

TITLE 2

GOVERNMENT AND ADMINISTRATION

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CHAPTER 1

City Government; Elections

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SEC. 2-1-1 CITY GOVERNMENT

- (a) **Mayor-Council Government.** The City of Green Lake 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 these chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The City of Green Lake operates under the Mayor-Council form of government under Chapter 62, Wis. Stats.
- (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 forms 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 fix 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. He 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 shall preside at the meetings of the Common Council. He shall from time to time give the Council such information and recommend such measures as he may deem advantageous to the City.

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

SEC. 2-1-2 OFFICIAL NEWSPAPER.

When publication is used instead of posting, the official newspaper of the City of Green Lake shall be the Green Lake Reporter.

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.
- (b) **Polling Hours.** The polls for all elections shall open at 7:00 a.m. and close at 8:00 p.m. The rules for provision of voting booths, ballots, and election officials and all of the rules for conduct of elections in Chapter 5-12, of the Wisconsin Statutes shall apply to elections in the City of Green Lake.
- (c) **Polling Places.** The designated polling place for all wards of the City of Green Lake shall be at the City Hall, or as designated by the Common Council.

SEC. 2-1-4 NON-PARTISAN PRIMARY FOR CITY OFFICES.

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

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

CHAPTER 2

Mayor; Common Council

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SEC. 2-2-1 COMMON COUNCIL.

The Alderman of the City of Green Lake 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 ALDERMAN.

(a) **Election, Term, Number.** The City shall have six (6) Alderpersons in addition to the Mayor, who is a member of the Common Council by virtue of the office as Mayor. The Mayor and six (6) Alderpersons shall constitute the Common Council. There shall be two (2) Alderpersons from each aldermanic district. Commencing with the April 2014 election, two (2) Alderpersons will be elected for two (2) years and one (1) Alderperson will be elected for three (3) years. The following April election, one (1) Alderperson will be elected for two (2) years and two (2) Alderpersons will be elected for three (3) years.

Thereafter, all terms will be for three (3) years. Vacancies shall be filled pursuant to Sec. 17.23, Wis. Stats.

- (b) **Appointment as Mayor.** An Alderman shall be eligible for appointment as Mayor to fill an unexpired term.

State Law Reference: Secs. 17.23 and 62.09, Wis. Stats.

SEC. 2-2-3 MAYOR.

- (a) **Election.** The Mayor shall be elected for a term of three(3) years.

- (b) **Duties.**

- (1) The Mayor shall be the Chief Executive Officer of the City. He 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 may deem advantageous to the City. When present, he 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.** He 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 by the City Clerk-Treasurer, and shall be enforced upon his approval, evidenced by his signature, or upon his failing to approve and disapprove within five (5) days, which fact shall be certified thereon by the Clerk-Treasurer. If the Mayor disapproves, he shall file his objection with the Clerk-Treasurer, 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.

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 shall not have power to approve an act of the Council which the Mayor has disapproved, by filing objections with the Clerk-Treasurer. He 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. 62.09 (8) (e), Wis. Stats.

SEC. 2-2-5 COMMON COUNCIL COMMITTEES AND COMMITTEE REPORTS

- (a) The City desires to utilize the Committee of the Whole system instead of the Standing Committee system except there will be one Standing Committee known as the Human Resources Committee with its composition and duties as set forth in sub-section (a) (1) (a)

below. The Mayor shall be the presiding officer of the Committee, unless absent, in which case the Common Council President shall preside; in the further absence of the Common Council President, the City Clerk shall call the meeting to order and shall preside until the Committee selects one of its members to preside for that. Meeting. The Committee of the Whole shall consist of the Mayor and all Alderpersons. The Committee of the Whole may meet on the Monday preceding the Council meeting and at such other times as the Common Council shall direct.

(1) The Mayor shall refer new business coming before the Common Council to the Committee of the Whole, or appropriate officer or appropriate Committee, unless otherwise referred or disposed of by motion of the Common Council. Unless otherwise provided in the reference, the Committee or officer shall report thereon to the Common Council at its next regular meeting. Unless excused by the Common Council, the Chairperson of the Committee shall report verbally to the Common Council at the meeting at which the report of the Committee is to be made. Adoption of the Committee report shall constitute final Common Council action on any ordinance, resolution or other matter recommended for adoption by the Committee report.

a. **Standing Committee – Human Resources Committee.**

This Committee shall be made up of three council members appointed annually by the Mayor at the organizational meeting subject to Common Council confirmation. The Mayor shall be an ex-officio member of the Committee. The Chair of the Committee shall be designate by the Mayor. The Human Resources Committee shall be responsible for all matters arising under Chapter 111, Wisconsin State Statutes, direct and conduct on behalf of the City all proceedings involving the Wisconsin Employment Relations Commission relative to bargaining units, carry out collective bargaining with certified bargaining units, and reduce agreements to writing in the form of a resolution for Common Council action; and make recommendations to the Common Council on all personnel matters involving employees of the City, including wages, benefits, hours of work, and conditions of employment. The Committee is authorized to institute legal proceedings or take actions to ensure compliance to employee rules and regulations and Chapter 111, Wisconsin State Statutes, in cooperation with the City Attorney or special counsel acting in his/her stead.

- (b) **Special Committees.** The Mayor may, from time to time, appoint a special committee or committees, as (s)he deems advisable, or as provided by motion or resolution stating the number of members and duties as may be assigned to them.
- (c) **Reports.** Written Committee reports shall be filed with the City Clerk not later than noon on the Thursday preceding the next regular Common Council meeting. Such report shall contain recommendations for actions and shall be approved by a majority of the Committee. Minority reports may be submitted. The Chair of the Committee may report verbally at the regular Common Council meeting.
- (d) **Cooperation of City Officers.** All City officers shall, upon request of the Chair 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 continuous 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.; any 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.

State Law Reference: Art. XI, Sec. 3, Wis. Const.; Sections 62.09 (7) & 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. 66.30, 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 Alderman 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) The Mayor and Alderman 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 Aldermen.
- (b) The Mayor and Aldermen shall be paid at the end of each month.

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 for the purpose of organization.
- (b) **Regular Meetings.** Regular meetings of the Common Council shall be held on the second Monday of each calendar month, at the hour of 6:00 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 Green Lake City Hall, including special and adjourned meetings unless another location is designated by the Common Council at a previous meeting.
- (c) **Attendance.** Any Alderperson who intends to be absent from a regular Council meeting shall notify the Clerk-Treasurer no later than three (3) hours prior to the start of the meeting. Any Alderperson absent for more than four (4) consecutive meetings (i.e. committee and council meetings) must obtain Common Council approval.
- (d) **Remote Attendance At Meetings**
 - (1) The chair of the applicable council, board, authority, committee or commission may on a case by case basis determine that a meeting may be held on a virtual basis or otherwise remote attendance as described in this section. Virtual meetings and remote attendance are only authorized when the chair determines that health, safety, welfare, family or work circumstances warrant a virtual meeting or remote attendance. Virtual meetings and remote attendance are not authorized solely for convenience, or due to vacation, travel or seasonal relocation of one or more members of the body. For meetings that include quasi-judicial action requiring due process, the chair must consult with the city

attorney before authorizing a virtual meeting or remote attendance. Virtual meetings and remote attendance are subject to the following:

- (a) Remote attendance. When a meeting is held in-person, the chair of the applicable body may allow one or more members of the body to attend the meeting by telephone or other electronic means, subject to the requirements of this section. A member of the body seeking to attend remotely shall notify the City Clerk of the request at least 48 hours in advance of the meeting. The City Clerk shall immediately notify the chair. The chair shall decide whether to grant the request at least 24 hours in advance of the meeting. The chair's determination shall be final. Members of the body attending remotely shall have all powers of participation, including counting toward a quorum and having the opportunity to vote. Such attendance is only permitted if systems allow the remote member to hear the proceedings and be heard in the meeting room. If visual information is presented at the meeting, information shall be distributed, or systems must allow remote attendees to view what is presented. The city does not warrant remote attendance system performance. If circumstances leading to one or more members of the body seeking to attend remotely are widely shared by others in the general public, the chair should consider providing a similar remote attendance option for the general public. Such option must be provided to citizens in a timely manner as part of the meeting agenda notice.
- (b) Virtual meeting. Upon direction of the chair, a body may on a case-by-case basis conduct an entirely virtual meeting, in which no member of the body is present at city hall, subject to the requirements of this section. Members of the body attending virtually shall have all powers of participation, including counting toward a quorum and having the opportunity to vote. If visual information is presented at the meeting, remote attendees must have the opportunity before or during the meeting to view what is presented or be prohibited from voting on the matter. The public shall be given access to the system implementing the virtual meeting platform. Information about access to the meeting shall be provided to citizens in a timely manner as part of the meeting agenda notice. Best efforts shall be used to ensure that members of the public lacking access to the virtual meeting platform are provided alternative reasonable methods to attend.
- (c) Special Meetings. In cases of Special Council meetings or any special meetings, including committees, commissions, boards and emergency meetings, the Chair may suspend any restrictions to remote attendance.
- (d) Open meeting law limitations. In no event shall a virtual meeting be convened, or attendance be permitted where a violation of the Wisconsin Open Meetings Law would result.

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

SEC. 2-2-11 SPECIAL MEETINGS.

Special meetings may be called by the Mayor or by two (2) Alderman upon written notice of the time and purpose thereof to each member of the Council delivered to him personally or left at

his usual place of abode at least six (6) hours before the meeting. The City Clerk-Treasurer shall cause an affidavit of service of such notice to be filed in his office prior to the time fixed for such special meetings. A special meeting may be held without such notice when all members of the Common Council are present in person, or consent in writing to the holding of such a meeting, provided the provisions of Wisconsin's Open Meeting Law are complied with. If written consent is obtained, it shall be filed with the Clerk-Treasurer prior to the beginning of the meeting. Attendance by any Council member shall be deemed a waiver on his part of any defect of notice. Any special meeting attended by all Alderman shall be a regular meeting for the transaction of any business that may come before 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, committee thereof, and 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. In case of absence of the Mayor and President of the Council, the Clerk-Treasurer shall call the meeting to order and the senior Alderman present shall be the president pro tem.
- (b) **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules or Order, (Revised), unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. An appeal shall be sustained by a two-thirds (2/3) vote of the members present excluding the Mayor. In the absence of the Clerk-Treasurer, the presiding officer shall appoint a clerk pro tem.

