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Government and Administration

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Title 2 ► Chapter 1

City Government; Elections

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Sec. 2-1-1 City Government.

- (a) **Mayor-Council Government.** The City of Abbotsford 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 Abbotsford 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 establish the salaries of all officers and employees of the City, and be charged with the official management of the City's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the City.
 - (2) **Executive Branch.** The Mayor shall be the chief executive officer. He/she 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 Council such information and recommend such measures as he/she may deem advantageous to the City.

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

Sec. 2-1-2 Official Newspaper.

The Common Council designate the *Abbotsford Tribune-Phonograph* as the official newspaper of the City of Abbotsford, Clark and Marathon Counties, Wisconsin, and all ordinances, notices and proceedings of the City required by law to be published shall be published herein, except where legal posting can be utilized pursuant to state law.

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

Sec. 2-1-3 Elections; Voter Registration; Polling Place.

- (a) **Annual City Election.** The annual City election shall be held on the first Tuesday in April or at such other date as prescribed by state law.
- (b) **Hours.**
 - (1) **General Elections.** The polls at general elections in the City shall be opened at 7:00 a.m. and closed at 8:00 p.m.
 - (2) **Notice.** Notice of all elections, stating the prescribed polling hours, shall be given by publication in the official newspaper at least ten (10) days before the election.
- (c) **Voter Registration.** All electors for all elections shall be required to be registered as prescribed by state law. The City Clerk-Treasurer shall receive applications for registration at his/her office during regular office hours throughout the year, and at other times/locations permitted by state law, upon presentation of proper identification and proof of residency.
- (d) **Elections Polling Place.** The polling place for all wards shall be the Abbotsford City Hall.

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

- (a) **Candidates for Elective Office; Nomination Papers.**
 - (1) Nomination papers for Aldermanic elective offices shall be signed by not less than twenty (20) nor more than forty (40) electors of the City. Nomination papers for the elective office of Mayor shall be signed by not less than fifty (50) nor more than one hundred (100) electors of the City.
 - (2) Nomination papers for elective offices shall be circulated not sooner than the 1st day of December preceding the election, and shall be filed with the City Clerk-Treasurer not later than 5:00 p.m. the first Tuesday in January; or the next day if Tuesday is a holiday.
- (b) **Primary Elections.** Whenever three (3) or more candidates file nomination papers for a City elective position, candidates for such elective City offices shall be nominated by a

non-partisan primary conducted pursuant to Sec. 8.05(4), Wis. Stats., to reduce the number of candidates to two (2) for the regular spring election. Such candidate shall file with his/her nomination papers a declaration that he/she will qualify for the office to which he/she may be elected.

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

Sec. 2-1-5 Election Officials.

- (a) **Clerk-Treasurer's Election Duties.** As provided in Sec. 7.15, Wis. Stats., the City Clerk-Treasurer shall have charge of and supervise all elections held in the City.
- (b) **Election Officials.** Pursuant to Section 7.30(1), Wis. Stats., there shall be seven (7) election inspectors at the polling place at each election conducted in the City of Abbotsford, except as otherwise provided below.
- (c) **Reduction in Number of Election Officials.** Section 7.32, Wis. Stats., authorizes the Common Council to reduce the required number of election officials at a polling place to no less than three (3), and the Common Council has determined that would be advantageous to the City of Abbotsford to have only as many election officials on duty as are needed for any given election. Pursuant to Section 7.32, Wis. Stats., the City Clerk-Treasurer is authorized, at the discretion of the City Clerk-Treasurer, to reduce the number of election officials, provided that at all time there shall be a minimum of three (3) election officials on duty. The City Clerk-Treasurer shall determine in advance of each election whether the number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the City Clerk-Treasurer shall further redistribute duties among the remaining officials.
- (d) **Increase in Number of Election Officials.** At the discretion of the City Clerk-Treasurer, the requisite number of election officials may be increased for any election; however, the number of election officials working at a given election shall always be an odd number.
- (e) **Sets of Election Officials.** Because Section 7.30(1), Wis. Stats., allows for the selection of two (2) or more sets of officials to work at different times on each election day, the Common Council authorizes the selection of two (2) sets of election officials to staff the polls on election day if deemed necessary by the City Clerk-Treasurer. The City Clerk-Treasurer is hereby authorized to schedule election officials in shifts on any said election day. The City Clerk-Treasurer shall redistribute the duties of such election officials to reflect scheduling by shift. The second, or last, shift shall end with completion of all required election day duties that follow the closure of the polls.
- (f) **Special Purpose Election Officials.** As prescribed by Section 7.30(1)(b), Wis. Stats., the Common Council authorizes the City Clerk-Treasurer for each election to appoint, at the City Clerk-Treasurer's discretion, one (1) additional election worker per shift to serve as a greeter to answer questions and to direct electors to the proper locations for registration and

