have general administration and control of the Department;
- (3) Be responsible for the Department's government, efficiency and general good conduct;
- (4) Perform all duties prescribed to him/her by laws of the State and ordinances of the City.
- (5) Develop Department policies and procedures;
- (6) Maintain Department ethics and discipline;
- (7) Delegate special assignments or duties to police officers, and monitor to see that responsibilities are carried out;
- (8) Perform all the duties of a police officer during a portion of every regular shift;
- (9) Identify and evaluate ideas to achieve more efficient and effective operation;
- (10) Prepare Department budget requests and maintains expenditures within approved budgetary levels;
- (11) Authorize overtime work for police officers, with supporting justification provided to the Mayor and Common Council, or committee thereof;
- (12) Participate in the recruitment, testing and selection of new personnel;
- (13) Supervise and participate in the advanced and continuing training of police officers and non-sworn Department employees;
- (14) Cooperate with county, state and federal officials, and other municipal law enforcement agencies;

- (15) Make special reports to the Common Council on request; and advise and cooperate with other City departments in matters of public safety;
- (16) Perform other miscellaneous duties as assigned.

State Law Reference: Sec. 62.13, Wis. Stats.

Sec. 2-3-8 Fire Chief.

- (a) **Appointment.** The Fire Chief shall be appointed by the Mayor, subject to confirmation by the Common Council.
- (b) **Duties and Powers.**
 - (1) The Chief shall have general supervision of the Fire Department personnel, apparatus and equipment. The Fire Chief, or his/her designee, shall be present at fires and command all fire-fighting operations. The Fire Chief may make such further rules, regulations and policies for the government of the Fire Department as he/she may deem necessary, provided such rules and regulations shall not be inconsistent with the laws of the State of Wisconsin or Department bylaws. The Fire Chief shall, by virtue of his/her office, hold the office of Fire Inspector or he/she may delegate a member of the Department to serve as the Fire Inspector.
 - (2) He/she shall enforce all fire prevention ordinances of the City and State laws and regulations pertaining to fire prevention, and shall keep citizens informed on fire prevention methods, and on the activities of the Department.
- (c) **Reports of Chief.** The Fire Chief shall report to the Common Council from time to time at his/her discretion or upon the request of said Common Council on matters concerning departmental matters and shall perform such other duties in conformance with his/her office as may from time to time be required of him/her by the Common Council.

State Law Reference: Sec. 62.13, Wis. Stats.

Sec. 2-3-9 Assessor.

- (a) **Appointment.**
 - (1) The City of Amery hereby elects not to be governed by those portions of Sec. 62.09(3)(b), Wis. Stats., relating to the method of selection of the City Assessor which are in conflict with this Section. (Charter Ordinance).
 - (2) The City Assessor, or assessing firm, shall be appointed by the Common Council for a term of office as determined by contract.
 - (3) A corporation or an independent contractor may be appointed as Assessor. The corporation or independent contractor so appointed shall designate the person

responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats.

- (4) No Assessor shall be appointed unless said Assessor is certified by the Wisconsin Department of Revenue as qualified to perform the functions of the office of Assessor.
- (b) **Duties.** The Assessor shall perform all duties required of such office as provided by law and such other duties as are requested to be executed by such person by the Common Council from time to time.
- (c) **Definition.** For purposes of this Section, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

State Law Reference: Public Officials' oaths and bonds, Sec. 19.01, Wis. Stats., corporation as assessor, Sec. 62.09(1)(c), Wis. Stats., affidavit of assessor, Sec. 70.49, Wis. Stats.; assessor certification, Sec. 73.02, Wis. Stats.; assessors in cities, Sec. 70.05, Wis. Stats.

Sec. 2-3-10 Building Inspector.

(a) **Qualifications.**

- (1) There is created the position of Building Inspector.
- (2) The Building Inspector shall:
- a. Possess such executive ability as is requisite for the performance of his/her duties and shall have a thorough knowledge of the standard materials and methods used in the installation of equipment in his/her area of responsibility;
 - b. Be well versed in approved methods of construction for safety to persons and property, the regulations of the State of Wisconsin relating to work in his/her area of responsibility, and any orders, rules and regulations issued by authority thereof;
 - c. Have sufficient experience in the installation of equipment to enable him/her to understand and apply the appropriate codes adopted by the City of Amery.
 - d. Be properly state-certified in his/her areas of responsibility.