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

SEC. 2-2-15 ORDER OF BUSINESS

- (a) **Order of Business.** Members of the Council and City officers desiring a matter to be placed on the agenda shall submit the same to the City Clerk-Treasurer, who shall be responsible for agenda preparation and distribution, not later than noon on the Thursday preceding the regular meeting. Generally, 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. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specific date.)
 - (3) Accepting the minutes of the preceding meeting and approving the same, if correct, and rectifying mistakes if any exist.
 - (4) Public appearances before the Council (informational purposes only).
 - (5) Reports of Committees.
 - (6) Unfinished business from previous meetings.
 - (7) New business, including the introduction of ordinances and resolutions,
 - (8) Reports of City officers.
 - (9) Communications and miscellaneous business
 - (10) Such other matters as authorized by law.
 - (11) Adjournment.
- (b) **Order to be Followed; Citizen Comments.** No business shall be taken up out of order unless by unanimous consent of all aldermen and in the absence of any debate whatsoever. The Mayor or presiding officer may impose a time limit on the length of time citizens may address the Council.
- (c) **Roll Call; Procedure When Quorum Lacking.** As soon as the Council shall be called to order, the City Clerk-Treasurer shall proceed to call the names of the members, noting who are present and who are absent and record the same in the proceedings of the Council. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the Council shall adjourn.

SEC. 2-2-16 INTRODUCTION OF BUSINESS, RESOLUTIONS AND ORDINANCES; DISPOSITION OF COMMUNICATIONS.

- (a) **Ordinances to be in Writing.** All ordinances submitted to the Council shall be in writing and shall begin with a title and the name of the Alderman or Mayor introducing 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 Clerk-Treasurer in written form not later than noon on the Thursday prior to the 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 and shall be immediately recorder, with the affidavit of publication, by the City Clerk-Treasurer 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.

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

SEC. 2-2-18 CONDUCT OF DELIBERATIONS.

- (a) A roll call shall not be necessary on any questions or motions except as follows:
 - (1) When the ayes and nays are requested by any member.
 - (2) When required by the State Statutes of Wisconsin.
- (b) All ayes and nay votes shall be recorded in the official minutes.
- (c) Except as provided below, the Common Council shall in all other respects determine the rules of its procedure, which shall be governed by Robert's Rules of Order (Revised 1951), which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances;
 - (1) No alderman shall address the Council until he has been recognized by the presiding officer.. He shall thereupon address himself to the presiding officer and confine his remarks to the question under discussion.
 - (2) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
 - (3) No person other than an Alderman shall address the Council except under order of business, except the citizens may address the Council with the permission of the presiding officer as to matters which are being considered by the Council at the time.
 - (4) No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn or amended without consent of the person making the same and the person seconding it.
 - (5) The Mayor shall not vote except in the case of a tie. When the Mayor does vote in case of a tie, his vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure. A majority vote of the quorum of the Council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless larger number is required by

ordinance or State Statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.

- (6) Any member of the Council may demand an aye and nay vote on any matter, and all aye and nay votes shall be recorded in the journal. On confirmation of appointments and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or by creating any liability or charge against the City or any fund thereof, the vote shall be by ayes and noes. A member of the Council may not change his vote on any question after the result has been announced.
- (7) When a question is under discussion, the following motions shall have precedence in the order listed:
 - a. To adjourn.
 - b. To recess.
 - c. To lay on the table.
 - d. To move the previous question.
 - e. To postpone to a day certain.
 - f. To refer to a committee.
 - g. To amend.
 - h. To postpone indefinitely

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

SEC. 2-2-19 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.

SEC. 2-2-20 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 put to an end to all debate and bring the Council to a direct vote, first upon the pending amendment and then upon the main question.

SEC. 2-2-21 AMENDMENT OF RULES.

The rules of this Chapter 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 members of the Council.

SEC. 2-2-22 SUSPENSION OF RULES.

Any of the provisions of Sections 2-2-17 through 2-2-21, inclusive, of this Code may be suspended temporarily by a recorded vote of two-thirds (2/3) of the Council members present at any meeting.

CHAPTER 3

Municipal Officers and Employees

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SEC. 2-3-1 GENERAL PROVISIONS.

- (a) **General Powers.** Officers shall have generally the powers and duties prescribed for like officers of cities, towns and villages, except as otherwise provided, and such powers as are prescribed by law and except as to the Mayor, shall perform such duties as shall be required of him 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 official capacity proceeded against or obliged to proceed before any civil court, board, committee or commission, to

defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceeding, 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 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 CITY CLERK-TREASURER

(a) Appointment.

(1) The City of Green Lake, pursuant to sections 62.09 (3) (c), 62.09 (3) (b), and 66.01, Wis. Stats., hereby elects not to be governed by those portions of Sec. 62.09, Wis. Stats., in general and, more specifically, Sections 62.09 (1) and 62.09 (5), Wis. Stats., which are in conflict with this Section.

(2) The offices of City Clerk and City Treasurer are hereby consolidated, and the duties of both offices shall be performed by the person appointed by the Mayor, subject to confirmation by the Common Council.

(3) The Clerk-Treasurer shall be appointed at the organizational meeting of the Common Council in April of even-numbered years by the Mayor, subject to Council confirmation. The term of office shall be two (2) years, commencing on the date of the organizational meeting. The Mayor shall not vote on confirmation, except in the case of a tie vote.

(b) **Duties.** The duties of the City Clerk-Treasurer and the scope of his duties, authority, and responsibilities include, but are not necessarily limited to, the following: The City Clerk-Treasurer shall perform all duties required of both offices of Clerk and Treasurer as provided by law and those other duties as the Common Council of the City of Green Lake requests to be executed by the Clerk-Treasurer from time to time.

(c) **Basic Job Function.** The City Clerk-Treasurer shall report to the Mayor and such officer be subject to the following:

(1) Have care and custody of the corporate seal and all papers and records of the City.

Maintain papers and records for open inspection.

(2) Maintain ordinance, resolution and municipal code books. Record date of passage and proof of publication.

(3) Record licenses and permits granted by the City Council.

(4) Arrange and prepare for Council Meetings. Attend Council Meetings and record proceedings. Notify persons affected of motions and actions taken by the City Council. Issue notices for City Meetings.

(5) Administer oaths of office to City officials.

(6) Appoint a deputy to perform duties of the Clerk in the Clerk's absence.

(7) Conduct all elections for the City including County, State, Federal and referendum ballots.

(8) Maintain records, handle correspondence, answer inquiries, and file reports for other municipal departments or governmental units.

(9) Receive and promptly answer all inquiries from the general public. Serve as a public information officer. Maintain a good relationship with the citizens of Green Lake.

(10) Report to the Council any important matters relating to City business.

- (11) Supervise the handling of all calls for the Senior Transportation Program and set up rides for the elderly.
 - (12) Countersign official documents.
 - (13) Provide secretarial support for the Mayor and other board or commission members of the City.
 - (14) Issue street (house) numbers.
 - (15) Serve on the Board of Review.
 - (16) Such other duties as may be assigned.
 - (17) Manage all fiscal/financial matters of the City, including payroll administration, utility billing, as well as general collections and disbursements. Responsible for the overall supervision, management and direction of the staff.
 - (18) Draw and sign orders upon the treasury, and keep an accurate, detailed account in appropriate books. Maintain all receipts filed.
 - (19) Maintain records for other municipal departments such as collection of money and fees; billings and statements (accident reports, snow removal, utility bills, etc.)
 - (20) Maintain payroll records and file reports for all employee benefits.
 - (21) Prepare and administer annual budget for the City.
 - (22) Schedule training hours for Clerk's Office personnel.
- (d) **Knowledge, Skills and Abilities.**
- (1) Knowledge of government interactions and agencies.
 - (2) An Associate's Degree with training in business, accounting, computer literacy and Public Administration preferred or equivalent experience.
 - (3) General knowledge of office practices and procedures.
 - (4) Familiarity with Wisconsin Statutes as it affects the duties of municipal clerks.
 - (5) Demonstrated ability to fiscally manage a municipality.
 - (6) An Associate's Degree in accounting with previous experience with computer/data processing accounting systems preferred or equivalent experience.
 - (7) Ability to monitor and make recommendations regarding the investment of City money.

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

SEC. 2-3-3 DEPUTY CLERK-TREASURER.

The Clerk-Treasurer may select a Deputy Clerk-Treasurer when authorized by the Common Council. The Mayor shall not vote on confirmation except in the case of a tie vote. The Deputy Clerk-Treasurer shall act under the Clerk-Treasurer's direction and who, during the temporary absence or disability of the Clerk-Treasurer or during a vacancy in such office, shall perform the duties of Clerk-Treasurer. The acts of the Deputy shall be covered by official bond as the Common Council shall direct.

SEC. 2-3-4 CITY ATTORNEY.

- (a) **Appointment.** The City Attorney shall be appointed at the organizational meeting of the Common Council in April of even-numbered years by the Mayor, subject to Council confirmation. The term of office shall be two (2) years, commencing on the date of the

organizational meeting. The Mayor shall not vote on confirmation, except in the case of a tie vote.

(b) **Duties.** The City Attorney shall have the following duties:

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

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

SEC. 2-3-5 CHIEF OF POLICE.

(a) **Appointment.** The office of Chief of Police shall be filled by appointment by a majority vote of the members of the Common Council for an indefinite term, subject to removal by a three-fourths (3/4) vote of the members of the Common Council and pursuant to statutory procedures for incompetency, misconduct, inefficiency, cowardice, or failure to perform duties.

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

- (1) Have command of the Police Department of the City under direction of the Mayor and Common Council;
- (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 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) Submit reports to the Mayor and Common Council;
 - (17) Perform other miscellaneous duties as assigned.
- (c) **Other Responsibilities.**
- (1) Plan, organize, coordinate, and direct all activities of the Police Department.
 - (2) Appraise crime prevention law enforcement problems of the City. Develop efficient police solutions to such problems and adjust department methods to meet new situations and improve effectiveness of existing operations.
 - (3) Properly maintain all Police Department equipment.
 - (4) Oversee all criminal investigations to completion. Plan regular staff meetings in order to maintain an ongoing crime prevention program.
 - (5) Maintain records of all arrests made by Police Department as well as the general activities of the Department.
 - (6) Schedule work hours of Department personnel.
 - (7) Maintain effective working relationships with all Department personnel.