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voting, and who shall be available to substitute for other election officials who must leave the polling place room during the voting process.

- (g) **Additional Clerk-Treasurer Responsibilities.** The Abbotsford Common Council appoints:
- (1) The Clerk-Treasurer to serve as an election official in the absence of an appointed election official.
 - (2) The Clerk-Treasurer to serve as an alternate election official in the absence of an appointed alternate election official.

State Law Reference: Secs. 7.15, 7.30 and 7.32, Wis. Stats.

Sec. 2-1-6 Wards; Aldermanic Districts.

- (a) **Purpose.** Pursuant to the requirements of Secs. 5.15 and 62.08, Wis. Stats., aldermanic districts of the City of Abbotsford are redistricted so that all aldermanic districts are as compact in area as possible and contain, as nearly as practicable, an equal number of inhabitants according to the most recent decennial federal census of population.
- (b) **Number of Wards.** The City of Abbotsford shall be divided into four (4) aldermanic districts and six (6) wards. The boundaries of the wards established in Subsection (c) below and the number assigned to each ward are intended to be as permanent as possible. To this end, each ward contains a population of not less than three hundred (300) nor more than one thousand (1,000) inhabitants, with due consideration for the known trends of population increased or decreased within that part of the City in which the ward is located. As established, the boundaries of each ward shall remain unchanged until the next decennial federal census of population indicates that the population of a ward is then above or below the applicable population range.
- (c) **Ward Boundaries.**
- (1) **Aldermanic District No. 1.** Aldermanic District No. 1 is combined with Ward 6. Aldermanic District No. 1 shall consist of all the territory in the City of Abbotsford lying east of State Trunk Highway 13 in Marathon County, Wisconsin.
 - (2) **Aldermanic District No. 2.** Aldermanic District No. 2 is combined with Ward 5. Aldermanic District No. 2 shall consist of the territory starting at the intersection of West Spruce Street and North First Avenue, thence Northerly to Sycamore Street, thence Westerly along Sycamore Street to North Fourth Avenue, thence Northerly on North Fourth Avenue to Hemlock Street, thence Westerly on Hemlock Street to West City Limits, thence Southerly along West City Limits to the South City Limits, thence Easterly along the South City Limits to West Linden Street and continues Easterly to South Second Lane, thence Northerly on South Second Lane and thence Easterly on South Second Lane to South Second Avenue, thence Northerly on South Second Avenue to West Elm Street, thence Westerly on West Elm Street to Second Lane, thence Northerly on Second Lane to Spruce Street, thence Easterly on West Spruce Street to North First Avenue.
 - (3) **Aldermanic District No. 3.** Aldermanic District No. 3 shall consist of all the City territory lying to the North of an area bordered on the east by State Trunk Highway "13" (Fourth Street), on the South by Spruce Street, to a point on the east limits of the Wisconsin Central Railroad, thence Northerly along the East limits of the Wisconsin Central Railroad to the North City Limits, thence Easterly to State Trunk Highway "13", thence Southerly along State Trunk Highway "13" to Spruce St.