(b) **Appointment and General Powers.**

- (1) The Building Inspector shall be appointed by the Mayor, subject to Council confirmation, for an indefinite term of office.
- (2) Any person feeling himself/herself aggrieved by any order or ruling of the Building Inspector may, within twenty (20) days thereafter, appeal from such order or ruling to the Board of Appeals, as established in the Zoning Code, such an appeal to be in writing.

- (c) **Authority to Enter Premises.**
- (1) In the discharge of his/her duties, the Building Inspector under this Section or his/her authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection any may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his/her authorized agent while in the performance of his/her duties; and any person so interfering shall be in violation of this Section and subject to a penalty as provided by Section 1-1-7.
 - (2) If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public for inspection purposes has been denied, the Inspector shall obtain a special inspection warrant under Sec. 66.0119, Wis. Stats.
- (d) **Duties and Authority.** The Building Inspector shall have such duties as are prescribed in this Section and Title 15, Chapter 1, of this Code of Ordinances.
- (e) **Records.** The Building Inspector shall keep a record of all applications for permits and regularly number each permit in the order of issuance. The Building Inspector shall keep a record of all inspections made and a record of all fees collected by them showing the date of his/her receipt and transfer to the City Administrator.
- (f) **Stop Work Orders and Revocations.** The Building Inspector may order construction, installation, alteration or repair work stopped when such work is being done in violation of this Code of Ordinances. Work so stopped shall not be resumed, except with written permission of the Inspector, provided if the stop work order is an oral one it shall be followed by a written order within a reasonable period of time.

Sec. 2-3-11 Health Officer.

- (a) **Selection.** A Health Officer may be appointed by the Mayor, subject to Council confirmation. Such Health Officer shall be a physician, or in lieu thereof, a person with training and experience in public health administration which shall meet training and experience requirements established by the State Department of Health and Social Services. If the Health Officer is not a physician, the Common Council shall arrange for and provide in addition such services of a physician as may be necessary on either a part-time or full-time basis and provide reasonable compensation therefor.
- (b) **Vacancy.** If a vacancy in the position of Health Officer occurs, the Mayor shall immediately fill the position.
- (c) **Responsibilities.**
- (1) The Health Officer shall provide such additional rules and regulations as are necessary for the preservation of health, to prevent the spread of communicable diseases, and to cause the removal of all objects detrimental to health and to enforce the health

laws. All proposed rules and regulations shall be reported to the Common Council by the Health Officer, and if the Council approves the same by a vote of a majority of its members, they shall have the force and effect of ordinances, including penalty for violation.

- (2) The Health Officer shall from time to time recommend to the Common Council such sanitary measures, to be executed by the City as seem necessary, and shall discharge such other duties as may be imposed upon the Council by ordinance or resolution.

State Law Reference: Sec. 141.015, Wis. Stats.; HSS 139.05, Wis. Adm. Code.

Sec. 2-3-12 Weed Commissioner.

The Weed Commissioner shall be appointed by the Mayor, subject to Council confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his/her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the City Administrator, and shall hold office for one (1) year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

State Law Reference: Secs. 66.0517 and 66.0407, Wis. Stats.

Sec. 2-3-13 Director of Economic Development and Planning.

- (a) **Appointment.** The Director of Economic Development and Planning shall be appointed pursuant to Section 2-3-2.
- (b) **Term.** The term of the Director shall commence on the 1st day of each May and terminate on the 30th day of each April.
- (c) **Duties.** The duties of the Director are set forth in the "City of Amery Economic Development Revolving Loan Fund Policies and Procedures Manual" dated November, 2002.

Sec. 2-3-14 Municipal Judge; Municipal Court.

- (a) **Authority.** This Section is adopted pursuant to the authority granted by Sec. 755.01, Wis. Stats., and amendments thereto.
- (b) **Municipal Judge.**
 - (1) There is hereby created the office of Municipal Judge of the Municipal Court for the City of Amery.
 - (2) The Municipal Judge shall be elected at large at the spring election in even numbered years for a term of two (2) years. A Judge's term shall commence on May 1st of the

- year of the Judge's election. The Judge shall be a resident of the City of Amery. A vacancy shall occur if a Judge ceases to be a resident.
- (3) The Common Council shall contract for or fix the salary of the Judge, which shall be in lieu of fees and costs, as provided by Sec. 755.04, Wis. Stats.
 - (4) A Municipal Judge may impose a forfeiture for contempt in an amount not to exceed Fifty Dollars (\$50.00) or, upon nonpayment of the forfeiture, penalty assessment under Sec. 165.87, Wis. Stats., and jail assessment under Sec. 302.46, Wis. Stats., and any applicable domestic assessment under Sec. 973.055(1), Wis. Stats., a jail sentence not to exceed seven (7) days.
- (c) **Municipal Court Procedure.** The Municipal Court shall operate pursuant to the provisions of this Title and state law, including, without limitation because of enumeration, the applicable portions of Chs. 23, 345, 755 and 800, Wis. Stats., as presently existing and as hereafter amended. The Municipal Judge shall set the dates and times of court sessions.

