

TITLE 2

Government and Administration

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City Government; Elections

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Sec. 2-1-1 City Government.

- (a) **Mayor-Council Government.** The City of Washburn is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 62 and 66 of the Wisconsin Statutes, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The City of Washburn 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 form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Common Council shall 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. The Mayor shall take care that all City ordinances and state laws are observed and enforced and that all City officers, boards, committees and commissions discharge their duties. When present, the Mayor shall preside at the meetings of the Common Council. The Mayor shall from time to time give the Common Council such information and recommend such measures as he/she may deem advantageous to the City of Washburn.

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

Sec. 2-1-2 Reserved for Future Use.

(Reserved for future use)

Sec. 2-1-3 Appointment of Election Officials.

There shall be a minimum of five (5) inspectors for each polling place at each election held under Chapters 5 to 12, Wis. Stats., and a minimum of seven (7) inspectors for each polling place for presidential elections. When voting machines are used, the number of inspectors may be reduced to five (5). Inspectors shall be appointed as provided in Sec. 7.30, Wis. Stats.

State Law Reference: Sec. 7.30, Wis. Stats.

Sec. 2-1-4 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 8:00 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 Title II, Wisconsin Statutes, shall apply to elections in the City of Washburn.
- (c) **Polling Places.** The designated polling place for all wards of the City of Washburn shall be at the City Hall, or as designated by the Common Council.

Sec. 2-1-5 Non-Partisan Primary for City Offices.

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

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

Sec. 2-1-6 Wards.

- (a) **Purpose.** Section 5.15, Wis. Stats., requires cities to readjust their ward boundaries after each decennial federal census. For cities under ten thousand (10,000) population, each

ward shall contain not less than three hundred (300) nor more than one thousand (1,000) inhabitants. According to the 2010 federal census, the population of the City of Washburn is two thousand one hundred and seventeen (2,117) inhabitants.

(b) **Wards Established.** The entire City of Washburn shall be divided into four (4) wards, which shall be numbered Wards One (1) through Four (4) and are described as follows. This is a Charter Ordinance, effective January 2012. Whenever a street or avenue is designated as the boundary of a ward, it is the centerline of that street or avenue that shall be the boundary:

- (1) **Ward One.** Bounded on the east by the corporate limits; bounded on the south by Lake Superior; westerly along Lake Superior to the mid-point of the south end of the commercial dock; thence in a straight line to the intersection of the termini of Central Avenue and 1st Avenue East; north on 1st Avenue East to Washington Avenue; north on Washington Avenue to the corporate limits. The population of Ward One is seven hundred and forty-two (742).
- (2) **Ward Two.** Commencing at the mid-point of the south end of the commercial dock; thence in a straight line to the intersection of the termini of Central Avenue and 1st Avenue East; north on 1st Avenue East to Washington Avenue; south to West 3rd Street; then west to 4th Avenue West; then south to West Holman Lakeview Drive; then west to 6th Avenue West; then south on 6th Avenue West to Lake Drive; then west on Lake Drive to platted 7th Avenue West; then south to Lake Superior. The population of Ward Two is three hundred and fourteen (314).
- (3) **Ward Three.** Commencing at the intersection of Washington Avenue and West 5th Street; south on Washington Avenue to West 3rd Street; west to 4th Avenue West; south to West Holman Lakeview Drive; west to 6th Avenue West; north to West Omaha Street; west to 8th Avenue West; north to West 5th Street; east to the point of beginning at the intersection of Washington Avenue. The population of Ward Three is three hundred and eighty-three (383).
- (4) **Ward Four.** Bounded on the south, west, and north by the corporate limits; south from the north corporate limits on Washington Avenue to West 5th Street; west to 8th Avenue West; south to West Omaha Street; east to 6th Avenue West; south to Lake Drive; west to platted 7th Avenue West; south to Lake Superior; and west along the Lake Superior shore to the corporate limits. The population of Ward Four is six hundred seventy eight (678).

Note: This is a Charter Ordinance, effective January, 2012.

State Law Reference: Section 5.15, Wis. Stats.

Cross-Reference: Section 2-2-2 Alderpersons

Sec. 2-1-7 Existing Text Modifications.

The provisions of the Ordinance of Incorporation of the City of Washburn and Charter Ordinance 2-1-6, adopted October 1991, effective January 1992, and any other provisions of any charter,

2-1-7

charter ordinance, ordinance or resolution of the City of Washburn defining wards, aldermanic districts, or the number of Alderpersons to be elected therefrom, are hereby repealed and replaced. This is a Charter Ordinance (Ordinance 04-008), effective January, 2002. This Charter Ordinance specifically amends Sections 2-2-3(b), 2-2-5(a) and 2-2-6(a) and creates Sections 2-4-14 through 2-4-20.

Sec. 2-1-8 Official Newspaper; Legal Posting.

- (a) **Publication.** When publication is used for official notices instead of legal posting, the official newspaper of the City of Washburn shall be as designated by the Common Council. An official newspaper is required to be used when such newspaper is published within the boundaries of the City, otherwise legal posting may be utilized.
- (b) **Legal Posting.** When legal posting is used instead of publication, legal posting shall be done by either of the following ways:
 - (1) The notice is posted in at least one (1) public place likely to give notice to persons affected and is placed electronically on an internet site maintained by the municipality; or
 - (2) The notice is posted in a minimum of three (3) public places likely to give notice to persons affected.

State Law Reference: Secs. 985.02 and 985.06, Wis. Stats.

Title 2 ► Chapter 2

Mayor; Common Council

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Sec. 2-2-1 Common Council.

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

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

Sec. 2-2-2 Alderpersons.

- (a) **Purpose.** Section 62.08(1), Wis. Stats., requires cities to readjust their aldermanic districts after readjusting their wards under Sec. 5.15, Wis. Stats., so that such districts are as compact in area as possible and contain, as nearly as practicable by combining contiguous full wards, an equal number of inhabitants according to the most recent decennial federal census of population.
- (b) **Aldermanic Districts Established.** The entire City of Washburn shall be divided into three (3) Aldermanic Districts numbered Districts One (1) through Three (3); comprised of four (4) Wards, which shall be numbered Wards One (1) through Four (4) and are described in Section 2-1-6 of this Code of Ordinances. The Aldermanic Districts defined below comply with the requirement of Sec. 62.08(1), Wis. Stats., in that they contain, as nearly as practicable, an equal number of inhabitants according to the 2010 federal census. District populations are as follows:
 - (1) **District 1 — Ward 1.** Population seven hundred forty-two (742).
 - (2) **District 2 — Ward 2 and Ward 3.** Population seven hundred ninety-seven (697).
 - (3) **District 3 — Ward 4.** Population seven hundred seventy-eight (678).
- (c) **Election of Alderpersons.**
 - (1) **District 1.** District 1 to be represented by two (2) Alderpersons elected by the electors thereof for a two (2) year staggered term of office so that one (1) Alderperson shall be elected in both the odd- and even-numbered years.
 - (2) **District 2.** District 2 to be represented by two (2) Alderpersons elected by the electors thereof for a two (2) year staggered term of office so that one (1) Alderperson shall be elected in both the odd- and even-numbered years.
 - (3) **District 3.** District 3 to be represented by two (2) Alderpersons elected by the electors thereof for a two (2) year staggered term of office so that one (1) Alderperson shall be elected in both the odd- and even-numbered years.
 - (4) **At-Large Seat.** A seat is created on the Common Council to be filled by an Alderperson elected at large by all electors of the City of Washburn for a two (2) year term of office in the odd-numbered years.
- (d) **Polling Place.** All elections to be conducted at the Washburn's City Hall Building designated as the Polling Place.
- (e) **Inapplicability of Statutes.** Pursuant to Sec. 66.0101(4), Wis. Stats., the City hereby elects that the portion of Sec. 62.08(1), Wis. Stats., of the Wisconsin Statutes requiring Aldermanic Districts to be comprised of all Wards shall not apply to the City of Washburn.
- (f) **Appointment as Mayor.** An Alderperson shall be eligible for appointment as Mayor to fill an unexpired term.