(4) **Aldermanic District No. 4.** Aldermanic District No. 4 shall consist of the territory West of the West limits of the Wisconsin Central Railroad. The territory starts at the intersection of Spruce Street and North First Avenue and consists of the territory between North First Ave and the West limits of the Wisconsin Central Railroad. The territory then follows the East side of North First Avenue Northerly to Sycamore Street, thence consists of the area North of Sycamore Street Westerly to North Forth Avenue, thence Northerly on North Fourth Avenue to West Hemlock Street, thence Westerly to the West City Limits, thence Northerly along the West City Limits to the North City Limits, thence Easterly to the West limits of the Wisconsin Central Railroad, thence Southerly along the West limits of the Wisconsin Central Railroad to Spruce Street.

(d) **Combining Wards.** In all elections hereafter conducted in the City of Abbotsford, wards may be combined for all elections in which voters in the combined wards are eligible to vote for the same offices on a common ballot.

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Mayor; Common Council

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Sec. 2-2-1 Common Council.

The Alderspersons of the City of Abbotsford 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 Alderspersons.

- (a) There shall be eight (8) Alderspersons elected to the Common Council, two (2) members from each aldermanic district established in Sec. 2-1-6 of this Code of Ordinances.

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- (b) One (1) Alderperson shall be elected from each aldermanic district in even-numbered years and one (1) Alderperson shall be elected from each aldermanic district in odd-numbered years. Each Alderperson shall serve a two (2) year term of office.
- (c) The provisions of Wisconsin Statutes with reference to primaries and municipal elections are hereby incorporated herein by reference and shall apply.

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

Sec. 2-2-3 Mayor.

- (a) **Election.** The Mayor shall be elected in odd-numbered years for a term of two (2) years.
- (b) **Duties.**
 - (1) The Mayor shall be the Chief Executive officer of the City. The Mayor shall take care that City ordinances and the State Statutes are observed and enforced.
 - (2) The Mayor shall, from time to time, provide the Council such information and recommend such measures as he/she may deem advantageous to the City. When present, he/she shall preside at the meetings of the Council.
 - (3) The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.
- (c) **Veto Power.** The Mayor shall have the veto power as to all acts of the Council except such as to which it is expressly or by necessary implications otherwise provided. All such acts shall be submitted to him/her by the City Administrator, and shall be enforced upon his/her approval, evidenced by his/her signature, or upon his/her failing to approve and disapprove within five (5) days, which fact shall be certified thereon by the City Administrator. If the Mayor disapproves, he/she shall file his/her objection with the City Administrator, who shall present it to the Council at its next regular meeting. A two-thirds (2/3) vote of all the members of the Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.
- (d) **Mayoral Appointments.**
 - (1) Wherever in this Code of Ordinances the Mayor is required to appoint citizens to committees, commissions and/or boards, the Mayor shall give written notice by executive letter to the Common Council at least five (5) days prior to the Council meeting at which such appointment shall be made. In the event the Common Council rejects a Mayor's appointment, the same name may not be submitted for the same job for a period of twelve (12) months after the refusal of such appointment.
 - (2) In the event a vacancy occurs in any committee, board or commission requiring the appointment of a citizen member and the Mayor does not nominate a successor thereof for a period of sixty (60) days after the vacancy occurs, the Common Council may then nominate an appointee to such position, subject to the approval of the Mayor.

- (3) In the event the Council, by parliamentary practice, tables an appointment by the Mayor, such tabling action shall be effective for that meeting, but at the next regular meeting of the Common Council, such appointment shall be on the meeting agenda for further consideration, and the particular appointment involved may not be tabled a second time.