State Law Reference: Chs. 23, 345, 755 and 800, Wis. Stats.

Sec. 2-3-15 Clerk of the Municipal Court.

- (a) **Appointment.** The Municipal Judge shall, in writing, appoint a Clerk of the Municipal Court. The Clerk's salary shall be fixed by the Common Council. The Clerk of the Municipal Court shall hold office for an indefinite term of office. The Clerk shall, before entering upon the duties of his/her office, take the oath provided by Sec. 19.01, Wis. Stats., and give such bond as the Council may require. The oath and bond of the Clerk of Municipal Court shall be filed with the City Administrator. The cost of such bond shall be paid by the City.
- (b) **Duties.** The Court Clerk shall:
- (1) File and review citations and complaints, assuring their correctness;
 - (2) Reply to departmental mail concerning routine matters as prescribed by the Municipal Judge;
 - (3) Assign docket numbers to citations and complaints, type the docket sheets and gather all material pertinent to cases;
 - (4) Determine and schedule Court dates and facilities;
 - (5) Communicate with law officers, attorneys and defendants regarding court proceedings;
 - (6) Balance dockets at the conclusion of court proceedings;
 - (7) Prepare and mail warrants and summons;
 - (8) Prepare monthly report of financial activities;
 - (9) Assist in the collection of traffic bonds;
 - (10) Prepare necessary communications for jury trials and transfers to Circuit Court;
 - (11) Perform such other duties as may be required by the Municipal Judge and Common Council.

Sec. 2-3-16 Eligibility for Office.

- (a) No person shall be elected by the people to a City office who is not, at the time of his/her election, a citizen of the United States and of this State, and an elector of the City, and in case of a ward office, of the ward, and actually residing therein.
- (b) An appointee by the Mayor, requiring to be confirmed by the Council, who shall be rejected by the Council, shall be ineligible for appointment to the same office for one (1) year thereafter.
- (c) No member of the Common Council shall, during the term for which he/she is elected, be eligible for an office or position which, during such term, has been created by, or the selection to which is vested in, the Council, provided that the Council may be represented on City boards or commissions where no additional remuneration is paid such representative except as otherwise provided by the laws of the State of Wisconsin.

State Law Reference: Sec. 62.09(2), Wis. Stats.

Sec. 2-3-17 Removal from Office.

- (a) **Elected Officials.** Elected officials may be removed by the Common Council as provided in Sections 17.12(1)(a) and 17.16, Wis. Stats.
- (b) **Appointed Officials.** Appointed officials may be removed as provided in Section 17.12(1)(c) and 17.16, Wis. Stats.

Annotation: 62 Atty. Gen. Op. 97.

Sec. 2-3-18 Custody of Official Property.

City officers must observe the standards of care imposed by Sec. 19.21, Wis. Stats., with respect to the care and custody of official property.

State Law Reference: Sec. 19.21, Wis. Stats.

Sec. 2-3-19 Oath of Office; Bonds of Officers.

- (a) **Oath.** Every person elected or appointed to any statutory office shall take and file his/her official oath within ten (10) days after the notice of his/her election or appointment.
- (b) **Bonds.** The City Administrator, and such other statutory officers as the laws of Wisconsin or the Common Council may direct, shall execute and file an official bond in such form

as the Council may determine. The Council may at any time require new or additional bonds of any officer. All official bonds must be approved by the Mayor and, when so approved, then be filed within ten (10) days after the officer executing the same shall have been notified of this election or appointment. Official bonds shall be filed with the City Administrator and shall be recorded by him/her in a book kept by him/her for that purpose.

Sec. 2-3-20 Rule Making Authority.