Note: The provisions of the Ordinance of Incorporation of the City of Washburn and Charter Ordinance 2-1-6, adopted September, 2001, effective January 2002, and any other provisions of any charter, charter ordinance, ordinance, or resolution of the City of Washburn defining wards, aldermanic districts, or the number of Alderpersons to be elected

therefrom, are hereby repealed and replaced. This is a Charter Ordinance, effective January, 2012.

State Law Reference: Secs. 5.15, 62.08(1) and 62.09, Wis. Stats.

Cross-Reference: Section 2-1-6 Wards.

Sec. 2-2-3 Mayor.

- (a) **Election.** The Mayor shall be elected in even-numbered years for a term of four (4) years.
- (b) **Duties.**
- (1) The Mayor shall be the Chief Executive officer of the City. The Mayor shall take care that City ordinances and the State Statutes are observed and enforced.
 - (2) The Mayor shall, from time to time, provide the Council such information and recommend such measures as he/she may deem advantageous to the City. When present, he/she shall preside at the meetings of the Council. The Mayor may, by written referral, submit matters to any advisory committee as established within the Code as it deems appropriate and in accordance with the duties and responsibilities of that particular advisory committee.
 - (3) The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.
- (c) **Veto Power.** The Mayor shall have the veto power as to all acts of the Common Council except such as to which it is expressly or by necessary implications otherwise provided. All such acts shall be submitted to the Mayor by the City Clerk-Treasurer, and shall be enforced upon his/her approval, evidenced by his/her signature, or upon his/her failing to approve and disapprove within five (5) days, which fact shall be certified thereon by the Clerk-Treasurer. If the Mayor disapproves, he/she shall file his/her objection with the Clerk-Treasurer, who shall present it to the Common Council at its next regular meeting. A two-thirds (2/3) vote of all the members of the Common Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.

Note: This is a Charter Ordinance adopted December 14, 2020, as follows:

- (1) **Two-thirds Vote.** A two-thirds vote of the members of the Common Council of the City of Washburn occurred, but this Charter Ordinance did not take effect until sixty (60) days after its passage and publication and was subject to the referendum provisions prescribed in Sec. 66.0101, Wis. Stats.
- (2) **Publication.** This Charter Ordinance, after its adoption by the Common Council, was published as a Class 1 notice under Sec. Ch. 985, Wis. Stats.
- (3) **Records.** This Charter Ordinance, after its adoption by the Common Council, was recorded by the City Clerk-Treasurer of the City of Washburn in a permanent book containing Charter Ordinances with a statement of the manner of its adoption.

- (4) **Certification.** After its adoption by the Common Council, the City Clerk-Treasurer filed a certified copy of this Charter Ordinance with the Secretary of State of the State of Wisconsin.

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

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

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

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

Sec. 2-2-5 Committee of the Whole.

- (a) **Composition.** The entire Common Council for the City of Washburn shall constitute a Committee of the Whole. The Committee of the Whole may, by written referral or by notation in the minutes, submit matters to any Council standing committee, ad hoc committee, or advisory committee as established within the Code as it deems appropriate and in accordance with the duties and responsibilities of that particular standing, ad hoc or advisory committee.
- (b) **Powers.** The Committee of the Whole of the Common Council for the City of Washburn shall have power and authority to appoint, from time to time as deemed necessary by a majority vote of the Committee of the Whole, ad hoc or advisory committees to consist of both citizens, Committee of the Whole members, City employees, or any combination thereof, as directed by the Committee of the Whole and shall have full and final authority, as provided for by motion or resolution, to state the number of members and object thereof and to perform such duties as may be assigned to them and to terminate said ad hoc or advisory committees when necessary.
- (c) **Ad Hoc Committees.** The Mayor may, from time to time, appoint such ad hoc or advisory committee(s) as he/she may deem advisable or as provided for by motion or resolution of the Common Council or the Committee of the Whole, stating the number of members, and object thereof and to perform such duties as may be assigned to them.

- (d) **Reference and Report.**
- (1) The Mayor may refer new business coming before the Common Council for the City of Washburn to the Committee of the Whole or to the appropriate ad hoc or advisory committee, unless otherwise referred or disposed of by motion of the Common Council.
 - (2) Any written Committee of the Whole, ad hoc or advisory committee report shall be filed with the City Clerk-Treasurer not later than noon on the Friday preceding the next regular meeting of the Common Council. Such report shall recommend a definite action on each item before said committee and shall be approved by a majority of the Committee of the Whole, ad hoc committee or advisory committee.
- (e) **Cooperation of City Officers.** All City officers and employees shall, upon request of the Common Council, the Committee of the Whole, ad hoc committee or advisory committee, confer with said committee(s) and supply to it such information as may be requested in connection with any matter pending before said Committee.

Cross-Reference: Section 2-4-1, Standing Council Committees.

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 of Washburn 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 of Washburn, 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. The Committee of the Whole may, by written referral, submit matters to any advisory committee as established within the duties and responsibilities of that particular advisory committee.
- (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.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **City Finances.** The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the City finances.
- (e) **Construction of Powers.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City of Washburn and its inhabitants.

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

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

The Common Council, on behalf of the City of Washburn, 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 Alderpersons and punish nonattendance. The Common Council shall be judge of the election and qualification of its members.

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

Sec. 2-2-9 Salaries.

The Mayor and Alderpersons who make up the Common Council, whether operating under general or special law, may, by majority vote of all the members of the Common Council, determine that an annual salary or per diem compensation be paid the Mayor and Alderpersons.

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 second Monday 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. 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 Common Council shall be held in the Washburn 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 should notify the City Clerk-Treasurer no later than noon preceding the meeting.

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

Sec. 2-2-11 Special Meetings.

- (a) Special meetings may be called by the Mayor or by two (2) Alderpersons upon written notice of the time and purpose thereof to each member of the Common Council delivered to him/her personally or left at his/her usual place of abode at least six (6) hours before the meeting. The City Clerk-Treasurer shall cause an affidavit of service of such notice to be filed in his/her office prior to the time fixed for such special meetings. 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 City Clerk-Treasurer prior to the beginning of the meeting. Attendance by any Council member shall be deemed a waiver on his/her part of any defect of notice. Any special meeting attended by all Alderpersons shall be a regular meeting for the transaction of any business that may come before such meeting.
- (b) Non-governmental parties requesting a special meeting of the Common Council may be required to pay the actual cost of the meeting or portion thereof.

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

Sec. 2-2-12 Open Meetings.