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

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

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

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

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

- (a) **Common Council Committees Abolished.** The City of Abbotsford Common Council elects to have no regular standing committees of the Council comprised of Alderpersons.
- (b) **Committees-of-the-Whole; Special Committees.**
 - (1) **Committee-of-the-Whole Organization.**
 - a. The Mayor may declare the entire Common Council a Committee-of-the-Whole for informal discussion at any Council meeting or for such other purpose. Committee-of-the-Whole meetings shall be properly noticed as such.
 - b. The Mayor shall be the presiding officer of such in an ex officio capacity.
 - c. Meetings of the Committee-of-the-Whole may occur on properly noticed regular Common Council meeting dates, at the call of the Mayor, or on dates set by the Common Council.
 - d. No final or official votes are taken at meetings of the Committee-of-the-Whole, although the membership may vote to make a recommendation to be taken up at a regular Common Council meeting or assign tasks to City staff or other City commissions or bodies.
 - (2) **Committee-of-the-Whole Purpose.** The role of the Committee-of-the-Whole is to:
 - a. Allow the entire membership of the Common Council, sitting in a deliberative rather than a legislative capacity, to engage in informal discussion and preliminary consideration of matters awaiting legislative action;

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- b. Provide an efficient means for the Common Council and City staff to receive information and reports at the same meeting and engage in discussion in advance of a regular meeting of the Common Council;
 - c. Engage in review of strategic planning, major projects and/or City policies; and
 - d. Permit City business to be discussed when such business requires simultaneous, initial discussion by all Common Council members.
- (3) **Special Committees.** The Mayor may appoint special committees, subject to Common Council confirmation, as the Mayor deems advisable or as provided by the Common Council, with the purpose stated. Special committee composition, responsibilities and duration shall be determined by the Common Council.
- (c) **Cooperation of City Officers.** All City officers and employees, upon the request of the City Administrator or presiding officer of any committee, shall confer with the committee and provide to it such information as may be requested regarding any matter pending before the committee.

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

- (a) **General.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (b) **Acquisition and Disposal of Property.** The Common Council may acquire property, real or personal, within or without the City, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the City, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such City-owned property, except dedicated, platted parks.
- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase or condemnation under Ch. 32, Wis. Stats., any and all property rights in lands or waters, including rights of access and use, negative or positive easements,

restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sec. 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.

- (d) **City Finances.** The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the City finances.
- (e) **Construction of Powers.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.
- (f) **Vacancies.** Pursuant to Section 62.09(5), Wis. Stats., if any officer be incapacitated or absent for any cause, the Common Council may appoint some person to discharge his/her duties until he/she returns or such disability has ended.

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

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

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

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

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

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

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

Sec. 2-2-9 Salaries.

The Mayor and Alderpersons who make up the Common Council, whether operating under general or special law, may, by majority vote of all the members of the Common Council, determine that an annual salary or per diem compensation be paid the Mayor and Alderpersons. Salaries, committee meeting reimbursement and mileage for the Mayor and Common Council shall be as established in Sec. 1-3-1.

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 spring election, the Common Council shall meet on the third Tuesday of April for the purpose of organization.
- (b) **Meetings.** Regular meetings of the Common Council shall be held twice each calendar month at a day and time as set by the Common Council. Any regular meeting falling on a legal holiday shall be rescheduled or cancelled by a majority vote of those present at the meeting immediately prior to the meeting falling on a legal holiday. All meetings of the Common Council, including special and adjourned meetings, shall be held in the Abbotsford City Hall, unless City business compels a Common Council quorum to convene at another noticed location.
- (c) **Minutes.** The City Administrator shall keep a record of all Common Council proceedings and cause the proceedings to be published and/or legally posted.
- (d) **Attendance; Excused Absences.**
 - (1) (1) **Absences.** Members of the Common Council may be excused from attending a Council meeting by contacting the Mayor prior to the meeting and stating the reason for his/her inability to attend. If the Alderperson is unable to contact the Mayor, the Alderperson shall contact the City Administrator, who shall convey the message to the Mayor. Following roll call, the Presiding Officer shall inform the Common Council of the Alderperson's excused absence. Common Council members who do not comply with this requirement will be considered unexcused and it shall be so noted in the meeting minutes.
 - (2) **Late Arrivals.** Members of the Common Council who anticipate a late arrival to a Council meeting should contact the Mayor prior to the meeting and state the reason for the expected late arrival. If the Alderperson is unable to contact the Mayor, the Alderperson shall contact the City Administrator, who shall convey the message to the Mayor. Common Council members who do not comply with this requirement and are not in attendance at the time of roll call will be considered unexcused tardy. Alderpersons who are not in attendance within one (1) hour of roll call, and have not followed the above process, will be considered as an unexcused absence. Arrival times of Council members will be noted in the meeting minutes.