- (a) **Authorization for Department Heads.** Heads of departments of the City including, without limitation by enumeration, the City Administrator, Chief of Police, Fire Chief, Director of Public Works and Building Inspector may make rules, regulations, or directives for the administration of their departments, but not for the conduct of the general public.
- (b) **Approval of Rules.** Any proposed departmental rule, regulation or directive other than those proposed by the Police or Fire Department shall be referred to the City Administrator for review. Within fifteen (15) days of formal presentation to the City Administrator, the City Administrator shall either approve the proposed rule, or return the proposed rule to the department along with suggested revisions. All rules shall be consistent with City ordinances, resolutions and applicable City Personnel Rules and Regulations. Any rule, or part thereof, returned by the City Administrator to the department head shall be deemed to be unacceptable and not in force.
- (c) **Time of Taking Effect.** All proposed rules, regulations, or directives shall be effective thirty (30) calendar days after presentation to the City Administrator, unless returned by either the City Administrator, or the Common Council acts by resolution to nullify such rule. In emergency situations requiring immediate actions, rules may become effective immediately; but all rules so enacted shall be reported to the City Administrator within twenty-four (24) hours, with the reasons for the necessity of immediate implementation. All emergency rules are temporary in nature, and must be formally presented as required in Subsection (b) to become permanent rules.

Title 2 ► Chapter 4

Boards, Commissions and Committees

2-4-1	Board of Review
2-4-2	Library Board
2-4-3	Board of Health
2-4-4	Board of Appeals
2-4-5	City Plan Commission
2-4-6	Airport Commission
2-4-7	Equal Opportunities Commission
2-4-8	General Provisions Regarding Meetings and Public Notice
2-4-9	Residency Required for Service on Boards or Commissions; Attendance Standards
2-4-10	Committee and Committee Rules

Sec. 2-4-1 Board of Review.

(a) **Composition.**

- (1) The Board of Review shall consist of the Mayor, City Administrator and one (1) Alderperson from each ward appointed by the Mayor, subject to confirmation by the Common Council. They shall receive such compensation as shall be determined by the Council from time to time.
- (2) No Board of Review may be constituted unless it includes at least one (1) voting member who, within two (2) years of the Board's first meeting, has attended a training session under Sec. 73.03(55), Wis. Stats., and unless that member is the municipality's chief executive officer or that officer's designee. The City Administrator shall provide an affidavit to the Department of Revenue stating whether the requirement under this Section has been fulfilled.

(b) **Compensation.** The members of the Board of Review shall receive a salary as determined by the Common Council for each day or fraction thereof, that the Board is in session for the purpose of hearing and considering testimony or in meeting their report and determination.

(c) **Objections to Valuations to Be Written.** No person shall be permitted to appear and make objection before the Board to the amount of valuation of any property unless

objection thereto shall first have been filed with the Clerk of the Board pursuant to Sec. 70.47(7), Wis. Stats.

- (d) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46, 70.47 and 70.48, Wis. Stats.
- (e) **Board's Duty.** The Board shall carefully examine the assessment roll and correct all apparent errors in description or computation. It shall add all omitted property but shall not raise or lower the assessment of any property except after hearing, as provided by the Statutes.
- (f) **Open Meetings.** All meetings of the Board of Review shall be publicly held and open to all citizens at all times. No formal action of any kind shall be introduced, deliberated upon or adopted at any closed session or meeting of a Board of Review.

State Law Reference: Secs. 70.46, 70.47, and 73.03(55), Wis. Stats.

Sec. 2-4-2 Library Board.

- (a) **Membership and Terms.** Pursuant to Sec. 43.54, Wis. Stats., the Library Board shall consist of seven (7) members appointed by the Mayor, subject to confirmation by the Council, to serve three (3) year terms. One (1) member shall be a school district administrator or his/her representative, and not more than one (1) member of the Council shall serve on the Library Board at any one (1) time. Up to two (2) members may be residents of towns adjacent to the City.
- (b) **Duties and Powers.**
 - (1) The Library Board shall have the duties and powers as prescribed by Chapter 43, and more particularly set forth in Sec. 43.58 of the Wisconsin Statutes. The Library Board shall appoint the Librarian and other library employees.
 - (2) The Library Board shall submit annually to the Council an itemized budget of the estimated expenses of the library for the following year.

State Law Reference: Sections 43.54 and 43.58, Wis. Stats.

Sec. 2-4-3 Board of Health.

- (a) **Composition.** The Common Council's Public Welfare Committee shall serve as the City of Amery Board of Health. The Council shall make a recommendation to the Mayor on appointing a competent and proper person who shall be, whenever the same is applicable, a reputable physician, who shall be the Health Officer of the City and who shall, during his/her term of office, be an ex officio officer of the Board.

(b) Responsibilities.