Except as provided in Sec. 19.85, Wis. Stats., all meetings of the Common Council, committees thereof, and 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 Common 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 City Clerk-Treasurer shall call the meeting to order and the senior Alderperson 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 of 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 City 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.** At all regular meetings, the order of business shall be according to the tentative agenda prepared by the City Clerk-Treasurer and distributed to the Mayor and

each member of the Common Council no later than two (2) Fridays preceding the regular meeting. Members of the Common 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 two (2) Mondays before the regular meeting. Generally, the following order may be observed in the conduct of all meetings of the Common Council:

- (1) Call to order.
 - (2) Approval of the agenda.
 - (3) Approval of the Common Council meeting minutes.
 - (4) Payment of bills.
 - (5) Committee Reports.
 - (6) Unfinished business.
 - (7) New business.
 - (8) Such other matters as are authorized by law.
 - (9) 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 Common Council.
- (c) **Roll Call; Procedure When Quorum Lacking.** As soon as the Common 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 Common Council. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the Common 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 Alderperson 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 Common 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 Common Council action only if they are submitted to the City Clerk-Treasurer in written form not later than noon on the Friday prior to the meeting at which action is requested.

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

- (a) **Publication.** All general ordinances of the City of Washburn and all regulations imposing any penalty shall be published in the official paper of the City once and shall be immediately recorded, 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) **Effective Date.** 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 noes are requested by any member.
 - (2) When required by the State Statutes of Wisconsin.
- (b) All aye 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 Alderperson shall address the Common Council until he/she has been recognized by the presiding officer. The Alderperson shall thereupon address himself/herself to the presiding officer and confine his/her 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 Alderperson shall address the Common Council except under order of business, except that 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 the 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, the Mayor's vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure. A majority vote of all members of the Council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by ordinance or State Statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.
- (6) Any member of the Common 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 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/her 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 to put an end to all debate and bring the Common 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 unanimous vote of all the members of the Common 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 of Ordinances may be suspended temporarily by a recorded vote of two-thirds (2/3) of the Common Council members present at any meeting.

City of Washburn Wards

Ward 5
Pop. Total:
380

Ward 3
Pop. Total:
379

Ward 2
Pop. Total:
303

Ward 4
Pop. Total:
306

Ward 1
Pop. Total:
683

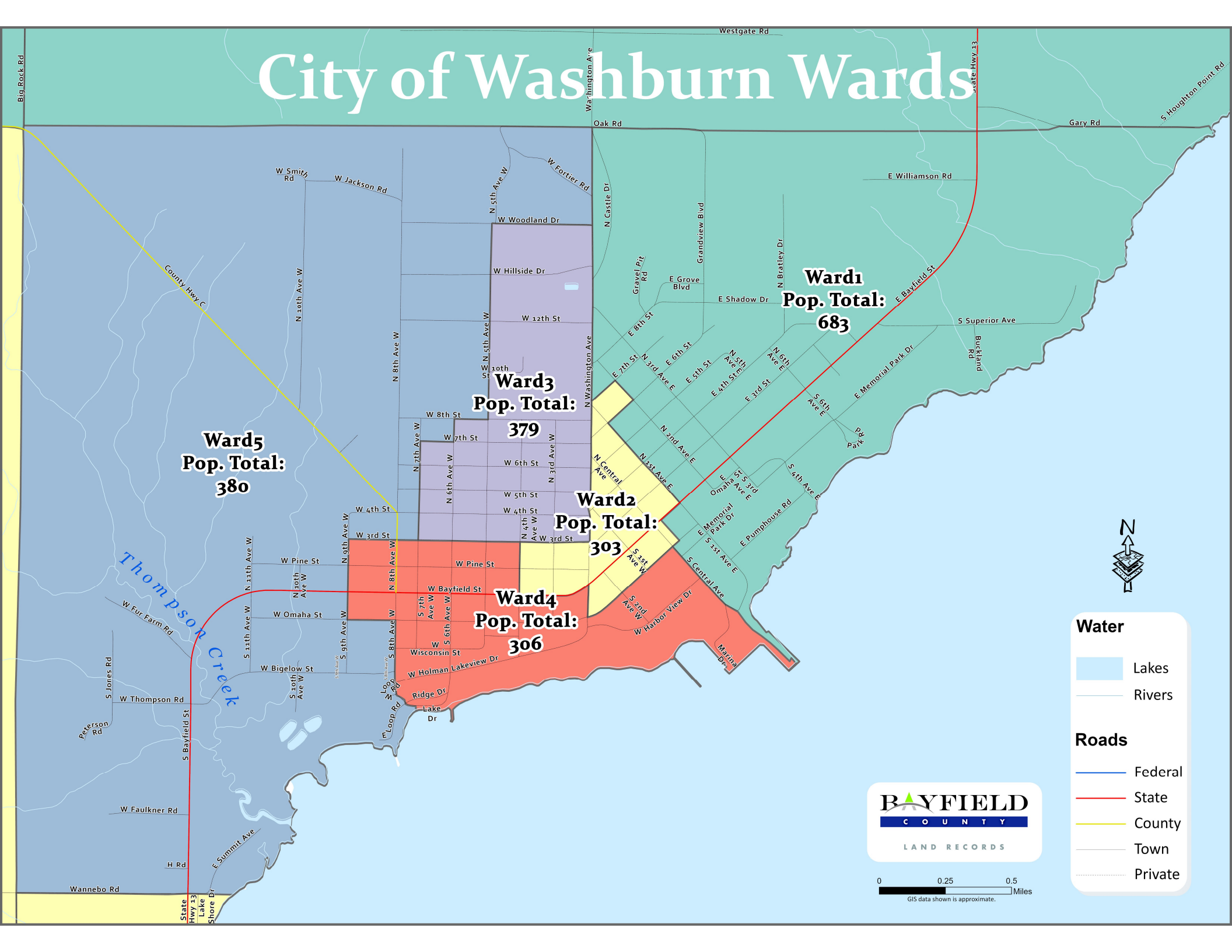
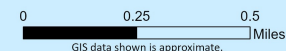