- (e) **Meeting Attendance by Telephone/Video Conferencing.** When warranted by special circumstances and with the consent of the Mayor, an Alderperson may appear by telephone or video conferencing at a meeting of the Common Council, or committee thereof, in order to satisfy quorum requirements and the Americans with Disabilities Act. If one (1) or more Common Council members participate by telephone or video conferencing, the equipment used to transmit the deliberations of the Council and conversation(s) with officials and citizens in attendance at the meeting shall be sufficient so that all persons, including attendees and members of the media present, are able to hear the deliberations and discussion. Alderpersons shall not be permitted to appear by telephone or video conferencing for closed session meetings.

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

Sec. 2-2-11 Special Meetings.

- (a) **Calling of Special Council Meetings; Notice to Alderpersons.**
- (1) Special meetings of the Common Council may be called by the Mayor by notifying members in a manner likely to give each Alderperson notice of the meeting and providing the notice a minimum of six (6) hours before the meeting. The City Administrator shall cause an affidavit of service of such notice to be filed in his/her office prior to the time fixed for such special meeting.
- (2) In addition to the above special meeting procedure, a special meeting of the Common Council may be called by a written request signed by two (2) Alderpersons, which written request for said special meeting provided to the Mayor and Alderpersons in a manner likely to give the Mayor and each Alderperson notice of the request. If a majority of the members of the Common Council concur and notify the City Administrator of the need for a special meeting, the Mayor and each Alderperson shall be provided with notice of the special meeting in a manner likely to give the Mayor and each Alderperson notice of the meeting and providing the notice a minimum of six (6) hours before the meeting.
- (b) **Non-Governmental Parties To Pay Fee For Special Meetings Of The Common Council.** Non-governmental parties requesting a special meeting of the Common Council at a date outside of the Council's regular meeting schedule shall pay a fee equivalent to the Council's actual expenses for such special meeting.

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

Sec. 2-2-12 Open Meetings; Adjournment of Meetings.

- (a) **Open Meeting Law Compliance.** All meetings of the Common Council and subunits thereof shall be open to the public as provided in Subchapter IV of Chapter 19, Secs. 19.81 through 19.89, Wis. Stats. Public notice of all such meetings shall be given as provided in Sec. 19.84, Wis. Stats.
- (b) **Adjournment of Meetings.** An adjournment to a closed session may be only for a permitted purpose as enumerated in Sec. 19.85, Wis. Stats., and must meet the other requirements of said Sec. 19.85, Wis. Stats.
- (c) **Meetings to Be Open.** During the holding of any open session in the regular meeting room or in the substituted meeting room, said room and said meeting shall at all times be open and remain open to all citizens.
- (d) **Legally Permitted Closed Meetings.**
 - (1) **Pursuant to Statute.** The provisions of this Code of Ordinances do not prohibit the Common Council or any committee thereof from having a closed meeting ("executive meeting") which is legally convened and/or legally held in a room in said building other than the official meeting room or in some other building in the City provided proper notice is given thereof pursuant to the Wisconsin Open Meeting Law.
 - (2) **Confidentiality.**
 - a. Common Council members shall keep confidential all written materials and verbal information provided to them during executive sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to members outside of executive sessions when the information is considered to be exempt from disclosure under the laws of the State of Wisconsin.
 - b. If the Common Council, after executive session, has provided direction or consensus to City staff on proposed terms and conditions for any confidential or privileged issue, all contact with any other party shall be made by the designated City representative handling the issue. Members should consult with the Mayor and/or City Attorney prior to discussing such information with anyone other than other Common Council members, the City Attorney or designated City staff. Any Common Council member or City employee having any contact or discussion with any person other than those listed above on any such confidential or privileged issue shall make full disclosure to the Common Council in a timely manner.
- (e) **Photographs, Motion Pictures, Videotape—Permission Required for Artificial Illumination.** No photographs, motion pictures, or videotapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at Common Council meetings without the consent of the Presiding Officer.