- (1) The Board of Health shall take such measures as shall be most effectual for the preservation of the public health. It shall be the duty of the Board of Health of the City of Amery to assume the general administration of health and sanitation laws and regulations in the City and to attend to the administration and enforcement of the health laws of the State and the rules and regulations prescribed by the State Board of Health and the ordinances of the City.
- (2) The Board shall take such measures and make such rules and regulations as shall be necessary and effectual for the preservation and promotion of the public health in the City of Amery. All orders and regulations of the Board shall be published in the official newspaper and, after publication, shall have the force and effect of ordinances, including penalty for violation.

State Law Reference: Sec. 141.015, Wis. Stats.

Sec. 2-4-4 Board of Appeals.

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed as specified in Sec. 62.23(7)(e) of the Wisconsin Statutes. The Zoning Board of Appeals shall consist of five (5) members, and two (2) alternate members, appointed by the Mayor, subject to confirmation by the Common Council for a term of three (3) years. The members may be compensated as determined by the Council and shall be removable by the Common Council for cause upon written charges and upon public hearing. The Mayor shall designate one of the members chairman.
- (b) **Powers.** The Zoning Board of Appeals shall have the following powers:
 - (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the City's zoning or building code ordinances.
 - (2) To hear and decide special exceptions to the terms of City zoning and floodplain zoning or building code regulations upon which the Board of Appeals is required to pass.
 - (3) To authorize, upon appeal in specific cases, such variance from the terms of the City's zoning or building code regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district.
 - (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the

- zoning code, for such purposes which are reasonably necessary for public convenience and welfare.
- (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made regarding the premises. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the City's zoning ordinances. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless a zoning permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.
- (c) **Meetings and Rules.** All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the City Administrator and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Section or with applicable Wisconsin Statutes.
- (d) **Offices.** The Common Council shall provide suitable meeting space for holding the Zoning Board of Appeals' hearings.
- (e) **Appropriations.** The Common Council shall appropriate funds to carry out the duties of the Zoning Board of Appeals and the Board shall have the authority to expend, under regular procedures, all sums appropriated to it for the purpose and activities authorized herein.

State Law Reference: Sec. 62.23(7), Wis. Stats.

Sec. 2-4-5 City Plan Commission.

- (a) **Composition.** The Plan Commission shall consist of the Mayor, who shall be the presiding officer, one (1) Alderperson, City Administrator, and five (5) citizens.
- (b) **Appointment.**
- (1) **Election/Appointment of Alderperson Members.** At its annual meeting in April of each year the Common Council shall, by a two-thirds (2/3) majority vote of its members, elect one (1) of its number as a member of the City Plan Commission for a period of one (1) year from and after the first day of May next ensuing.

- (2) **Appointment and Terms of Citizen Members.** The five (5) citizen members shall be appointed by the Mayor, subject to Council confirmation, on the third Tuesday of April in each year to hold office for a staggered term of three (3) years commencing with the third Tuesday of April.
- (c) **Organization of Commission.** The Mayor shall serve as presiding officer. The Plan Commission shall organize by the election of a vice-chairman, secretary and such other officers as may in their judgment be necessary.
- (d) **Record.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Administrator. Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.
- (e) **Duties.**
- (1) **The Master Plan.**
- a. The Plan Commission may make, adopt and, as necessary, amend, extend or add to the master plan, subject to Common Council confirmation, for the physical development of the City including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the City. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.
- b. The Commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Common Council. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of

the plan or part thereof shall be certified to the Common Council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Common Council in the performance of their duties.

- (2) **Mandatory Referrals to Commission.** The Common Council or officer of the City having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within thirty (30) days, or such longer period as may be stipulated by the Common Council, the Council or other public body or officer may take final action without it.
- (3) **Miscellaneous Powers.** The Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Common Council programs for public improvements. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.
- (f) **Vacancies.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
- (g) **Compensation.** Compensation shall be as established by the Common Council. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the City Administrator.

Sec. 2-4-6 Airport Commission.

- (a) **Members.** The Airport Commission shall consist of seven (7) citizens who are residents of the City. Commissioners shall be appointed by the Mayor, subject to confirmation by

the Common Council. Commissioners shall serve a term of three (3) years, except that Commissioners appointed to newly created positions shall be appointed to terms of one (1), two (2) and three (3) years, so that the terms of three (3) Commissioners shall end in a given year, the terms of two (2) Commissioners in each of the following years, and continuing said pattern thereafter.