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

- (d) **Knowledge, Skills and Abilities.**
- (1) Extensive working knowledge of the principles and practices of police science, police administration and crime prevention.
 - (2) Thorough knowledge of the organization and functions of other city departments and of county, state, and federal law enforcement, regulatory and licensing agencies.
 - (3) Thorough knowledge of the use of police records and their application to the solution of police problems.
 - (4) Demonstrated ability to command the respect of officers, while maintaining morale within the Department, and to plan, assign, direct, and supervise the work of all subordinate personnel.
 - (5) The ability to establish and maintain effective working relationships with other City officials, the news media, and the general public.
 - (6) Demonstrated ability to plan realistically for the allocation and use of all monies budgeted for department operations.
 - (7) Wisconsin State Certified Law Enforcement Officer.
 - (8) Some college level courses in police science and supervisory/management skills.
 - (9) Eight (8) years progressively responsible police experience, two years of which must have been in a rank involving supervisory and administrative responsibility.
 - (10) Possession of a valid motor vehicle operator's license issued by the State of Wisconsin.

SEC. 2-3-6 FIRE CHIEF.

- (a) **Appointment.**
- (1) Election. The Fire Chief shall be elected by the members of the Fire Department, subject to confirmation by a majority of the Common Council, for an indefinite term subject to removal by a three-fourths (3/4) vote of the Common Council for

incompetency, misconduct, inefficiency, or failure to perform duties. Upon occurrence of a vacancy in the office of Fire Chief, the ranking officer of the Department shall perform the duties of the Chief until such vacancy is filled. The Fire Chief shall, by virtue of his office, hold the office of Fire Inspector.

- (2) **Qualifications.** The Fire Chief shall be a member of the Fire Department in good standing whose entire time both day and night, is ordinarily spent within the City limits and who has had training and experience in fire department operations.

(b) Duties.

- (1) The Chief shall have general supervision of the Fire Department personnel, apparatus and equipment. He, or his 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 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 office, hold the office of Fire Inspector or he may delegate a member of the Department to serve as Fire Inspector.
 - (2) He 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 discretion or upon the request of said Common Council on matters concerning departmental matters and shall perform such other duties in conformance with his office as may from time to time be required of him by the Common Council

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

SEC. 2-3-7 CITY ASSESSOR.

(a) Appointment.

(1) The City of Green Lake hereby elects not to be governed by those portions of Sec. 62.09 (3) (b) of the Wisconsin statutes relating to the method of selection of the City Assessor which are in conflict with this Section (Charter Ordinance.)

(2) 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.

(3) 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.; assessor in cities, Sec. 70.05, Wis. Stats.

SEC. 2-3-8 DIRECTOR OF PUBLIC WORKS.

- (a) **Appointment.** The Public Works Director shall be appointed by the Common Council, subject to Council confirmation. Said appointment shall be for an indefinite term, subject to removal by a three-quarters (3/4) vote of members of the common Council, or by a simple majority vote of the Common council for cause shown resulting from incompetence, misconduct, inefficiency, failure to perform duties or failure to meet requirements of a performance improvement plan. The Mayor shall not vote on the confirmation, except in the case of a tie vote.
- (b) **Duties.** The Public Works Director shall have the following duties:
- (1) Shall have general charge and supervision of all city public works including but not limited to water utility, wastewater utility, parks, streets, storm water system, all public buildings, campground, boat launches and parking lots.
 - (2) Shall understand and comply with the Wisconsin Department of Natural Resources rules and codes and the Public Service Commission rules and codes as they pertain to the operation and maintenance of the water and wastewater utility.
 - (3) Operate the SCADA, GIS mapping and water meter software.
 - (4) Shall be responsible for the maintenance, repair, and construction of streets, alleys, curb and gutter, sidewalks, bridges, street signs, storm sewers, water utility facilities, wastewater utility facilities and all machinery, equipment and property used in any activity under his/her control.
 - (5) Shall be responsible for the maintenance, repair and construction of all city park land improvements, public buildings, and all equipment and machinery used in activities under the Director's control.
 - (6) Shall be designated as the operator of the dam located in Playground Park, administer the City Tree Program, and perform such other duties as directed by the Mayor or action of the Common Council.
 - (7) Shall have charge of all public services, including garbage and refuse removal, street cleaning and drainage, insect and rodent control.
 - (8) Shall perform such other activities and duties as are imposed upon him/her from time to time by the Common Council, his/her job description, or employment contract.
- (c) **General Authority.**
- (1) The Public Works Director shall report to the Mayor and shall be directly responsible to the Committee of the Whole and the Common Council.
 - (2) The duties of the Public Works Director shall be, but are not limited to, administrating, directing, coordinating and expediting activities of designated city departments, who shall be directly responsible to him/her unless otherwise provided for by this Code or by Wisconsin Statutes, and other duties as may be directed by the Mayor.

- (3) Inform employees of department standards and administrative rules of conduct and performance; take disciplinary action against employees who do not meet or follow these standards.
- (4) Schedule all employees work hours, vacation and training.
- (5) Train all new Public Works employees.
- (6) Shall Comply with Wisconsin Department of Safety and Professional Services for employee safety rules and training requirements.
- (7) Prepare annual budgets for Public Works, Water and Wastewater Utilities, Park and Recreation and Campground estimates; and control expenditure of appropriations.
- (8) Approve all department purchases and repairs.
- (9) Coordinate all city recycling activities.
- (10) Attend all Committee of the Whole, regular City Council, and Park and Recreation/Tree Board meetings.
- (11) Prepare and update a long-range capital improvement program for the Public Works Department, Water and Wastewater Utilities, Parks, Campground and public buildings.
- (12) Analyze, evaluate and measure the performance of the Public Works Department and other areas of responsibility and make recommendations to the Mayor and the appropriate governing committee.
- (13) Shall serve as city liaison to groups using parks and public buildings for special events.
- (14) Shall review and monitor special use permits for parks and public buildings.
- (15) Investigate all citizen and city government complaints pertinent to the Public Works Director's position.
- (16) All duties and responsibilities of the Weed Commissioner as outlined in the City's Municipal Code and applicable to Wisconsin State Statutes.

(d) Other duties that may be required.

- (1) Draft annual Park and Recreation/Tree Board budget, 5-Year Plan, administer budget items and projects, oversee part-time staff as required by Park and Recreation/Tree Board budget.
- (2) Attend and participate in tree committee meetings and new tree plantings
- (3) Write Request for Proposal (RFPs) for engineering projects
- (4) Write specifications for bidding projects
- (5) Street Project Construction Inspection
- (6) Sewer and Water connection inspection for new construction
- (7) Plan Commission project plan review

SEC. 2-3-9 BUILDING INSPECTOR; PLUMBING INSPECTOR; HEATING, VENTILATING AND AIR CONDITIONING INSPECTOR; ELECTRICAL INSPECTOR.

(a) Appointment.

- (1) There are created the positions of Building Inspector; Electrical Inspector; Heating,

Ventilating and Air Conditioning (HVAC) Inspector; and Plumbing Inspector. One (1) person may be appointed to serve in all capacities.

(2) Each Inspector shall:

- a. Possess such executive ability as is requisite for the performance of his duties and shall have a thorough knowledge of the standard materials and methods used in the installation of equipment in his area of responsibility;
- b. Be well versed in approved methods of construction for safety to persons and property, the Statutes of the State of Wisconsin relating to work in his 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 to understand and apply the appropriate codes adopted by the City of Green Lake.

(3) The Inspectors shall be appointed at the organizational meeting of the Common Council in April of even-numbered years by the Mayor, subject to Council confirmation. The term of office shall be two (2) years, commencing on the date of the organizational meeting. The Mayor shall not vote on confirmation, except in the case of a tie vote.

(b) Duties.

(1) Each Inspector shall enforce the provisions of this Code of Ordinances and all other ordinances and laws and orders of the State of Wisconsin which relate to building construction, plumbing, HVAC and electrical installations, subject to the respective authority of each Inspector as set forth in this Section and other Chapters of this Code of Ordinances.

(2) Any person feeling himself aggrieved by any order or ruling of an 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.

(3) a. In the discharge of their respective duties, each Inspector under this Section or his authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspections and may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his authorized agent while in the performance of his 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.

b. 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 Sections 66.122 and 66.123, Wis. Stats.

(4) The Inspector shall have such duties as are prescribed in this Section and Title 14 of this Code of Ordinances.

(5) Each 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. 2-3-10 EMERGENCY GOVERNMENT DIRECTOR.

(a) Appointment.

- (1) There is created the office of Emergency Government Director for the City of Green Lake. The Emergency Government Director shall develop and implement an effective program of emergency government consistent with Chapter 166 of the Wisconsin Statutes.
- (2) The Emergency Government Director shall be appointed at the organizational meeting of the Common Council in April of even-numbered years by the Mayor subject to Council confirmation. The term of office shall be two (2) years, commencing on the date of the organizational meeting. The Mayor shall not vote on confirmation, except in the case of a tie vote.

(b) Duties.

- (1) The Emergency Government Director shall have direct responsibility for the organization, subject to the control of the Mayor and the Common Council. He shall coordinate all activities for Emergency Government within the City and shall maintain liaison and cooperate with Emergency Government agencies and organizations of other political subdivisions and of the county and shall participate in county and State Emergency Government activities upon request and shall have such additional authority, duties, and responsibilities as are authorized by ordinance and may, from time to time, be required by the Common Council.
- (2) The Emergency Government Director shall prepare a comprehensive plan for the City and shall present such plan to the Common Council for its approval. When the Common Council has approved the plan by resolution, it shall be the duty of all municipal agencies and all Emergency Government forces of the City to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner.
- (3) Subject to the approval of the Common Council, the Emergency Government Director may enter into mutual aid agreements without political subdivisions and file copies of any such agreements with the State Director of Emergency Government.
- (4) Upon declaration of an emergency, the Emergency Government Director may issue all necessary proclamations as to the existence of such state of emergency and such disaster warnings or alerts as are required in the emergency government plan.

State Law Reference. Chapter 166, Wis. Stats.

SEC. 2-3-11 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 appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Clerk-Treasurer, and shall hold office for one (1) year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

State Law Reference. Sections 66.97 and 66.98, Wis. Stats.

SEC. 2-3-12 ELIGIBILITY FOR OFFICE.