Water

- Lakes
- Rivers

Roads

- Federal
- State
- County
- Town
- Private



City of Washburn Supervisor Districts

Supervisory District 5
Pop. Total:
1288

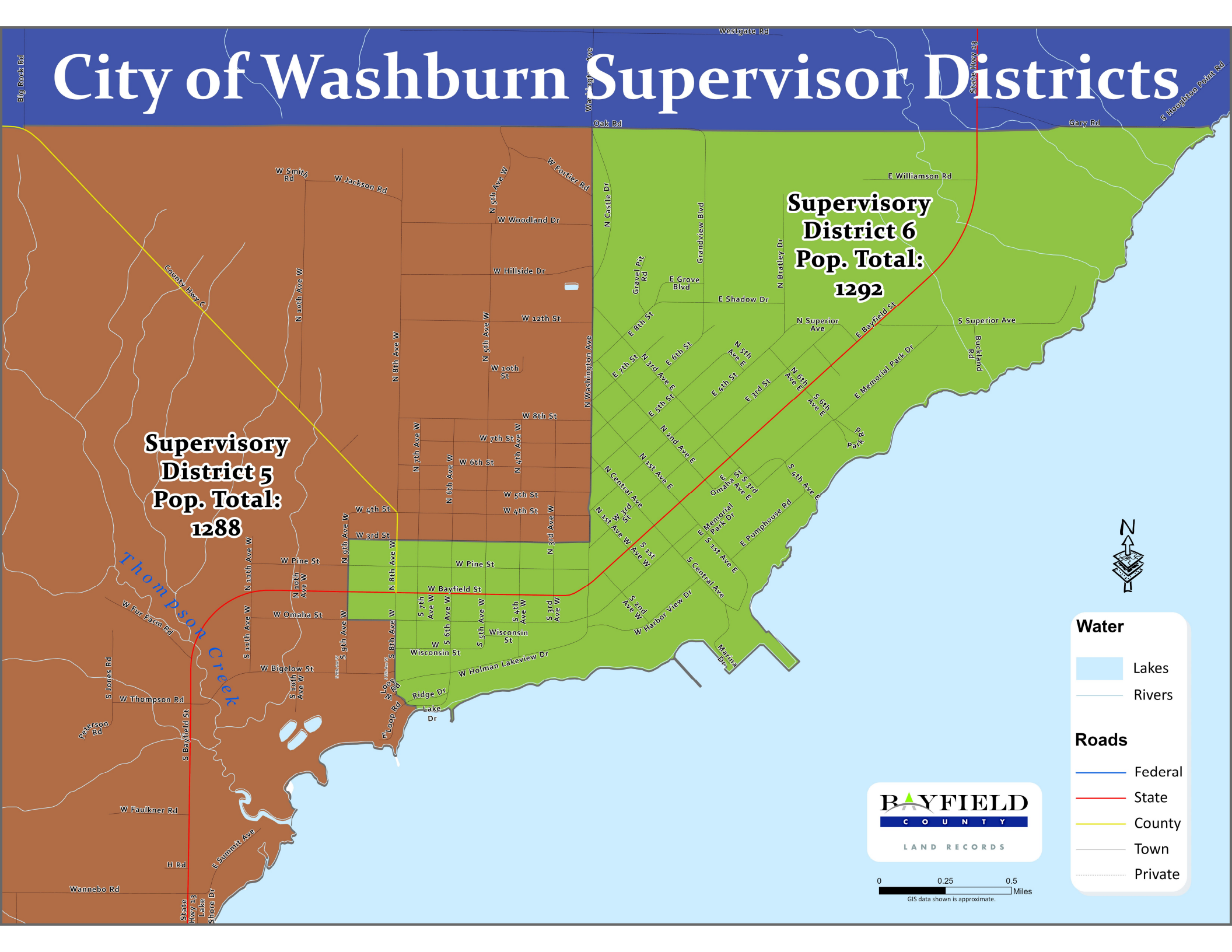
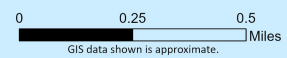
Supervisory District 6
Pop. Total:
1292

Water

- Lakes
- Rivers

Roads

- Federal
- State
- County
- Town
- Private



Title 2 ► Chapter 3

Municipal Officers and Employees

2-3-1	General Provisions
2-3-2	City Clerk
2-3-3	City Treasurer
2-3-4	City Attorney
2-3-5	Chief of Police
2-3-6	Fire Chief
2-3-7	Assessor
2-3-8	Director of Public Works
2-3-9	Weed Commissioner
2-3-10	City Administrator
2-3-11	Eligibility for Office
2-3-12	Custody of Official Property
2-3-13	Oath of Office; Bonds of Officers

Sec. 2-3-1 General Provisions.

- (a) **Powers and Duties.** Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and, except as to the Mayor, shall perform such duties as shall be required of them by the Common Council. Officers whose powers and duties are not enumerated in Ch. 62, Wis. Stats., shall have such powers and duties as are prescribed by law for like officers or as are directed by the Council.
- (b) **Rule-Making Authority.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- (c) **Conduct in Office Laws.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to City officers.
- (d) **Legal Defense.** Whenever a City official in his/her official capacity is proceeded against or obliged to proceed before any Civil Court, Board of Commission to defend or maintain his/her official position or because of some act arising out of the performance or nonperformance of his/her official duties (other than a personnel matter in which he/she is a party), and he/she has prevailed in such proceedings, or the Common Council has ordered the proceedings discontinued, the Council may provide for payment to such official such

2-3-1

sum as it sees fit to reimburse him/her for the expenses reasonably incurred for costs and attorney's fees.

- (e) **Discipline, Termination, and Grievances.** City officers and the Weed Commissioner shall be subject to the same obligations, rights, and procedures as City employees as to discipline, termination, and grievances, as provided in the City's Personnel Manual, as may be amended from time to time. For all such purposes, the officers or Weed Commissioner shall be treated as a department head. (Charter Ordinance 17-001)

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

Sec. 2-3-2 City Clerk.

- (a) **Appointment.** The individual appointed as City Administrator under Sec. 2-3-10 of the City of Washburn Code of Ordinances shall also be appointed as City Clerk, and shall so serve for as long as the individual serves as City Administrator.
- (b) **Duties.** The City Clerk shall have the following duties. The City Clerk shall:
 - (1) Have the care and custody of the corporate seal and all papers and records of the City of Washburn.
 - (2) Attend the meetings of the Common Council and keep a full record of its proceedings.
 - (3) Enter at length, immediately after it goes into effect, every ordinance in a code of ordinances, with proof of publication, date of passage and page of journal where the final vote is recorded.
 - (4) Keep a record of all licenses and permits granted and record all bonds, in appropriate books or files.
 - (5) Draw and sign all orders upon the treasury in the manner provided by law, and keep a full account thereof in appropriate books. The City Clerk shall carefully preserve all receipts filed with the Clerk.
 - (6) Keep an accurate account with the City Treasurer and charge the Treasurer with all tax lists presented for collection and with all moneys paid into the treasury.
 - (7) Keep all papers and records at the Clerk's office open to inspection at all reasonable hours subject to the Wisconsin Open Records Law.
 - (8) Have the power to administer oaths and affirmations under law.
 - (9) Notify the treasurer of Bayfield County, by the date provided by statute, of the proportion of property tax revenue and of the credits under statute that are to be disbursed by the taxation district treasurer to each taxing jurisdiction located in the City of Washburn.
 - (10) Stamp or endorse street trade permits at the request of an employer as provided by statute.
 - (11) Stamp or endorse traveling sales crew worker permits at the request of an employer as provided by statute.

- (12) Perform such other duties as prescribed by Wisconsin law.
- (c) **Deputy Clerk.** The City Clerk may, in writing filed in the Clerk's office, appoint a Deputy Clerk, who shall act under the Clerk's direction, and in the Clerk's absence or disability or in case of a vacancy, shall perform the Clerk's duties, and shall have the power to administer oaths and affirmations. The Deputy Clerk shall receive such compensation as the Common Council shall provide. The City Clerk and the Clerk's sureties shall be liable on the Clerk's official bond for the acts of the Deputy Clerk.
- (d) **References to Clerk-Treasurer; Delegation of Duties.** All references in the City of Washburn Code of Ordinances to the position of Clerk-Treasurer shall refer to the City Clerk. The City Clerk is authorized to refer to the City Treasurer any matter assigned by ordinance to the Clerk-Treasurer. The City Treasurer shall thereupon have full authority to act in such manner as the ordinance authorizes the Clerk-Treasurer to act.

Note: This is a Charter Ordinance (13-001)

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

Sec. 2-3-3 City Treasurer.