- (b) **Organization.** The Airport Commission shall organize by taking and filing their official oaths and selecting a chairperson and secretary.
- (c) **Powers and Duties.** The Airport Commission shall:
 - (1) To the extent expressly authorized by the Common Council, organize and take charge of all affairs necessary in the management and operation of the Amery Municipal Airport.
 - (2) Prepare and submit to the Mayor and Council a budget for necessary expenditures for such management and operation.
 - (3) Make recommendations to the Mayor and Council regarding any and all affairs pertaining to aeronautics.
 - (4) The Airport Commission shall, in all respects, be an advisory body to the Common Council. No act, contract, lease or any activity of the Airport Commission shall be or become a binding contract or obligation of the City until expressly authorized by the Common Council, and then only to the extent so expressly authorized.
- (d) **Minutes of Meetings.** The secretary shall keep minutes of all Commission meetings and shall file a copy with the City Administrator.

Cross-Reference: Section 11-2-18, "Improper Use of Amery Municipal Airport Facilities."

Sec. 2-4-7 General Provisions Regarding Meetings and Public Notice.

- (a) **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the City shall fix a regular date, time and place for its meeting.
- (b) **Notice of Meetings.**
 - (1) Every meeting of any board or commission of the City of Amery, and/or any committee appointed or created by the Mayor or Common Council of the City of Amery shall be preceded by public notice and shall be held in open session at a place acceptable to the public in accordance with the provisions of Chapter 19, Subchapter IV Open Meetings of Governmental Bodies, Wis. Stats., unless otherwise authorized by law.
 - (2) Such notice shall be given in writing to the official newspaper, and in addition thereto, shall be posted in at least one (1) location likely to give notice to the public of such meeting.

- (3) A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting, but not less than twenty-four (24) hours prior to the commencement of such meeting unless otherwise authorized by law.
- (4) Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:

NOTICE OF MEETING

CITY OF AMERY, WISCONSIN

(commission)

Please take notice that a meeting of the (commission) of the City of Amery will be held on (date), 20__, at (time) p.m., at the City Hall, in Room _____ to consider the following:

1. (Agenda items set forth).
2. Such other matters as authorized by law.

Dated: _____

_____ (Commission)

By _____

The Amery City Hall is accessible to the physically disadvantaged. If special accommodations for physical, visually or hearing impaired individuals are needed, please contact the Amery City Administrator at (telephone).

- (c) **Notice to Members.** Every member of any board, commission or committee of the City of Amery shall be notified by the secretary thereof or designee, that a meeting is to be held,

and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.

- (d) **Minutes to Be Kept.** Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the City Administrator within one (1) week of the meeting date. The City Administrator shall furnish a copy of all minutes filed with him/her to the Mayor and to each member of the Common Council. All such minutes shall be public records.

Sec. 2-4-8 Residency Required for Service on Boards on Commissions; Attendance Standards.

- (a) **Residency.** No person not a resident of and not residing in the City shall be appointed to any City board or commission, with the exception of the Library Board. As permitted by statute [Sec. 43.54(1), Wis. Stats.], not more than two (2) members of the Library Board may be residents of towns adjacent to the City. Any board or commission member who moves from the City, or in the case of a non-resident member of the Library Board, ceases to reside in either a town adjacent to the City or the City, shall immediately be removed from such board or commission.
- (b) **Attendance Standard.** Members of boards, committees and commissions are required to attend a minimum of two-thirds (2/3) of the meetings in each six (6) month period of their respective bodies, unless excused by the membership of their body. Failure to comply with this Subsection may result in the removal and replacement of the official found to be in noncompliance.
- (c) **Member Subject to Removal.** Any member of any board or commission who violates any provision of this Section or who knowingly attends a meeting held in violation hereof may be removed as a member of such board or commission after being granted a public hearing, by the appointing authority and upon concurrence of the Common Council.

Sec. 2-4-9 Committee and Commission Rules.

- (a) Except as provided herein, the provisions of Section 2-2-18 of this Code of Ordinances relating to rules of procedure for the Common Council, together with *Robert's Rules of Order*, shall as far as applicable, also apply to committee, board and commission meetings.
- (b) A simple majority of the members of a board, committee or commission shall constitute a quorum.

Title 2 ► Chapter 5

Ethics Code

2-5-1	Statement of Purpose
2-5-2	Definitions
2-5-3	Statutory Standards of Conduct
2-5-4	Responsibility of Public Office
2-5-5	Dedicated Service
2-5-6	Fair and Equal Treatment
2-5-7	Conflict of Interest
2-5-8	Advisory Opinions
2-5-9	Hiring Relations
2-5-10	Employees Covered by Collective Bargaining Agreements
2-5-11	Outside Employment
2-5-12	Sanctions

Sec. 2-5-1 Statement of Purpose.