- (a) No person shall be elected by the people to a City office who is not, at the time of his 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 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. 2-3-13 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. 2-3-14 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. 2-3-15 OATH OF OFFICE; BONDS OF OFFICERS.

- (a) **Oath.** Every person elected or appointed to any statutory office shall take and file his official oath within ten (10) days after the notice of his election or appointment.
- (b) **Bonds.** The Clerk-Treasurer, 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 Clerk-Treasurer and shall be recorded by him in a book kept by him for that purpose.

SEC. 2-3-16 RECREATION DIRECTOR.

The Recreation Director for the City of Green Lake shall be responsible to the Park and Recreation Board/Tree Board and/or Director of Public Works.

- (a) General Responsibilities: Plan, coordinate, administer and evaluate year-round recreational activities for citizens of the City of Green Lake and surrounding communities.
- (b) Primary Qualities:
 - (1) Provide creative leadership essential to the progress of the Recreation Department's programs.
 - (2) Create a welcoming, safe and fun recreational environment.
 - (3) Utilize volunteers/parents to assist in group activities.
- (c) Primary Responsibilities:
 - (1) Maintain public relations with the community and surrounding townships. Report to the Park & Recreation Board their interests and wants for recreational activities.
 - (2) Responsible for care, maintenance and storage of department equipment.
 - (3) Report purchasing needs to the Park and Recreation Board and/or Director of Public Works.
 - (4) Recruit, hire, supervise and evaluate recreation and beach staff in cooperation with the Park and Recreation Board and/or Director of Public Works.
 - (5) Responsible for keeping daily attendance records for each activity held that day. Keep records of participants and report numbers from each municipality.
 - (6) Responsible for submitting and end-of-the-year report to the Park and Recreation Board and Director of Public Works no later than three weeks after the summer program ends.
- (d) Secondary Responsibilities:
 - (1) Supervise, evaluate and coach the work of department personnel.
 - (2) Account for departmental expenses, revenues and fiscal operations.
 - (3) Prepare annual budget and administer.
 - (4) Plan program and group activities as deemed necessary and feasible for the community.
 - (5) Supervise lifeguards and their work schedules. Solve any problems they may have dealing with the beach and/or daily operations.
 - (6) Supervise beach operations and activities. Make daily contact with lead lifeguard.
 - (7) Ensure that activities are properly advertised in the communities.
 - (8) Perform other duties as assigned by the Park and Recreation Board and/or Director of Public Works.

SEC. 2-3-17 SELECTION AND HIRING PROCEDURES.

- (a) **Responsibility for the Creation of New Positions and Filling Existing Positions.**
 When the Governing Committee determines that an existing position of employment with the City requires replacement or when it desires to create a new position, it shall make a determination of the general requirements or replacement, the position, its title, the minimum requirement and desired qualifications for the position, the responsibilities of the job, to whom the employee should report and be responsible to, and the pay range for the position. Upon making this determination, the Governing Committee shall reduce the same to writing and submit it to the Human Resources Committee. The Human Resources Committee shall review all aspects of the request and make a recommendation to the City Council regarding such position. When approval is obtained, the job selection and hiring process shall be as follows:
- (b) **Application Procedure.**

The Clerk/Treasurer shall publicly announce the position by notifying the State Job Service Office, publishing twice in the official City newspaper and any other forms of public notice that appear to be reasonable and appropriate. Such public notice shall at least include the following: job title and department, pay range, and fringe benefits, minimum required qualifications, general summary of duties, place to obtain job applications, place and last date to file applications. Equal Employment Opportunity Statement. Job applications shall require a brief history of the applicants educational background, employment history, and any other information deemed appropriate by the Committee of the Whole. After the application deadline, the selection process shall begin.

(c) Selection Process.

The selection process for Department Heads shall be carried out by the Human Resources Committee. The Human Resources Committee may also enlist the assistance of any other person or persons that may desire to assist in the evaluation of the applicants. The Department Head shall also be responsible for hiring his/her subordinates. The selection process may include one or more of the following: written examinations; oral evaluations through interviews; evaluation of education and experience history; evaluation of necessary job skills through appropriate testing procedures; reference checks. Every precaution shall be exercised by all persons participating in the selection and hiring process to insure the highest level of integrity and security and to preserve the confidentiality of all information relating to the job applicants. An application may be rejected for any of the following reasons: If the applicant does not meet the minimum qualifications established for the position. If the applicant falsifies the application in any material way. If the applicant is unable to perform the duties of the position for any reason. If the applicant has a record of arrest or conviction which directly relates to the applicant's ability to perform the job. If the applicant has established an unsatisfactory employment record which demonstrates that he/she is unsuitable for the position. Based on job-related factors, the applicant is found to be unsuitable for the position for which he/she has applied. Such other job-related reasons or in the best interest of be promptly mailed to the applicant.

(d) Appointment. The Common Council or Department Head shall notify the successful applicant and designate the time at which employment shall commence. If after undergoing the above described process as set forth in Section 2-3-17, an employee is hired and within seven (7) months from commencing the job the employee is no longer employed by the City for whatever reason, the City, instead of undergoing the above said selection process once again, as set forth in Section 2-3-17 (a) and (b) above, may contact any individuals who had previously made application for the position and hire an individual who had previously applied for the job. Section 2-3-17 (a) and (b) don not apply in such a case.

(e) Temporary and Part-Time Positions. Except in the case of an emergency, part-time positions shall be filled in the same manner as full-time positions. In emergency cases, the position may be filled for a period of time not to exceed forty (40) working hours, but prior to the position being filled, the emergency situation must be discussed with the Mayor and the Mayor must determine the situation is an emergency. This time may not be extended without permission of the Council. Temporary positions of less than ninety (90) days in duration may be filled with the approval of the Common Council..

SEC. 2-3-18 HOURS OF WORK.

(a) Responsibility for Establishing Hours at Work. The Department Head and the Governing

Committee for each department shall establish the hours of work for each department employee. Such hours of work may also be approved by the Common Council.

SEC. 2-3-19 RESIDENCY REQUIRED.

- (a)
 - (1) Unless exempted pursuant to Section (c) below, all full-time law enforcement, fire, or emergency personnel of the City of Green Lake must reside within the corporate limits of the City of Green Lake or within a fifteen (15) mile radius of the city limits.
 - (2) Residency shall be defined as the actual principal domicile of the individual, where he or she normally sleeps and maintains usual personal and household effects.
- (b) Once residency has been established under Section (a) above, it must be continuous through the terms of employment except as outlined under conditions listed in Section (c) below. Failure to comply with this continued residency requirement shall result in immediate termination from the City.
- (c) Any employee affected by Section (a) above may petition the Common Council for relief from the residency requirement for the following reasons:
 - (1) On the basis of inheritance by the employee of his or her family residence.
 - (2) New marriage to a spouse who owns a residence outside the City or who is subject to residency restriction of another governmental subdivision.
 - (3) Where change of residence is necessary due to illness of a family member.

SEC. 2-3-20 FRINGE BENEFITS.

- (a) Fringe benefits for all employees of the City of Green Lake shall be established by the Common Council.
- (b) The following fringe benefits apply to all regular full-time employees in the service of the City of Green Lake, except employees covered by the terms and conditions of collective bargaining agreements. A regular full-time employee is one who regularly works forty (40) hours per week for the City on an annual basis. Employees working at least thirty (30) hours per week shall be entitled to fringe benefits on a pro-rata basis and those who work less than thirty (30) hours per week are not entitled to any fringe benefits.
 - (1) Holidays. The following are considered holidays within the City of Green Lake: New Year's Day, Good Friday, Easter Sunday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Friday after Thanksgiving, Christmas Eve Day, Christmas Day, and New Year's Eve Day, plus one (1) floating holiday for the Public Works Department and Clerk-Treasurer's Department. Holidays that fall on Saturdays and Sundays shall be observed on Mondays. If Christmas Eve Day or New Year's Eve Day shall fall on a Saturday or Sunday, it shall be observed the previous Friday.
 - (2) Sick Leave. Each employee shall be granted one (1) day of earned sick leave for each month of employment with the City. Employees may accumulate their sick leave to a maximum of one hundred twenty (120) days.
 - (3) Bereavement Leave. Employees who wish to take time off due to the death of an immediate

family member should notify their supervisor immediately. To be eligible for bereavement leave the employee must attend the funeral of the deceased. Three days of paid leave will be provided to eligible employees if necessary, provided they are scheduled days of work in the following classification(s): Full-time employees; Regular part-time employees. Also, one day will be provided for grandparents and grandchildren. Furthermore, additional unpaid leave may be granted as requested by the employee. Bereavement pay is calculated based on the pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials. The amount of pay shall be based on the number of hours scheduled to work on the day or days taken as bereavement leave. Such days off with pay shall be taken between the date of death and a period ending one day after the date of the funeral. Employees may, with their supervisor's approval, use any available paid vacation leave for additional time off as necessary. The City defines "immediate family" as mother, father, mother-in-law, father-in-law, son, daughter, step-child, husband or wife, sister, brother, or son-in-law and daughter-in-law.

(4) Vacation. Employees of the City of Green Lake will have the following vacation benefits:

Five (5) working days of vacation after one (1) year of service;
Eleven (11) working days of vacation after two (2) years of service;
Fourteen (14) working days of vacation after six (6) years of service;
Sixteen (16) working days of vacation after ten (10) years of service;
Eighteen (18) working days of vacation after fifteen (15) years of service;
Twenty (20) working days of vacation after twenty (20) years of service;
After twenty (20) years, one (1) day for each additional year of service, not to exceed a maximum of thirty (30) days.

(5) Retirement. The City shall pay to the Wisconsin Retirement Fund, on behalf of all eligible

employees, one hundred percent (100%) of the amount required as the City's contribution. Eligible employees are required to pay one hundred percent (100%) of the employee contribution.

(6) Insurance. The City of Green Lake shall pay on behalf of the employee such amount as may

be approved by the City Council on a yearly basis for health and life insurance coverage for the single or family plan. Participation in the City group health insurance program is optional. Employees who do not participate will not receive cash payment in lieu of the premium. The City may from time to time change the insurance carrier or self-fund its coverage, as long as participants do not suffer any interruption in coverage.