- (a) **Appointment.** The City Treasurer shall be appointed by the Common Council and shall have an indefinite term of office. (Charter Ordinance 17-001)
- (b) **Duties.** The City Treasurer shall have the following duties. The City Treasurer shall:
- (1) Except as provided by statute, collect all City, school, county, and state taxes, receive all monies belonging to the City of Washburn or which by law are directed to be paid to the Treasurer, and pay over the money in the Treasurer's possession according to law.
 - (2) Keep a detailed account in suitable books in such manner as the Common Council shall direct. The City Treasurer shall keep in a separate book an account of all fees received. The Treasurer's books shall at all reasonable times be open to inspection.
 - (3) Each month at the first meeting of the Common Council, and as often as it shall require, make to the Council a verified report of monies received and disbursed and of the condition of the treasury. Ten (10) days before each regular City election the City Treasurer shall file in the City Clerk's office a full and minute verified report of the monies received and disbursed, tax certificates, vouchers and other things of pecuniary value in the Treasurer's custody, and of all transactions of the Treasurer's office from the date of the preceding like report.
 - (4) Except as provided by statute, deposit immediately upon receipt thereof the funds of the City of Washburn in the name of the City in the public depository designated by the Common Council. Such deposit may be in either a demand deposit or in a time

deposit, maturing in not more than one (1) year. Failure to comply with the provisions hereof shall be prima facie grounds for removal from office. When the money is so deposited, the Treasurer and the Treasurer's bonders shall not be liable for such losses as are defined by statute. The interest arising therefrom shall be paid into the City treasury.

- (5) Perform the duties of Comptroller as provided by the Wisconsin Statutes.
- (6) Perform such other duties as prescribed by Wisconsin law.
- (c) **Deputy Treasurer.** The City Treasurer may, in writing filed in the office of the City Clerk, appoint a Deputy who shall act under the Treasurer's direction and in the Treasurer's absence or disability, or in the case of a vacancy, shall perform the Treasurer's duties. The City Treasurer shall receive such compensation as the Common Council shall provide. The acts of such Deputy Treasurer shall be covered by the official bond as the Common Council shall direct.

Sec. 2-3-4 City Attorney.

- (a) **Appointment.** The City Attorney shall be appointed by the Mayor, subject to confirmation by the Common Council, and shall have an indefinite term of office. (Charter Ordinance 17-001)
- (b) **Duties.** The City Attorney shall have the following duties:
 - (1) The City Attorney shall conduct all of the law business in which the City of Washburn is interested.
 - (2) The City Attorney shall, when requested by City officers, give written legal opinions, which shall be filed with the Clerk.
 - (3) The City Attorney shall draft ordinances, resolutions and other instruments as may be required by City officers.
 - (4) The City Attorney shall examine the tax and assessment rolls and other tax proceedings and advise the proper City officers in regard thereto.
 - (5) The City Attorney shall keep a docket of all actions in courts of record to which the City is a party.
 - (6) The City Attorney shall perform such other duties as provided by State law and as designated by the Common Council.
 - (7) All papers prepared by the City Attorney, copies thereof, correspondence received by him/her, copies of letters and all papers and materials of every nature and description which come to him/her as City Attorney shall be the property of the City of Washburn and shall be turned over by the City Attorney to his/her successor in office.
- (c) **Special Counsel.** The Common Council may employ and compensate special counsel to assist in or take charge of any matter in which the City of Washburn is interested.

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

Sec. 2-3-5 Chief of Police.

- (a) **Appointment.** The Chief of Police shall be appointed by the Common Council and shall have an indefinite term of office. (Charter Ordinance 17-001)
- (b) **General Duties.** The Chief of Police shall:
 - (1) Have command of the Police Department of the City under direction of the Mayor. He/she shall have general administration and control of the Department and shall be responsible for the Department's government, efficiency and general good conduct. The Chief of Police shall perform all duties prescribed to him/her by laws of the State and the Ordinances of the City of Washburn.
 - (2) Cause the public peace to be preserved and shall arrest with or without process and with reasonable diligence take before the proper court every person found in the City engaged in any disturbance of the peace or violating any law or regulation of the State or Ordinance of the City. The Chief shall cooperate with other law enforcement officers in the arrest or apprehension of persons charged with crime.
 - (3) Have technical independence in administering the activities of the Department and is responsible for internal policy and control.

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

Sec. 2-3-6 Fire Chief.

- (a) **Appointment.** The Fire Chief shall be appointed pursuant to the bylaws of the Fire Department for an indefinite term of office. (Charter Ordinance 17-001)
- (b) **Duties and Powers.** The Chief shall have general supervision of the Fire Department. He/she shall be present at fires and command all firefighting operations. He/she shall enforce or cause to be enforced all fire prevention ordinances, laws and regulations of the City and State. The Fire Chief may make such further rules, regulations and policies for the government of the Fire Department as he/she may deem necessary, provided such rules and regulations shall not be inconsistent with the laws of the State of Wisconsin.
- (c) **Reports of Chief.** The Fire Chief shall report to the Common Council from time to time at his/her discretion or upon the request of the Common Council on matters concerning departmental matters and shall perform such other duties in conformance with his/her office as may, from time to time, be required of him/her by the Common Council.

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

Sec. 2-3-7 Assessor.

- (a) **Appointment.** The City of Washburn hereby elects not to be governed by those portions of Sec. 62.09(3)(b), Wis. Stats., relating to the method of selection of the City Assessor which are in conflict with this Section. The City Assessor shall be appointed by the Mayor,

for an indefinite term of office, subject to confirmation by the Common Council. A corporation or an independent contractor may be appointed as the City 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. No person may be designated by any corporation or independent contractor unless he/she has been granted the appropriate certification under Sec. 73.09, Wis. Stats. For purposes of this Subsection, "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.

- (b) **Duties.** The Assessor shall have those duties and responsibilities as provided by State law.
- (c) **Confidentiality.** Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information that is provided to the Assessor, that information shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons in the discharge of duties imposed by law, in the discharge of duties imposed by their office (including, but not limited to, use by the Assessor in the performance of the official duties of the Assessor's office and use by the Board of Review in the performance of its official duties), or pursuant to the order of a court. Unless a court determines that the income and expense information provided to the Assessor is inaccurate, such information is not subject to the right of inspection and copying under Sec. 19.35(1), Wis. Stats.

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

Sec. 2-3-8 Director of Public Works.

- (a) **Appointment.** The Director of Public Works shall be appointed by the Mayor, subject to confirmation by the Common Council, and shall have an indefinite term of office. (Charter Ordinance 17-001)
- (b) **Duties.** The Director of Public Works shall have the following duties:
 - (1) Plan, direct and inspect the repair and maintenance of streets, curbs and gutters, sidewalks, street lights, street trees.
 - (2) Plan, direct and inspect the maintenance of parks, including grass cutting, playground equipment installation or repair and building maintenance.
 - (3) Supervise plowing of snow and all phases of snow and ice control on City streets, alleys, sidewalks and public parking lots.

- (4) Supervise the operation of the municipal garage and the repair and maintenance of City-owned vehicles and equipment.
- (5) Schedule the daily and weekly jobs of the Public Works Department employees and make necessary modifications due to emergencies.
- (6) Administer operation of City utilities.
- (7) Perform such other duties as prescribed by the Common Council.

Sec. 2-3-9 Weed Commissioner.

The Weed Commissioner shall be appointed by the Mayor, subject to Common Council confirmation on or before May 15th of each year. The term of office of the Weed Commissioner shall be one (1) year and shall commence upon the taking of the official oath by the Weed Commissioner. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in Sec. 66.0517, Wis. Stats., as amended from time to time.

State Law Reference: Sec. 66.0517, Wis. Stats.

Sec. 2-3-10 City Administrator.