- (a) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in this Chapter a Code of Ethics for all City of Amery officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the City, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the City.
- (b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City of Amery and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the City. The Common Council believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will

promote and strengthen the faith and confidence of the citizens of this City in their elected and appointed officials and employees. The Common Council hereby reaffirms that each elected and appointed City official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the City of Amery.

Sec. 2-5-2 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Public Official.** Those persons serving in statutory elected or appointed offices provided for in Chapter 62 of the Wisconsin Statutes, and all members appointed to boards, committees and commissions established or appointed by the Mayor and/or Common Council pursuant to this Code of Ordinances, whether paid or unpaid.
- (b) **Public Employee.** Any person excluded from the definition of a public official who is employed by the City.
- (c) **Anything of Value.** Any gift, favor, loan, service or promise of future employment, but does not include reasonable fees and honorariums, or the exchange of seasonal, anniversary or customary gifts among relatives and friends.
- (d) **Business.** Means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
- (e) **Personal Interest.** The following specific blood or marriage relationships:
 - (1) A person's spouse, mother, father, child, brother, sister or first cousin (natural or step);
or
 - (2) A person's relative by blood or marriage who receives, directly or indirectly, more than one-half (1/2) support from such person or from whom such person receives, directly or indirectly, more than one-half (1/2) of his/her support.
- (f) **Significant Interest.** Owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of any business.
- (g) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.
- (h) **Staff.** Any full- or part-time employee of the City.

Sec. 2-5-3 Statutory Standards of Conduct.

There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the

following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:

- (a) **Sec. 19.59.** State Ethics Law.
- (b) **Sec. 946.10.** Bribery of Public Officers and Employees.
- (c) **Sec. 946.11.** Special Privileges from Public Utilities.
- (d) **Sec. 946.12.** Misconduct in Public Office.
- (e) **Sec. 946.13.** Private Interest in Public Contract Prohibited.

Sec. 2-5-4 Responsibility of Public Office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state and municipality, to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern. Their conduct in both their official and private affairs should be above reproach so as to foster respect for government.

Sec. 2-5-5 Dedicated Service.

- (a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- (b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- (c) Members of the City staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the City Administrator. The City Administrator may notify the appropriate professional ethics board of any ethics violations involving City employees covered by such professional standards.

Sec. 2-5-6 Fair and Equal Treatment.

- (a) **Use of Public Property.** No official or employee shall use or permit the unauthorized use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of such official or employee in the conduct of official business, as authorized by the Common Council or authorized board, commission or committee.

- (b) **Use of City Stationery.** No official or employee shall use, or permit the unauthorized use of, City stationery for personal use.
- (c) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his or her position with the City to secure any advantage, preference or gain, over and above his/her rightful remuneration and benefits, for himself/herself or for a member of his/her immediate family.
- (d) **Political Contributions.** No official shall personally solicit from any City employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.

Sec. 2-5-7 Conflict of Interest.

- (a) **Financial and Personal Interest Prohibited.**
 - (1) No official or employee of the City, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of judgment or action in the performance of official duties.
 - (2) Any member of the Common Council who has a financial interest or personal interest in any proposed legislation before the Common Council shall disclose on the records of the Common Council the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Council involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.
 - (3) Any non-elected official who has a financial interest or personal interest in any proposed legislative action of the Common Council or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Common Council or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.
 - (4) Any City employee who has a financial interest or personal interest in any proposed legislative action of the Common Council or any board, commission or committee upon which the employee has any influence of input, or of which the employee is a

member, that is a make to recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Common Council or the appropriate board, commission or committee the nature and extent of such interest.

- (b) **Disclosure of Confidential Information.** No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, nor shall such information be used to advance the financial or other private interests of the official or employee or others.
- (c) **Gifts and Favors.**
- (1) No official or employee, personally or through a member of his/her immediate family, may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.
 - (2) No official or employee personally, or through a member of his/her immediate family, shall accept any gift, whether in the form of money, service, loan, thing or promise, from any person which could reasonably be expected to impair his/her independence of judgment or action in the performance of his/her duties or grant in the discharge of his/her duties any improper favor, service or thing of value. However, it is not a conflict of interest for any public official or employee to receive hospitality that is unsolicited and unrelated to government business, such as a meal, and that is not intended to influence the official.
 - (3) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a City official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality, as a properly reported political contribution, from citizens for the purpose of supporting the candidate's campaign. (The State Ethics Board has interpreted "hospitality" as it applies to state officials as including meals, beverages and lodging which a person offers at his/her residence and would have been offered if the recipient was not an official).
 - (4) Gifts received by an official or employee or his/her immediate family under unusual circumstances shall be referred to the Common Council within ten (10) days of receipt for recommended disposition. Any person subject to this Chapter who becomes aware that he/she is or has been offered any gift, the acceptance of which would constitute a violation of this Subsection, shall, within ten (10) days, disclose the details surrounding said offer to the Common Council. Failure to comply with this reporting requirement shall constitute an offense under this Chapter.