(7) Travel, Meals, and Lodging Expenses. The City shall reimburse employees for actual, necessary, and reasonable costs incurred while on official business. Commuting expenses between and employee's residence and normal place of employment are not reimbursable. All itemized business expenses shall be reviewed by their supervisor before reimbursement will be granted. Receipts must be provided for all meals that exceed five dollars (\$5.00), lodging and miscellaneous expenses. Reimbursement for automobile expense is allowed at a rate to be determined by the Council. All employees should regularly verify the current allowable rates.

- (8) Sick Leave Upon Retirement. Full-time non-represented employees may be paid, in the form of post-retirement health insurance or paid out right to the employee, for their unused accumulated sick leave up to a maximum of one hundred twenty (120) days upon retirement. One hundred percent of the unused accumulated sick days will be converted into a dollar equivalent based on the rate of pay in effect on the day of retirement. If the employee chooses the health insurance option, the City will retain the money accumulated to pay health insurance premiums and will disburse the money for health insurance as requested by the employee.
- (9) Vacation and Holiday Leave Upon Retirement. Full-time non-represented employees may be paid, in the form of post-retirement health insurance, for their unused accumulated vacation and holiday leave upon retirement. The amount of vacation leave available for payment shall be prorated based on the number of months of employment in the year of retirement. One hundred percent of the unused accumulated vacation and holiday leave will be converted into a dollar equivalent based on the rate of pay in effect on the day of retirement. The City may retain the money accumulated to pay health insurance premiums for the retired employee, or the accumulated amounts may be received in cash by the employee or dependents.

SEC. 2-3-21 PERFORMANCE EVALUATIONS.

- (a) **Non-Supervisory Employees.** Performance evaluations of non-supervisory employees shall be the responsibility of each Department Head. The Department Head shall complete an evaluation of the employee under his/her supervision. Self-evaluations will be completed by each employee using the same evaluation form. An initial performance evaluation will be conducted during the employee's probationary period. All subsequent evaluations will be conducted on an annual basis. Evaluations and final recommendations shall be reviewed by the Human Resources Committee. Evaluations shall be attempted to be completed by October 1 of each year for annual evaluations. After completion of the evaluation forms, a review session will be held with the employee, if needed. The evaluations, along with corresponding notes from the review session, will be placed in the employee's personnel file.
- (b) **Supervisory Employees.** Performance evaluations for supervisory employees shall be the responsibility of the Mayor. The performance evaluation procedure for the Department Heads will consist of separate evaluation forms to be completed by the Department Heads, the Mayor and Departmental Employees. These evaluations will be conducted during the probationary period and subsequently on an annual basis. The evaluations shall be attempted to be completed by October 1 of each year for annual evaluations. After completion of the evaluation forms, the Department Head will meet with the Mayor to discuss his/her performance within the position. Evaluations of supervisory personnel must be reviewed by the Human Resources Committee for final recommendations. After completion of the evaluation forms, a review session will be held with the supervisory employee, if needed. The evaluations, along with corresponding notes from the review sessions, will be placed in the supervisory employee's personnel file.

SEC. 2-3-22 EMPLOYEE GRIEVANCE PROCEDURE.

(a) **Purpose.** This grievance procedure is adopted pursuant to s.66.0509 (1m), Wis. Stats., and is intended to provide a timely and orderly review of disputes regarding: a) employee terminations, b) employee discipline, and c) workplace safety.

(b) **Definitions:**

(1) “Days”: means calendar days, excluding legal holidays as defined in s.995.20, Wis. Stats.

(2) “Discipline”: means any employment action that results in disciplinary suspension without pay, disciplinary reduction in pay or other benefits, disciplinary demotions and terminations. The term “discipline” does not include verbal notices or reminders, written reprimands, performance evaluations, documentation of employee acts and/or omissions in an employment file, non-disciplinary demotions, non-disciplinary adjustments to compensation or benefits, actions taken to address job performance such as establishment of a performance improvement plan or job targets; placing an employee on paid leave pending an internal investigation; or other personnel actions taken by the employer for non-disciplinary reasons.

(3) “Employee”: shall not include employees subject to a collective bargaining agreement addressing employee discipline, termination and workplace safety, statutorily appointed individuals identified specifically in statute as serving at the pleasure of an appointing authority, elected officials, and independent contractors. Further, employee shall not include library employees as the library board shall determine employee grievance procedures for its employees.

(4) “Hearing Officer”: means the impartial hearing officer required pursuant to Sec. 66.0509 (1m) (d) 2, Wis. Stats., selected by the Common Council.

(5) “Termination”: means a discharge from employment for rule violations, poor performance, acts detrimental to the employer or other acts of misconduct. The term “termination” does not include: a voluntary quit, completion of seasonal employment, completion of temporary assignment, completion of contract, layoff or failure to be recalled from layoff at the expiration of the recall period, retirement, job abandonment (“no call, no show” or other failure to report to work), or termination of employment due to medical condition, lack of qualification or license, or any other cessation of employment not involving involuntary termination.

(6) “Workplace Safety”: shall be narrowly construed and not construed to include basic conditions of employment unrelated to physical health and safety. “Workplace Safety” means conditions of employment related to the physical health and safety of employees, as long as such conditions are not enforceable under state or federal law, and includes safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risk. “Workplace Safety” does not include conditions of employment unrelated to physical health and safety matters, including, but not limited to, hours, overtime, sick, family, or medical leave, work schedules, breaks, termination, vacation, performance reviews, and compensation.

(c) **Process and Timeliness:**

(1) The employee must file a written grievance with the City Clerk within 10 days of termination, discipline or actual or reasonable knowledge of the alleged workplace safety issue. So that an earnest effort can be made to resolve the matter informally, the

grievant must discuss the issue with his/her immediate supervisor prior to filing the written grievance. However, in the case of a termination, such a meeting is not required. The City Clerk shall inform the employee's immediate supervisor and the Mayor about receipt of the written grievance as soon as practicable.

- (2) The employee's immediate supervisor will meet with the grievant within 10 days of receipt of the written grievance. The supervisor will provide the grievant with a written response within 10 days of the meeting. A copy of the supervisor's response shall be filed in the clerk's office. If no one has been designated the employee's immediate supervisor, the employees will meet with the Mayor who shall then provide the written response.
- (3) The employee may request an appeal to the hearing officer by filing a written request with the City Clerk within 10 days of receiving the written response. The City Clerk shall notify the Mayor and employee's supervisor about the filing of the request for a hearing as soon as practicable. The City will work with the hearing officer and grievant to schedule a mutually agreeable hearing date.
- (4) The hearing officer shall provide the employee and employee's supervisor with a written decision no later than 30 days after the hearing date. The hearing officer shall also provide the City Clerk with a copy of the decision for filing in the clerk's office.
- (5) The non-prevailing party may file a written request with the City Clerk for an appeal to the Common Council within 10 days of receipt of the hearing officer's decision. The City Clerk shall notify the Mayor about the request as soon as possible. The Common Council shall decide the matter and issue a written decision within 60 days of the filing of the appeal. The Common Council may sustain, deny or modify the recommendation of the impartial hearing officer. The Common Council shall review the record and determine whether to uphold the impartial hearing officer's decision. The Common Council shall give due deference to the decision and recommendation of the impartial hearing officer. Findings of Fact of the impartial hearing officer shall not be overturned unless clearly erroneous. Decisions of the Common Council involved in the grievance shall be by simple majority vote. The decision of the Common Council shall be final and binding. A copy of the Council's decision shall be provided to the employee and filed in the City Clerk's office.
- (6) All timelines may be extended by mutual written agreement of the Common Council and employee. Without such agreement, a failure of the employee to adhere to any of the specified timelines shall preclude any further consideration of the grievance.
- (7) If the last day on which an event is to occur is a Saturday, Sunday, or legal holiday, the time limit is extended to the next day which is not a Saturday, Sunday, or legal holiday. A grievance or request for an appeal is considered timely if received by the City Clerk during normal business hours or if postmarked by 11:59 p.m. on the due date.
- (8) If the grievance is not answered within the time limits, at any stage, the employee may proceed to the next available step within 7 days.
- (9) The grievant and Common Council may mutually agree in writing to waive a step or multiple steps within the procedure.
- (10) Granting the requested or agreed upon remedy resolves the grievance.
- (11) An employee must process his/her grievance outside of normal work hours, unless and employee elects to use accrued pay time (vacation, comp time, etc.) in order to be paid

for time spent processing his/her grievance through the various steps of the grievance procedure.

(d) Grievance Requirements:

The written grievance must contain:

1. The name and the position of the employee filing the grievance.
2. A statement of the issue involved.
3. A statement of the relief sought.
4. A detailed explanation of the facts supporting the grievance.
5. The date (s), event (s), giving rise to the grievance which took place.
6. The identity of the policy, procedure or rule that is being challenged.
7. The steps the employee has taken to review the matter, either orally or in writing, with the employee's supervisor.
8. A description of the workplace safety rule alleged to have been violated, if applicable.
9. The employee's signature and date.

(e) Supervisor's Response:

The supervisor's written response to the employee's written grievance must contain:

1. A statement of the date the meeting between the employee and supervisor was held.
2. A decision as to whether the grievance is sustained or denied.

(f) Procedure Before The Hearing Officer: The hearing officer shall define the issues, identifying areas of agreement and identifying the issues in dispute and hearing evidence and arguments. The hearing officer will determine whether the City acted in an arbitrary and capricious manner. A decision will not have been arbitrary or capricious if it was made in the best interest of the City. In all cases, the grievant shall have the burden of proof to support the grievance. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be strictly followed. However, no factual findings may be based solely on hearsay evidence. Depending on the issue involved, the impartial hearing officer will determine whether a hearing is necessary, or whether the case may be decided based on a submission of written documents.

The hearing officer may require the employee and City to submit materials related to the grievance and witness lists in advance of the hearing in order to expedite the hearing. The hearing officer shall sustain or deny the decision of the employee's supervisor. The hearing officer is not given authority to modify the decision made by the employee's supervisor. The hearing officer is not given authority to grant in whole or in part the specific request of the grievant. Within 30 days after the hearing, the hearing officer will issue a decision in writing indicating the findings and reasons for the decision.

The impartial hearing officer shall conduct the proceedings and make a record of the proceedings. Following the issuance of the decision, the record shall be provided to the City Clerk of the City for preservation.

(g) Hearing Officer's Decision:

The hearing officer's written decision must contain:

1. A statement of pertinent facts surrounding the nature of the grievance
2. A decision as to whether the grievance is sustained or denied, with the rationale for the decision.
3. A statement outlining the timeline to appeal the decision.