- (a) **Office of the City Administrator Established.** In order to provide the City of Washburn with a more efficient, effective and responsible government under a system of a part-time Mayor and part-time Common Council (hereinafter referred to as "Council") at a time when city government is becoming increasingly complex, there is hereby created the Office of the City Administrator for the City of Washburn (hereinafter referred to as "Administrator").
- (b) **Appointment, Term of Office and Removal.** The Administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the Council. The Administrator shall hold office for an indefinite term subject to removal at any time by a three-fourths (3/4) vote of the Council. This Subsection, however, shall not preclude the Council from establishing other employment terms and conditions not inconsistent with the provisions of this Section or the Code of Ordinances of the City of Washburn.
- (c) **Residency.** The Administrator shall become a resident of the City of Washburn within six (6) months following the date of appointment, unless this requirement is specifically waived or varied by Council ordinance or by contract authorized by the Council, and entered into with the Administrator, covering the terms and conditions of residency.
- (d) **Functions and Duties of the Administrator.** The Administrator shall serve as the City Clerk, subject to limitations defined in resolutions and ordinances of the City of Washburn

and the Wisconsin statutes; and shall be the chief administrative officer of the City, responsible only to the Mayor and the Council for the proper administration of the business affairs of the City, pursuant to the statutes of the State of Wisconsin, the ordinances of the City of Washburn, and the resolutions and directives of the Council, with power and duties as follows:

(1) **General Duties.**

- a. Carry out directives of the Mayor and Council which require administrative implementation, reporting promptly to the Mayor and Council any difficulties encountered therein;
- b. Be responsible for the administration of all day-to-day operations of the City government including the monitoring of all City ordinances, resolutions, Council meeting minutes and state statutes;
- c. Prepare a plan of administration, including an organizational chart which defines authority and responsibility for all positions of the City and submit it to the Common Council for adoption as the official organization and administrative procedure plan for the City;
- d. Establish when necessary administrative procedures to increase the effectiveness and efficiency of City government according to current practices in local government, not inconsistent with Subsection (d)(1)c above or directives of the Mayor and Council;
- e. Serve as ex-officio nonvoting member of all boards, commissions and committees of the City, except as specified by the Council or the Wisconsin Statutes;
- f. Keep informed concerning current federal, state and county legislation and administrative rules affecting the City and submit appropriate reports and recommendations thereon to the Council;
- g. Coordinate initiatives to secure federal, state, county or private funds for local programs. Assist department heads and the Council in obtaining these funds under the direction of the Mayor and the Council;
- h. Represent the City of Washburn in matters involving legislative and inter-governmental affairs as authorized and directed as to that representation by the Mayor and Council;
- i. Act as public information officer for the City with the responsibility of assuring that the news media are kept informed about the operations of the City and that all open meeting rules and regulations are followed;
- j. Establish and maintain procedures to facilitate communications between citizens and City government to assure that complaints, grievances, recommendations and other matters receive prompt attention by the responsible official, and to assure that all such matters are expeditiously resolved;
- k. Coordinate and ensure development of City projects such as the Waterfront Development Plan, Economic Development Plan and Comprehensive Plan;

- l. Contribute to and be a vital part of the leadership team that is charged with developing the City of Washburn's future;
 - m. Promote the economic well-being and growth of the City of Washburn through public and private sector cooperation, coordinate the development and acceptance of City-wide goals and objectives. Ensure that achievement plans are creative and successfully implemented for these goals and objectives;
 - n. Work in conjunction with appropriate commercial, industrial and citizen representatives to define the role of the City in promoting the economic development and well-being of Washburn.
- (2) **Responsibilities to the Common Council.**
- a. Attend all meetings of the Council, assisting the Mayor and the Council as required in the performance of their duties;
 - b. In coordination with the Mayor, the Council, and the Treasurer, ensure that appropriate agendas are prepared for all meetings of the Council, all Council committees, and all other appropriate committees and commissions of the City, together with such supporting material as may be required; with nothing herein being construed as to give the Administrator authority to limit or in any way prevent matters from being considered by the Council, or any of its committees and commissions;
 - c. Assist in the preparation of ordinances and resolutions as requested by the Mayor or the Council, or as needed;
 - d. Keep the Mayor and Council regularly informed about the activities of the Administrator's office by oral or written report and regular and special meetings of the Council;
 - e. In the event that action normally requiring Council approval is necessary at a time when the Council cannot meet, the Administrator shall receive directives from the Mayor.
- (3) **Personnel.**
- a. Be responsible for the administrative direction, supervision, and coordination of all employees of the City according to the established organization procedures;
 - b. Recommend to the Mayor the appointment, promotion, and when necessary for the good of the City, the suspension or termination of department heads;
 - c. In consultation with the appropriate department head, be responsible for the appointment, promotion, and when necessary for the good of the City, the suspension or termination of employees below the department head level;
 - d. Coordinate with the personnel officer for the City to see that complete and current personnel records, including specific job descriptions, for all City employees are kept; evaluate the performance of department heads on a regular basis; assure that employees below the department head level are evaluated by their supervisor(s) on a regular basis; recommend salary and wage scales for City

employees not covered by collective bargaining agreements; develop and enforce high standards of performance by City employees; assure that City employees have proper working conditions; work closely with department heads to promptly resolve personnel problems or grievances;

- e. Assist the City in labor contract negotiations and collective bargaining issues;
- f. Work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training schools, etc., provided that funds have been budgeted for these activities.

(4) **Budgeting and Purchasing.**

- a. Be responsible for the preparation of the annual City budget, in accordance with guidelines as may be provided by the Common Council and the Mayor and in coordination with department heads, and pursuant to Wisconsin Statutes, for review and approval by the Mayor and Council;
- b. Administer the budget as adopted by the Council;
- c. Report regularly to the Council on the current fiscal position of the City;
- d. Supervise the accounting system of the City and ensure that the system employs methods in accordance with current professional accounting practices;
- e. Serve as the purchasing agent for the City, supervising all purchasing and contracting for supplies and services, subject to the purchasing procedures established by the Council and any limitation contained in the Wisconsin Statutes.

- (e) **Cooperation.** All officials and employees of the City shall work collaboratively with the administrator so that the City government shall function effectively and efficiently.

Sec. 2-3-11 Eligibility for Office.

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

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

Sec. 2-3-12 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. 2-3-13 Oath of Office; Bonds of Officers.

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

Title 2 ► Chapter 4

Boards, Commissions and Committees

2-4-1	Council Standing Committees
2-4-2	Other Committees
2-4-3	Reserved for Future Use
2-4-4	Residency Required for Service on Boards or Commissions
2-4-5	General Provisions Regarding Meetings and Public Notice
2-4-6	Reserved for Future Use
2-4-7	Parks Committee
2-4-8	Water and Sewer Committee Eliminated
2-4-9	Board of Public Works Eliminated
2-4-10	(Reserved for Future Use)
2-4-11	Board of Review
2-4-12	Library Board
2-4-13	Board of Harbor Commissioners
2-4-14	Board of Appeals
2-4-15	City Plan Commission
2-4-16	Housing Authority

Sec. 2-4-1 Council Standing Committees.

- (a) **Committees.** At the organizational meeting of the Common Council following the annual election, the Mayor shall appoint Alderpersons to each of the following committees, subject to Council confirmation, which shall have such duties and responsibilities as prescribed, and to make whatever recommendations to the Council as it deems appropriate or as may be directed by the Council. The standing committees of the Council and the procedures governing all standing committees shall be as follows:
- (1) **Finance/Personnel Committee.** The Finance/Personnel Committee shall be charged with the following duties:
 - a. It shall be the duty of the Finance/Personnel Committee to recommend the expenditures of money to the Common Council.