- (d) **Representing Private Interests Before City Agencies or Courts.**
- (1) Non-elected City officials and employees shall not appear on behalf of any private person (other than himself or herself, his or her spouse or minor children) before any City agency, board, commission or the Common Council if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
 - (2) Elected City officials may appear before City agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.
- (e) **Ad Hoc Committee Exceptions.** No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Common Council that such interest exists.
- (f) **Contracts with the City.** No City official or employee who, in his/her capacity as such officer or employee, participates in the making of a contract in which he/she has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his/her part shall enter into any contract with the City unless, within the confines of Sec. 946.13, Wis. Stats.:
- (1) The contract is awarded through a process of public notice and competitive bidding or the Common Council waives the requirement of this Section after determining that it is in the best interest of the City to do so.
 - (2) The provisions of this Subsection shall not apply to the designation of a public depository of public funds.
- (g) **Campaign Contributions.** Campaign contributions shall be reported by all candidates for City office in strict conformity with the provisions of the Wisconsin Statutes. Any campaign contribution tendered to or accepted by a candidate subsequent to the final statutory report shall be reported to the Common Council.

Sec. 2-5-8 Advisory Opinions.

When an official or employee has doubt as to the applicability of a provision of this Ethics Code to a particular situation or definition of terms used in this Chapter, he/she should apply to the Common Council, which may ask the City Attorney for an advisory opinion and will be guided by that opinion when given. The official or employee shall have the opportunity to present his/her interpretation of the facts at issue and of the applicability provisions of this Chapter before such advisory decision is made. This Chapter shall be operative in all instances covered by its provisions except when superseded by an applicable statutory provision and statutory action

is mandatory, or when the application of a statutory provision is discretionary, but determined by the City Attorney to be more appropriate or desirable. Advisory requests and opinions shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made public.

Sec. 2-5-9 Hiring Relatives.

- (a) This Section governs the proposed hiring of individuals for full-time or part-time work as City employees who are members of the immediate family of City employees or elected officials. "Immediate family" includes those relatives by blood or marriage defined in Section 2-5-2(e) as personal interests.
- (b) Hiring an immediate family member of any current City employee or elected City official will be considered only if that individual has the knowledge and skills, experience or other job-related qualifications that warrant consideration for the position. A person can not be hired for either full-time or part-time employment in a position immediately supervised by a member of that person's immediate family.
- (c) This Section does not apply to non-elected officials who are asked to accept appointment as members of a City board, commission or committee; non-elected officials, however, will be expected to disqualify themselves from participation in matters under consideration which may affect the hiring, retention, classification or compensation of their immediate family if currently employed or being considered for employment by the City.

Sec. 2-5-10 Employees Covered by Collective Bargaining Agreements.

In the event an employee, covered under a collective bargaining agreement, is allegedly involved in an Ethics Code violation, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this Ethics Code Chapter.

Sec. 2-5-11 Outside Employment.

No full time officer or employee of the City shall engage in any other remunerative employment in or out of the City; provided that the Common Council may approve such outside employment or activity if it finds that it does not interfere or conflict with such officer's or employee's ability to perform his/her duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from office of any such officer or employee.

Sec. 2-5-12 Sanctions.

- (a) Upon the written complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this Chapter, the Common Council shall conduct an investigation of the facts of the complaint, if the investigation indicates there may be a reasonable basis for the complaint justifying further investigation, the Common Council shall conduct a hearing in accordance with the common law requirements of due process including notice, an opportunity to be heard, an opportunity to cross-examine witnesses and to present testimony and other evidence in support of the accused's position and an opportunity to be represented by counsel or other representative at the expense of the accused. The Council shall make written findings of fact and issue a written decision concerning the propriety of the conduct of the subject official or employee.
- (b) A determination that a public official's or public employee's actions constitute improper conduct under the provisions of this Chapter may constitute a cause for removal from office, termination of employment, suspension, reprimand, removal from committee assignment, or other appropriate disciplinary action. As an alternative or in addition to sanctions imposed herein, any individual violating the Ethics Code shall be subject to a non-reimbursable forfeiture of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) as determined by the Common Council.
- (c) Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the labor agreement.