- (h) **Representation:** Both the employee and the City may be assisted by a representative of their own choosing in person or by teleconference at any point during the grievance process.
- (i) **Consolidation:** The employee's immediate supervisor and/or the hearing officer may consolidate grievances where a reasonable basis for consolidation exists.
If more than one employee is grieving the same issue or circumstance, a single grievance form may be used. A group grievance must be signed by all grieving employees and must indicate that it is a group grievance at the first step in the grievance process.
- (j) **Costs:** Any expense incurred by an employee in investigation, preparing, or presenting a grievance shall be the sole responsibility of the employee. Each party (employee and employer) shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees. The fees of the impartial hearing officer shall be divided equally between the parties with the employee (s) paying half and the employer paying the other half.
- (k) **Limitation of the Scope of the Grievance Procedure:**
 - 1. The scope of a grievance that is subject to the jurisdiction of a governmental body or specific procedure by other Wisconsin Statutes shall be governed by those statutes and not the grievance procedure.
 - 2. The scope of a grievance that is subject to a grievance procedure in a collective bargaining agreement may not be brought forth under this policy.
 - 3. The scope of a grievance that is subject to other policy or ordinance, for formal and informal investigation or dispute resolution procedures, may not be brought forth under this policy.

SEC. 2-3-23 TERMINATION OF EMPLOYMENT.

- (a) **Resignations.** Any non-supervisory employee who voluntarily decides to terminate his/her employment with the City of Green Lake is expected to give at least fifteen (15) days written notice to his/her Department Head. Department Heads and Supervisors must give a thirty (30) day notice of termination. This notice shall be exclusive of vacation time. If any employee fails to provide sufficient termination notice, loss of accrued vacation and holiday pay shall occur.
- (b) **Retirement:** Any non-supervisory employee who retires from the City of Green Lake shall provide the City with fifteen (15) days written notice. Department Heads and Supervisors are required to provide a thirty (30) day written notice. If sufficient notice is not provided, the employee will not be eligible for any accrued vacation and/or holiday pay. All accrued vacation and/or holiday pay will be paid on the last payroll check of the employees' regular employment.
- (c) **Termination.** Employees terminating will participate in an exit interview conducted by their supervisor. All City property the employee was responsible for will be inventoried and checked in by the supervisor prior to issuance of their last payroll check.

SEC. 2-3-24 MISCELLANEOUS PROVISIONS.

- (a) **Nepotism.** Members of immediate family shall not be employed in a direct superior – subordinate relationship.
- (b) **Gifts and Gratuities.** Employees are advised that the acceptance of gifts, gratuities, offers of employment or other items of value may constitute a violation of local, state or federal law.

- (c) **Equal Opportunity.** It is the policy of the City of Green Lake not to discriminate against any employee or applicant because of age, race, handicap, religion, marital status, sex, sexual preference, color, national origin, political affiliation or beliefs, and arrest/conviction records. The aforesaid provision shall include, but not be limited to the following: employment, upgrading, demotion or transfer, hiring or hiring advertising, lay-off or termination, rates of pay or other forms of compensation, and selection for training.
- (d) **Severability.** If any part of this Ordinance shall be determined to be unconstitutional or invalid for any reason by a court of competent jurisdiction, all remaining parts of this Ordinance shall service and continue to be in full force and effect. Any prior Ordinance of the City of Green Lake inconsistent with the provisions of the Ordinance shall be deemed to be repealed upon passage and publication of this Ordinance.

SEC. 2-3-25 ZONING ADMINISTRATOR.

- (a) **Appointment.** The Zoning Administrator shall be appointed at the organizational meeting of the Common Council in April of even-numbered years by the Mayor, subject to Council confirmation. The term of office shall be indefinite. The Mayor shall not vote on confirmation, except in the case of a tie vote.
- (b) **Duties.** The Zoning Administrator shall have the duties as spelled out in Section 13-1-181 of the Municipal Code of the City of Green Lake.

CHAPTER 4

Boards, Commissions, and Committees

2-4-1	General Provisions Regarding Meetings and Public Notices
2-4-2	Residency Required for Service on Boards or Commissions
2-4-3	Zoning Board of Appeals
2-4-4	City Plan Commission
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2-4-12	Community Development Authority of the City of Green Lake, Wisconsin

SEC. 2-4-1 GENERAL PROVISIONS REGARDING MEETINGS AND PUBLIC NOTICE AND VACANCIES.

- (a) **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the City shall:
- (1) Fix a regular date, time and place for its meeting;
 - (2) All meeting notices shall be filed with the City Clerk/Treasurer who shall cause the notice to be published and posted in full compliance with the Open Meeting Law Requirements.
 - (3) Post at the front door of the City Hall, or publish an agenda of the matters to be taken up at such meeting.
- (b) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or with dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Sections 19.81 to 19.89, Wis. Stats.
- (c) **Vacancies.** Any vacancies occurring on any city board or commission shall be filled by appointment by the Mayor subject to Common Council confirmation and said appointee shall serve the balance of the term of the member replaced.

SEC. 2-4-2 RESIDENCY REQUIRED FOR SERVICE ON BOARDS OR COMMISSIONS.

All persons appointed by the City to any board or commission in the Section shall be a resident of the City of Green Lake, except where any board or commission requires a specialist or designee, as listed in the board or commission membership.

SEC. 2-4-3 ZONING 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 appointed by the Mayor, subject to confirmation by the Common Council for a term of three (3) years. Two (2) alternate members shall be appointed by the Mayor for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of interest. The Chairman shall be empowered to determine which alternate, if either, shall be eligible to vote at any given meeting. The members shall 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 three (3) 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 Clerk-Treasurer 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 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. 2-4-4 CITY PLAN COMMISSION.

- (a) **Composition.** The Plan Commission shall consist on seven (7) members as follows: The Mayor, one (1) Council Member, five (5) citizen members and an alternate member.
- (b) **Appointment.** The five (5) citizen members shall be appointed by the Mayor on the third Tuesday of April in each year to hold office for staggered terms 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 Clerk-Treasurer. 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 shall make and adopt a master plan for the physical development of the City including areas outside of its boundaries which, in the Plan Commission's judgement, 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 shall contain at least the elements described in Sec. 66.0295 of the Wisconsin State Statutes. The Commission may from time to time amend, extend or add to the master plan or carry any part or subject matter into greater detail.
- 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, and such part to correspond generally with one or more of the elements specified in Sec. 66.0295 of the Wisconsin State Statutes. 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 elements under Sec. 66.0295 of the Wisconsin State Statutes , 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 thereof 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, sale, acquisition of land for or lease of land for playground , airport, area for parking vehicles, or extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of land 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) **Compensation.** No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the City Clerk-Treasurer.
- (g) **Appropriations.** The Common Council shall appropriate funds to carry out the duties of the Plan Commission. The Commission shall have authority to expend, under regular procedures, all sums appropriated to it for the purpose and activities authorized herein.

SEC. 2-4-5 BOARD OF CANVASSERS.

The Board of Canvassers of the City of Green Lake shall consist of the City Clerk-Treasurer and two (2) citizen members appointed by the Clerk-Treasurer and confirmed by the Common Council to hold office for a term of two (2) years. The Board of Canvassers shall have those powers and duties as set forth in Sec. 7.53 (2) (d), Wis. Stats. The terms of such members shall commence on January 1 of each odd numbered year, except that any member who is appointed to fill a permanent vacancy shall serve for the unexpired term of the original appointee.

State Law Reference: Sec. 7.53 (2), Wis. Stats.

SEC. 2-4-6 HISTORIC PRESERVATION COMMISSION.

The Historic Preservation Commission is hereby created consisting of five (5) members. Of the membership, if available in the community, one shall be a registered architect; one shall be a historian; and three shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Mayor shall appoint the commissioners subject to confirmation by the Common Council. The term for each member shall be three (3) years. At least three of the commissioners shall be residents of the City of Green Lake. Duties of the Commission are described in Title 13, Chapter 3 of this code.

SEC. 2-4-7 BOARD OF REVIEW.

- (a) **Composition of the Board of Review.** The Board of Review shall be composed of five (5) members, including the Mayor serving as Chair, the City Clerk/Treasurer and three (3) Council Members, annually appointed by the Mayor at the Organizational Meeting, subject to Council confirmation.
- (b) **Duties.** The duties and functions of the Board of Review shall be prescribed in Sections 70.46 and 70.47, Wis. Stats., including carefully examining the assessment roll and correcting 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.

State Law Reference: Sections 70.46 and 70.47, Wis. Stats.

SEC. 2-4-8 PARK BOARD.

- (a) **Establishment.** There is hereby created and established and advisory Park Board to be known and denominated at the Park Board of the City of Green Lake.
- (b) **Members.**
 - (1) The Board shall consist of five (5) members, who shall be appointed by the Mayor and confirmed by the Common Council on the third Tuesday of April each year or as soon thereafter as possible. One (1) member of the Board shall be a member of the Common Council, which member shall serve for a one (1) year term ending on the Organizational Meeting date of April of each year. The remaining four (4) citizen members of said Board shall hold office for staggered terms of two (2) years with terms expiring as of the Organizational Meeting date of April of a given year.
- (c) **Officers.** The officers of the Board shall consist of the President and Secretary who shall be elected by the Board and shall serve for terms of one (1) year commencing at the first regular meeting in the month of May.
- (d) **Meetings.** The Board shall hold regular meetings, at a scheduled place and time, and such other special meetings as may be determined to be necessary by the President or upon application of two (2) members and notice to the remaining member at least twenty-four (24) hours in advance of the time of such special meeting unless such notice is waived in writing or by actual attendance of a member. The Board may make such other bylaws and regulations for the government of the Board not inconsistent with this Section.
- (e) **Powers.**
 - (1) Recreational Activities. The Board shall provide a recreational program for children, young people, and men and women of all walks of life, offer leadership in coordinating

and correlating all recreational activities to the maximum benefit of the citizens of the Green Lake area, and cooperate in and coordinate the building of the total recreational program into and around other public and private organizations activities. The Board shall have exclusive jurisdiction to employ (and dismiss or discipline) staff as needed for the maintenance of the recreation activities of the City, including beach personnel. Selection and employee procedures shall conform to those provided by the Common Council for other City personnel, and all costs and expenditures shall be within amounts as recommended by the Park Board and approved by the City Council.