- b. It shall assist in the determination of budget objectives and review of the annual budget prior to submission to the Common Council for consideration.
 - c. It shall review all amendments of the annual budget prior to submission to the Common Council for consideration.
 - d. It shall review and recommend a municipal fee schedule annually for recommendation to the Common Council at time of adoption of the annual budget.
 - e. It shall generally supervise all financial matters of the City.
 - f. It shall provide for the development, review and implementation of municipal personnel policies.
 - g. It shall review wage and benefit levels of non-represented positions in comparable municipalities to ensure that City employees are being fairly compensated and that the City maintains its ability to competitively recruit and retain employees.
 - h. It shall mediate grievances and complaints that are not resolved on the departmental level.
 - i. It shall generally provide direction for the Mayor, City Administrator and department heads in matters regarding union and non-union labor negotiations. No contract or labor agreement shall be considered without approval of the Common Council.
 - j. All new full-time or regular part-time positions shall be approved by the Common Council upon recommendation by the Finance/Personnel Committee prior to hiring by the City Administrator.
 - k. It shall review departmental requests for creation, deletion, reallocation and reclassification of positions.
 - l. It shall have oversight of all City-approved personnel policies with the City, including sick leave, vacations, paid holidays, and leaves of absence.
 - m. It shall make recommendations for the organizational structure and annual staffing levels of departments of the City.
 - n. It shall undertake other duties as may be assigned by the action of the Common Council.
- (b) **Composition.** Council standing committees shall consist of three (3) voting members appointed from the membership of the Common Council. The Mayor shall serve as an ex-officio member of all standing committees.
- (c) **Term.** Terms on Council standing committees shall be for one (1) year and begin immediately after appointment.
- (d) **Organization.** Council standing committees shall each determine its presiding officer and recorder, as well as any other positions within the Committee.
- (e) **Meetings and Rules.** Meetings shall be held as determined by the standing committee. All meetings shall be properly noticed and a written record of the meeting shall be kept and approved at a subsequent meeting. The City Clerk shall serve as the custodian of all

records of the actions of the standing committee. Each standing committee shall have the authority to establish additional rules as deemed necessary to adequately carry out its charge.

- (f) **Quorum.** A simple majority of the voting members of a standing committee shall constitute a quorum.

Sec. 2-4-2 Other Committees.

- (a) **Special Ad Hoc Committees.** Special ad hoc committees may be created by the Mayor, with Council approval, for a particular purpose. Committee members shall be appointed by the Mayor and confirmed by the Council. All ad hoc committees shall sunset at the end of their mission, but no later than the end of the mayoral term unless specifically extended by the Council at the reorganizational meeting following the end of the mayoral term. Such extension shall be for a specified period of time.

Sec. 2-4-3 Reserved for Future Use.

Sec. 2-4-4 Residency Required for Service on Boards or Commissions.

Unless qualified by State Statute or elsewhere by this Code of Ordinances, all persons serving on City of Washburn committees or commissions shall be residents of the City of Washburn.

Sec. 2-4-5 General Provisions Regarding Meetings and Public Notice.

- (a) **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the City shall:
- (1) Fix a regular date, time and place for its meeting;
 - (2) All meeting notices shall be filed with the City Clerk who shall cause the notice to be published and posted in full compliance with the Open Meeting Law Requirements.
 - (3) Post, at the City Hall, 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 Section 19.81 to 19.89, Wis. Stats.

Sec. 2-4-6 Reserved for Future Use.

Sec. 2-4-7 Parks Committee.

- (a) **Purpose.** The Parks Committee is created to advise the Washburn Common Council along with the Washburn City Administration and staff with ideas, suggestions and proposals for the improvement, repair, preservation, maintenance, and uses of the City's parks and recreation facilities.
- (b) **Duties and Responsibilities.**
 - (1) The Parks Committee will become educated and familiar with all previous parks plans and guidelines in an attempt to provide the best and most accurate analysis of what may be needed in City of Washburn's parks. This will be accomplished by first studying the "Study of the Studies" which has been done in regard to the parks. The Parks Committee may make recommendations or provide information to the Common Council or City staff regarding West End Park including the campground, Memorial Park including the campground, Legion Park, Wikdal Park, Jackie's Field, tennis courts, baseball fields, ice skating area and the walking trail, and any other parks or recreational facilities that may hereafter be established within the City of Washburn.
 - (2) While this is by no means intended to be a complete iteration of potential Parks Committee activities, the Parks Committee may undertake such agenda items (for example) as:
 - a. Guidelines for parks maintenance in regards to cutting, trimming and replanting of foliage.
 - b. Landscaping overviews along with site use are possible items of interest.
 - c. Park use guideline suggestions with thought to park rentals, festivals, visitor use, etc. are to be considered.
 - d. Volunteer actions and activities may be investigated.
 - e. Suggestions for needed equipment or services may be considered.
 - f. Playground plans and activities are within the Committee's purview, as is promotion of parks along with conduct of park users.
 - (3) The Parks Committee may undertake agenda items without Common Council approval, but the Committee has no authority to make independent binding decisions without Common Council approval. The Parks Committee may at times be charged

by the Common Council to undertake tasks or studies which the Committee will undertake at their next scheduled meeting.

- (c) **Meetings.** The Parks Committee will conduct all meetings in accordance with Wisconsin Open Meetings Law stipulations. The Committee shall meet as needed with an assumption of possible monthly meetings. The Committee Chairperson shall report to the City Administrator and Mayor if the Committee has not met for three (3) consecutive months.
- (d) **Composition.**
 - (1) The Parks Committee shall consist of up to five (5) members of which four (4) are citizen members and one (1) is a Common Council member. City staff will attend meetings to assist.
 - (2) The Mayor will propose Parks Committee members as needed to fill vacancies but confirmation will be by majority of the Common Council vote. Committee members will serve a three (3) year term with initial members having staggered one-, two- and three-year terms so as to promote continuity.
 - (3) The appointed Common Council member will serve a one (1) year term and may be reappointed each year at the annual Common Council reorganizational meeting.
 - (4) The Parks Committee shall annually elect a chairperson which may be the Common Council representative.
 - (5) The Parks Committee will designate a Recording Secretary who will take minutes which will accurately and clearly convey the business conducted at the Parks Committee meetings. These minutes will be carefully stored and archived with one (1) copy presented to the City Clerk (digital copies are permitted).

Sec. 2-4-8 Water and Sewer Committee Eliminated.