- (2) Activities Relating to Park System. The Board shall develop a plan for the ultimate maximum utilization of the natural environs presently and potentially comprising a Park System for the City and advise the Common Council and the committees thereof in the development of said Parks toward their maximum utility to the public and the aesthetic benefit of the entire community.
- (f) **Appropriations.** The Common Council shall appropriate funds to carry out the duties of the Board and the Board shall have the authority to expend, under regular procedures, all sums appropriated to it for the purposes and activities authorized herein.

SEC. 2-4-9 LIBRARY BOARD.

(a) **Organization; Terms.**

- (1) There is hereby created, pursuant to Chapter 43 of the Wisconsin Statutes, a joint Library Board for the City of Green Lake and Town of Brooklyn consisting of seven (7) members. Membership shall consist of one (1) Green Lake Public School District Administrator or designee and six (6) citizens, three of which are appointed by the Mayor, subject to confirmation by the Common Council and three selected by the Town of Brooklyn.
- (2) Terms of such members shall be from May 1st in the year of their appointment, and thereafter each regular appointment shall be for a term of three (3) years. The Mayor shall appoint as one (1) of the Library Board Members the school district administrator, or his representative, to represent the public school district or districts in which the library is located.
- (3) A majority of the membership of the Board shall constitute a quorum.
- (4) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter, within thirty (30) days after the time designated in this Section for the beginning of terms, the members of the Library Board shall organize by election from among their number a President and such other offices that they deem necessary to prescribe and adopt rules and regulations for the operation of the library.
- (b) **Duties and Powers.** 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.
State Law Reference: Sections 43.54 & 43.58, Wis. Stats.

SEC. 2-4-10 TREE BOARD.

- (a) **Definitions.** The following definitions shall be applicable in the Section:

- (1) Street Trees. Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or way within the City.
- (2) Park Trees. Trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

(b) Tree Board Established.

- (1) Composition. There is hereby created and established a City Tree Board for the City of Green Lake, Wisconsin, which shall consist of five (5) members and the City Forester.
- (2) Compensation. Members of the Board shall serve without compensation.
- (3) Duties and Responsibilities. It shall be the responsibility of the board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Common Council and upon their acceptance and approval shall constitute the official comprehensive City tree plan for the City of Green Lake. The Board, when requested by the Common Council shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.
- (4) Operation. The Board shall choose its own officers, makes its own rules, and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(c) Tree Planting Standards.

- (1) Species. Tree species shall be limited to the list of such trees adopted by the Board and mended from time to time, which list will be available to the public and on file with the City Clerk-Treasurer.
- (2) Spacing. The spacing of street trees will be in accordance with the three (3) species size classes established by Subsection (c) (1) above, and no trees may be planted closer together than the following:
 - a. Small Trees: Thirty (30) feet;
 - b. Medium Trees: Forty (40) feet; and
 - c. Large trees: Fifty (50) feet; except in special plantings designed or approved by a landscape architect.
- (3) Distance from Curb and Sidewalk. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three (3) species size classes listed in Subsection (c) (1) above and no trees may be planted closer to any curb or sidewalk than the following:
 - a. Small Trees: Two (2) feet;
 - b. Medium Trees : Three (3) feet; and
 - c. Large Trees: Four (4) feet.
- (4) Distance from Street Corners and Fireplugs. No street tree shall be planted closer than thirty-five (35) feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten (10) feet of any fireplug.
- (5) Utilities. No street trees other than those species listed as small trees in Subsection

(c) (1) may be planted under or within (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.

(d) Public Tree Care.

(1) City Rights. The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or preserve or enhance the symmetry and beauty of such public grounds.

(2) Tree Removal. The City Tree Board may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with Subsection (c) above.

(e) **Tree Topping.** It shall be unlawful as a normal practice for any person, firm or City department to top any street tree, park tree, or other tree on public property unless any said person or firm complies with the provision of this code. Topping is defined as the severe cutting back of limbs or stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Section at the determination of the City Tree Board.

(f) **Pruning Corner Clearance.** Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign. Every owner shall comply with the notice and plan requirements and obtain prior approval as set forth in Section (j) below. However, an owner need not pay the license fee and provide insurance set forth in (j) below.

(g) **Dead or Diseased Tree Removal on Private Property.** The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provision, the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

(h) **Removal of Stumps.** All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(i) **Interference With City Tree Board.** It shall be unlawful for any person to prevent , delay, or interfere with the City Tree Board, or any of its agents, while engaging in and about the

planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this Section.

- (j) **Arborists, License and Bond.** It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for and procuring a license. The license fee shall be Twenty-Five Dollars (\$25.00) annually in advance; provided, however, that no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of Fifty Thousand Dollars (\$50,000.00) for bodily injury and One Hundred Thousand Dollars (\$100,000.00) property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described. Every owner of any tree overhanging any street or right-of-way within the City or any person or firm which engages in the business of pruning, topping, treating or removing trees in the public right-of-way or park trees or any public service or utility company which desires to prune, top or remove trees in the public right-of-way or on City property, shall at least ten (10) days before any pruning, topping or removing trees commences, submit a plan to the City Clerk describing the location of the trees to be topped, trimmed or removed and to what extent the trees will be trimmed, topped or removed. The City Clerk shall provide the plans to the Director of Public Works or other designated official who shall review said plans. The plans submitted by the applicant shall consider the aesthetics of the area and the applicant shall attempt to cut as little as possible from said trees for aesthetic purposes. The Director of Public Works or other designated official shall approve the plans if the trimming, pruning or removal is necessary and the Director of Public Works or other designated official shall consider the aesthetic damage which the plan may cause in deciding to approve the plan. The Director of Public Works or other designated official shall not unreasonably withhold approval of the plan. Any person or firm aggrieved by the Director of Public Works or other City official decision, may request the City Tree Board to review the plan. No trimming, topping or removing trees within the public right-of-way or on City property shall be done by any person or firm until approval is obtained pursuant to this section.
- (k) **Review by Council.** The Common Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the Common Council who may hear the matter and make final decision.
- (1) **Penalty.** Any person violating any provision of the Section shall be, upon conviction or a plea of guilty, subject to a forfeiture not to exceed Thirty Dollars (\$30.00) each.

SEC. 2-4-11 CITY OF GREEN LAKE-TOWN OF BROOKLYN FIRE DISTRICT BOARD

The Board shall consist of three (3) representatives from the Town of Brooklyn and three (3) representatives from the City of Green Lake. One (1) member of the Board shall be a member of the Common Council and one (1) member of the Board shall be a member of the Town Board. The Board may also consist of one (1) firefighter who resides in the City of Green Lake and one (1) firefighter who resides in the Town of Brooklyn. The Mayor shall appoint City Representatives subject to Common Council approval. The term of appointment shall be three

(3) years. Duties and responsibilities of the Board shall be defined in a joint agreement between the City of Green Lake and Town of Brooklyn per Wis. Stats. 60.23 and 66.0301.

SEC. 2-4-12 COMMUNITY DEVELOPMENT AUTHORITY OF THE CITY OF GREEN LAKE, WISCONSIN

(a) Findings and Declarations.

- (1) The City of Green Lake, Green Lake County, Wisconsin (the “City”) is a municipal corporation organized and existing under and pursuant to the laws of the State of Wisconsin and is authorized by Section 66.1335 of the Wisconsin Statutes, as amended (hereinafter sometimes referred to as the “Act”), by proper ordinance of this Common Council, to declare that there is a need in the City for a community development authority (“CDA”) which, upon the making of certain findings and declarations by this Common Council, shall be a public body corporate and politic authorized to transact business and exercise any and all powers, duties and functions set out in Sections 66.1201 and 66.1333 of the Wisconsin Statutes for housing and redevelopment authorities.
- (2) The Act authorizes the CDA, upon authority given to it by the Common Council, to act as agent of the City (i) in planning and carrying out any community development programs and activities approved by the Mayor and this Common Council under the Federal Housing and Community Development Act of 1974, and (ii) to perform all acts, except the development of the general plan of the City, Commission under Sections 66.1301 to 66.1327, 66.1331, 66.1337 or 66.1105 of the Wisconsin Statutes.
- (3) It is the finding, determination and declaration of the Common Council that there exists within the City a need for a blight elimination, clearance of undesirable conditions, and urban renewal and community development programs and projects (herein sometimes referred to individually or collectively as “Qualified Redevelopment Projects”).
- (4) It is the finding, determination and declaration of this Common Council that the undertaking of Qualified Redevelopment Projects will encourage well planned, integrated, stable, safe and healthful neighborhoods, the provision of healthful homes, a decent living environment and adequate places for employment of the residents of the City.
- (5) There is currently no redevelopment authority or housing authority created under Section 66.1333 or 66.1201 of the Wisconsin Statute operating in the City.
- (6) A CDA established by the City may exercise its powers to promote Qualified Redevelopment Projects through cooperation between the CDA and private developers.
- (7) It is the finding, determination, and declaration of this Common Council that the City would derive public benefits from the creation of a CDA and the exercise by the CDA of its powers under the Act, including its power to issue revenue bonds to provide financing for Qualified Redevelopment Projects to be constructed by private developers, including by way of illustration but not limitations, the following public benefits: the elimination or prevention of substandard, deteriorated, unsanitary and blighted areas; the provision and retention of gainful employment opportunities for the citizens of the City; an increase in the City’s tax base; and the stimulation of the flow of investment capital into the City with resultant beneficial effects upon the economy in the City.

- (8) It is the finding, determination and declaration of this Common Council that the public interest will be served if the City were to create a CDA in the City.
- (b) **Creation of Community Development Authority; Status as Public Body.** Pursuant to 66.1335, Wis. Stats., entitled “Housing and Community Development Authorities”, there is hereby created a community authority which shall be known as the “Community Development Authority of the City of Green Lake.” The Community Development Authority (“CDA”) is deemed to be a public body and a body corporate and politic, exercising necessary public powers and having all the powers, duties and functions conferred on redevelopment authorities and community development authorities by applicable law.
- (c) **Composition of Governing Body: Powers Vested in Commissioners: Compensation.** The CDA shall consist of 7 (seven) resident persons having sufficient ability and experience in the field of urban renewal, community development and housing who shall serve as the governing body (the “Commissioners”) of the CDA. The powers of the CDA shall be vested in and exercised by the Commissioners in office from time to time. Commissioners shall receive no compensation for their services, but shall be entitled to reimbursement of their actual and necessary expenses, including local travel expenses incurred in the discharge of their duties.
- (d) **Appointment, Confirmation and Term of Commissioners; Vacancies.** The Commissioners of the CDA shall be appointed by the Mayor and confirmed by the Common Council, as follows:
- (1) Two of the Commissioners shall be members of the Common Council and shall serve ex officio during their term of office.
- (2) The first appointments of the five non-council members shall be for the following terms: 2 (two) for one year and 1 (one) each for terms of two, three and four years. Thereafter, the terms of other members shall be four years or until their successors are appointed and qualified. Vacancies shall be filled for the unexpired term as provided in this subsection.
- (e) **Meetings: Quorum: Bylaws.** All meetings of the CDA shall be held in compliance with the provisions of Subchapter IV of Chapter 19, Wis. Stats., and all applicable sections of this Code. Four Commissioners shall constitute a quorum of the CDA for the purposes of conducting its business and exercising its powers and for all other purposes. Action may be taken by the CDA upon the affirmative vote of a majority of the Commissioners present at any meeting of the CDA at which a quorum is present. No vacancy in the membership of the CDA shall impair the right of a quorum to exercise the powers and perform the functions of the CDA. The CDA may adopt and from time to time amend or repeal such bylaws and other rules and regulations not inconsistent with the applicable law as it deems necessary in the performance of its functions.
- (f) **Selection of Officers, Agents and Employees.**
- (1) The CDA shall, annually, elect a Chairperson and Vice Chairperson from among the Commissioners. Vacancies occurring in the office of the Chairperson or Vice Chairperson shall be filled from among the Commissioners from the unexpired portion of the term.
- (2) The CDA may employ technical experts and such other officers, agents and employees, permanent and temporary, as it may require time to time in the performance of its duties and functions, within the limits of the funds available for such purpose. The CDA may

delegate to one or more of its agents or employees such powers or duties as it may deem proper.

- (3) The CDA may call upon the City Attorney for such legal services as it may require and may also retain specialists to render legal services as required by the CDA from time to time. The CDA may also contract with the City or any other agency or entity, public or private, for the provisions of any necessary staff services associated with or required by the CDA in the performance of its duties or functions which could be performed by the staff of the CDA.
- (g) **City Assistance to CDA.** The CDA is authorized to call upon any department, board, commission or agency of the City for assistance and cooperation in the performance of the CDA's duties and functions. All City departments, boards, commissions and agencies are hereby authorized and directed to cooperate with and furnish assistance to the CDA in the performance of the CDA's duties and functions to the extent that such cooperation does not interfere with or disrupt the priorities and work programs of the City agency. In the event that any department or commission or agency shall have good cause for failing to comply with the request of the CDA for assistance, the matter shall be referred to the Mayor's office and, if deemed necessary, to the Common Council for adjudication. In addition, the CDA may contract with the City for performance of such services as may be required by the CDA in the performance of its functions. In the event assistance is provided by the department, board, commission or agency of the City, whether by contract or not, the CDA shall agree to compensate the City for all services rendered to the CDA.
- (h) **Interested Commissioners or Employees.** No Commissioner or employee of the CDA shall acquire any direct or indirect interest in any project or in any property included or planned to be included in any such project nor shall he or she have any direct or indirect interest in any contract or proposed contract for insurance, materials or services to be furnished or used in any such project. If any Commissioner or employee of the CDA owns or controls a direct or indirect interest in any property included or planned to be included in any such project, he or she shall immediately disclose the same in writing to the CDA and such disclosure shall be entered upon the minutes of the CDA and such Commissioner or employee shall not participate in any action by the CDA relating to such property. Failure to disclose such interest shall constitute misconduct in office.
- (i) **Powers and Duties of CDA.**
 - (1) The CDA shall have the powers, duties and functions set out in 66.1201 and 66.1333, Wis. Stats., for housing and redevelopment authorities and, as to all housing projects initiated by the CDA, it shall proceed under 66.1201, Wis. Stat., and as to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs, it shall proceed under 66.1105, 66.1301 to 66.1329, 66.1331, 66.1333 or 66.1337, Wis. Stats., as determined appropriate by the Common Council on a project-by-project basis.
 - (2) The CDA may, upon the direction of the Common Council, act as the agent of the City in planning and carrying out community development programs and activities approved by the Mayor and Common Council under the Federal Housing and Community Development Act of 1974. As to all community development programs and activities undertaken by the City under the Federal Housing and Community Development Act of 1974, the CDA shall proceed under all applicable laws and ordinances not inconsistent with the laws of this state.

- (3) The CDA may, upon the direction of the Common Council, act as agent to the City to perform all acts, except the development of the general plan of the City, which may be otherwise performed by the Plan Commission under 66.1105, 66.1301 to 66.1329, 66.1331, or 66.1337, Wis. Stats.
- (4) In addition to the foregoing powers, duties and functions, the CDA shall have such other powers, duties and functions related to community development as are conferred on it by the Common Council from time to time.
- (j) **Annual Budget.** An annual budget shall be established by the CDA, which budget shall be subject to approval of the City Administration and Public Safety Committee and the Common Council.
- (k) **Annual Report.** As part of its annual budget request, the CDA shall file with the Mayor and the Common Council a report of its activities for the preceding year.
- (l) **Evidence of Authority.** A certified copy of this Ordinance shall be filed with the Clerk/Treasurer and shall be prima facie evidence of the CDA's right to transact business, and such Ordinance shall not be subject to challenge because of any technicality. In any suit, action or proceeding commenced against the CDA, a certified copy of such Ordinance shall be deemed conclusive evidence that the CDA is established and authorized to transact business and exercise its powers hereunder and pursuant to 66.1335, Wis. Stats.
- (m) **Severability.** If any subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.
- (n) **Construction.** All powers, duties and functions of a CDA, as set forth in 66.1335, Wis. Stats., are deemed to have been granted to the CDA as though set forth in this Ordinance, except as to those powers, duties and functions which are subject to further authorization and direction of the Common Council as set forth herein. This Ordinance and the powers hereunder shall be construed liberally to effectuate its purpose.

CHAPTER 5

Ethical Standards

2-5-1	Definitions
2-5-2	Declaration of Policy
2-5-3	Statutory Standards of Conduct
2-5-4	Specific Conflicts of Interest
2-5-5	Operable Telephone Requirement for City Employees

SEC. 2-5-1 DEFINITIONS.

- (a) **Public Officer.** 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, Chairperson and/or Common Council, whether paid or unpaid.
- (b) **Public Employee.** Any person excluded from the definition of a public officer who is employed by the City of Green Lake.

SEC. 2-5-2 DECLARATION OF POLICY.

It is declared that high ethical standards among City officers and employees are essential to the conduct of good representative government and that a code of ethics for the guidance of public officers and employees will help them avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of the City in their public officers and employees. The purpose of this Chapter is to establish guidelines for ethical standards of conduct for all such City officers and employees by setting forth those acts or actions that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence and integrity of City officers and employees and their official actions.

SEC. 2-5-3 STATUTORY STANDARDS OF CONDUCT.

The provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made part of this Chapter and shall apply to all public officers and public employees whenever applicable, to wit:

- (a) Section 946.10 Bribery of Public Officers and Employees.
- (b) Section 946.11 Special Privileges from Public Utilities.
- (c) Section 946.12 Misconduct in Public Office.
- (d) Section 946.13 Private Interest in Public Contract Prohibited.

SEC. 2-5-4 SPECIFIC CONFLICTS OF INTEREST.

- (a) **Use of Public Property.** No public officer or employee shall use or permit the use of City 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 officer or employee in the conduct of official business, as authorized by the Common Council or authorized board, commission or committee.

- (b) **Conflicts of Interest; Disclosure of Interest.** Except as provided herein, no public officer or public employee shall engage in any business transaction with the City, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or will tend to impair his independence or judgement or action in the performance of his official duties. Any public officer or employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into or bidding on any transaction with the City, or as part of his official duties will be making an official decision or recommendation significantly affecting a business competitor, client or regular customer, shall disclose such interest to the membership of the Common Council (or committee, board or commission thereof, as appropriate) to be recorded in the minutes of that body. Upon such disclosure, it is advised that the public officer or employee abstain from voting on the matter and from participating in the discussion of the matter.
- (c) **Representing Private Interests Before the Common Council or City Agencies.** No public officer or employee, including persons or firms engaged to provide professional services to the City, shall represent, for compensation, private interests before the Common Council or any City board, commission or committee without disclosure of the private business relationship and explicit consent of the Common Council.
- (d) **Disclosure of Confidential Information.** No public officer or employee shall, without proper authorization of the Common Council, disclose confidential information concerning the property, government or affairs of the City, nor shall he use such information to advance the financial or other private interest of himself or others.
- (e) **Gifts and Favors.** No public officer or employee shall accept anything of value whether in the form of a gift, service loan or promise from any person, who, to his knowledge, has a direct financial interest in any transaction or official business with the City, which may tend to impair his independence of judgment or action in the performance of his official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift of gratuity that is an unsolicited item of nominal intrinsic value, such as a meal up to Ten Dollars (\$10.00) in value.

SEC. 2-5-5 OPERABLE TELEPHONE REQUIREMENTS FOR CITY EMPLOYEES.

- (a) **Intent.** The Common Council of the City of Green Lake recognizes the need of rapid communication between the City and employees or officers of the City and that such means of communication are necessary for the health, safety, and welfare of the citizens of the City. The Common Council of the City of Green Lake finds that an operable telephone in the residence of all City officers and employees is necessary to accomplish the needed rapid communication.
- (b) **Operable Telephone Required in Residence of City Officers and Employees.** All City officers as defined by Sec. 62.09, Wis. Stats., and all employees of the City must have an operable telephone installed and kept operational in their residence.
- (c) **Telephone Numbers.**

- (1) All officers of the City as defined by Sec. 62.09, Wis. Stats., shall provide their telephone number to the City Clerk-Treasurer and the number shall not be subject to disclosure to the general public unless authorized by the City officer.
- (2) All employees of the City shall provide the telephone number of their residence to the City Clerk-Treasurer, and the City Clerk-Treasurer shall provide this number only to officers of the City and the employees' supervisor. The number shall not be provided to the general public unless specifically authorized by the employee.

UPDATED AS OF 7/17/2024