- (a) **Purpose.** For the purpose of economizing the City of Washburn's operations, the Common Council of the City of Washburn has consolidated the employees of the former Water and Sewer Commission and the employees of the Public Works Department and has determined that it is in the City's best interests that the employees of the Public Works Department and the former Water and Sewer Commission be combined into one department of the Public Works Department.
- (b) **Commission and Committee Abolished.** The former Water and Sewer Commission was abolished and eliminated November 7, 1993, and replaced effective November 8, 1993 by the Washburn Water and Sewer Committee. Pursuant to Sec. 66.0805(6), Wis. Stats., the City of Washburn, as a 4th class City, hereby establishes that the operation and management of the Washburn Water and Sewer Utility shall be vested in the Committee of the Whole of the Common Council for the City of Washburn.
- (c) **Duties and Responsibilities.** The Committee of the Whole of the Common Council for the City of Washburn shall generally oversee the management, control and operation of the

City of Washburn Sewer and Water Utility. The Committee of the Whole shall have the authority to make rules and regulations for the management of said utility as it shall from time to time determine to be necessary for the safe, economical and efficient operation of said utility. Furthermore, the Committee of the Whole of the Common Council shall handle all customer complaints and grievances that cannot be satisfactorily resolved by employees, department heads or staff of the Public Works Department or the City Administrator. The Committee of the Whole of the Common Council shall be authorized to change or amend the City of Washburn's ordinances regarding water and sewer utility regulations and rates, sewer use, and miscellaneous utility regulations and policies.

Sec. 2-4-9 Board of Public Works Eliminated.

Pursuant to Sec. 62.14(1), Wis. Stats., the Public Works Committee of the Common Council is hereby eliminated. The duties of the Board of Public Works as that term is used in Sec. 62.14, Wis. Stats., shall be performed and exercised by the Committee of the Whole of the Common Council.

Sec. 2-4-10 (Reserved for Future Use)

Sec. 2-4-11 Board of Review.

- (a) **Composition.** The Board of Review shall consist of the Mayor, members of the Common Council, and City Clerk.
- (b) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.
- (c) **Board's Duty.** The Board shall carefully examine the assessment roll and correct all apparent errors in description or computation. It shall add all omitted property but shall not raise or lower the assessment of any property except after hearing, as provided by the Statutes.
- (d) **Board Procedure.** The Board of Review shall hear upon oath all persons who appear before it in relation to the assessment. Instead of appearing in person at the hearing, the Board of Review may allow the property owner, or the property owner's representative, at the request of either person, to appear before the Board of Review, under oath, by telephone or to submit written statements, under oath, to the Board. The Board of Review shall hear upon oath, by telephone, all ill or disabled persons who present to the Board a

letter from a physician, osteopath, physician's assistant, as defined in Sec. 448.01(6), Wis. Stats., or advanced practice nurse prescriber certified under Sec. 441.16(2), Wis. Stats., that confirms their illness or disability. At the request of the property owner or the property owner's representative, the Board of Review may postpone and reschedule a hearing once and only once during the same session for the same property. The Board of Review at such hearing shall proceed as provided in Sec. 70.47(8), Wis. Stats.

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

Sec. 2-4-12 Library Board.

(a) **Organization; Terms.**

- (1) There is hereby created, pursuant to Chapter 43 of the Wisconsin Statutes, a municipal Library Board for the Washburn Public Library consisting of a seven (7) member board in three (3) classes; three (3) of such members shall serve for a period of three (3) years, two (2) to serve for two (2) years, and two (2) to serve for a period of one (1) year. Not more than two (2) members may be residents of towns adjacent to the City.
- (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. Not more than one (1) member of the Common Council body shall at any one time be a member of the Library Board. The Mayor shall appoint as one of the Library Board members a 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 officers 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, Wis. Stats. The Library Board shall appoint the Librarian and other library employees.

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

Sec. 2-4-13 Board of Harbor Commissioners.

- (a) **Appointment.** The Board of Harbor Commissioners shall consist of six (6) citizen members, each with a minimum of three (3) years of continuous residency in the City prior to appointment, and one (1) Alderperson. The citizen members shall be appointed by the

2-4-13

Mayor, subject to Council confirmation, for a three (3) year term of office. The Alderperson member shall be appointed by the Mayor, subject to Council confirmation, at the organizational meeting.

- (b) **Duties.** The Board of Harbor Commissioners shall have those duties and responsibilities as prescribed in Sections 30.37 and 30.38, Wis. Stats.

State Law Reference: Secs. 30.37 and 30.38, Wis. Stats.

Sec. 2-4-14 Board of Appeals.

[Please refer to the City of Washburn Zoning Code, Title 13, Chapter 1, Article 4 (separate binder)].

Sec. 2-4-15 City Plan Commission.

[Please refer to the City of Washburn Zoning Code, Title 13, Chapter 1, Article 4 (separate binder).]

Sec. 2-4-16 Housing Authority.

- (a) **Appointment, Qualifications and Tenure of Commissioners.**

- (1) The Mayor shall, with the confirmation of the Common Council, appoint five (5) persons who are citizens of the City as Commissioners of the Housing Authority. No Commissioner may be connected in any official capacity with any political party nor shall more than two (2) be officers of the City; no resident/tenant shall be a voting member of the Housing Authority.
- (2) The Commissioners who are first appointed shall be designated by the Mayor to serve for terms of one, two, three, four and five years respectively from the date of their appointment. Thereafter, the term of office shall be five (5) years. A Commissioner shall hold office until his successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term in the same manner as other appointments. Three (3) Commissioners shall constitute a quorum. The Mayor shall file with Clerk a certificate of the appointment or reappointment of any Commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such Commissioner if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon his office. A Commissioner shall receive no compensation for his services but he/she shall be

entitled to the necessary expenses including traveling expenses incurred in the discharge of his duties.

- (b) **Selection of Officers.** When the office of the first chairperson of the Authority becomes vacant, the authority shall select a chairperson from among its members. the Authority shall select from among its members a vice-chairperson, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The Authority may call upon the City Attorney or chief law officer of the City for such legal services as it may require. The Authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.
- (c) **Financial Reports.** The Authority shall furnish the City a copy of all annual financial audit reports in a timely manner as soon as audits are finalized.
- (d) **Authority.** The Housing Authority shall have all the powers and perform all of the duties conferred upon it by Sec. 66.40, Wis. Stats.

State Law Reference: Sec. 66.40, Wis. Stats.

Title 2 ► 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

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 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 Washburn.

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 of Washburn 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 of Washburn 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 a 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 of Washburn 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/her official duties or will tend to impair his/her independence or judgment or action in the performance of his/her 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/her 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 of Washburn, 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 of Washburn, nor shall he/she 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/her knowledge, has a direct financial interest in any transaction or official business with the City, which may tend to impair his/her independence of judgment or action in the performance of his/her 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.

Title 2 ► Chapter 6

Criminal History Record Information Searches

2-6-1	Criminal History Record Information Searches
2-6-2	Authority
2-6-3	Fees

Sec. 2-6-1 Criminal History Record Information Searches.

(a) **General Provisions; Purpose.**

- (1) **Purpose.** This Section is adopted for the purpose of providing the City of Washburn and law enforcement agencies serving the City of Washburn with the authority to request criminal history record information from the State of Wisconsin or the federal government when required by ordinance or if requested by the City Clerk or a City department head.
- (2) **State Requirements.** The City of Washburn is a municipal corporation which provides government services to its citizens and the general public, and in order to efficiently provide services, it is necessary to conduct criminal history record searches concerning certain persons. This Section is enacted in order to comply with any applicable State of Wisconsin requirement that a municipality that requests that the state provide the City with criminal history record information concerning an individual under certain circumstances have an ordinance, resolution or department policy enacted authorizing such requests.

Sec. 2-6-2 Authority.

If required by ordinance or if requested by the City Clerk or a City department head, law enforcement agencies serving the City of Washburn shall conduct a criminal history records information search.

Sec. 2-6-3 Fees.

The person whose criminal history record is searched shall pay the actual cost of the search, unless the City Clerk determines that the search cost is included in an application fee paid by the person.