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

Sec. 2-2-13 Quorum.

- (a) Five (5) members or more 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 City of Abbotsford Common Council. In the absence of the Mayor, the President of the Council shall preside.
- (b) **Presiding Officer; Duties.** The Mayor, President of the Council, or the presiding officer, shall:
 - (1) Open the session at the time fixed for the meeting, or at the time to which adjournment may be had, by taking the chair and calling the members to order.
 - (2) Announce, at the conclusion of the roll call, the fact of the presence of a quorum, or not, as the case may be.
 - (3) Announce the business before the Council in the order in which it is to be acted upon.
 - (4) Receive and submit, in proper manner, all motions and propositions presented by members.
 - (5) Put to vote the questions which are regularly moved or which necessarily arise in the course of the proceedings, and announce the result.
 - (6) Restrain the members while engaged in debate within the rules of order.
 - (7) Enforce on all occasions the observance of order and decorum among the members.
 - (8) Inform the Council when necessary, or when referred to for that purpose, on any point of order or practice.
 - (9) Authenticate, by his/her signature, when necessary, all ordinances, resolutions, orders and proceedings of the meetings of the Council over which he/she presides.
 - (10) Preserve order and decorum; speak to points of order in preference to others, rising from his/her seat for that purpose; and decide questions of order, subject to an appeal by any member.
 - (11) Call a member to the chair, but such substitution shall not extend beyond an adjournment.
- (c) **Temporary Absence of Presiding Officer.** In the absence of the Mayor and President of the Council, one (1) of its members shall be elected to preside temporarily until the return of the Mayor or President.

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

Sec. 2-2-15 Order of Business.

- (a) **Order of Business.** At all regular meetings, the order of business shall be according to the tentative agenda prepared by the City Administrator. All matters to be considered at a regular or special Council meeting shall be submitted to the City Administrator by at least the Thursday prior to the meeting. All copies of the agenda shall be forwarded by the City Administrator to the representatives of the media have requested meeting agendas under the Open Meeting Law as part of his/her notice of such public meeting, and to members of the Council. The following order may be observed in the conduct of all meetings of the Council:
- (1) Call to Order by presiding officer.
 - (2) Roll call.
 - (3) Reading, correction and approval of the minutes of the last preceding meeting or meetings.
 - (4) Approval of accounts and claims.
 - (5) Public appearances (noticed)
 - (6) Reports from Mayor, City officers and department heads.
 - (7) Reports of standing committees.
 - (8) Unfinished business remaining from preceding sessions in the order in which it was introduced.
 - (9) New business, including introduction of ordinances and/or resolutions.
 - (10) Communications and noticed miscellaneous business.
 - (11) Adjournment.
- (b) **Order to be Followed.** No business shall be taken up out of order unless by unanimous consent of all Alderpersons and in the absence of any debate whatsoever.
- (c) **Citizen Comments.**
- (1) The Mayor or presiding officer shall determine at what point in a meeting citizens will be called upon to speak and may impose a limit on the length of time a citizen may address the Council. If requested by the Mayor, a written form may be provided by the City Administrator on which citizens may register to speak at a Council meeting. The subject to be addressed and/or agenda item shall be indicated.
 - (2) If a speaker purports to speak for an organization, club or others so as to lead the Common Council to believe that a number of persons support a position, then such person shall state how that position was developed by the group.
- (d) **Submittal of Written Comments.** If comments are provided in writing, they may be submitted to the Common Council on matters which the Council is considering at its meeting. It is encouraged that such written comments be filed with the Clerk Administrator by noon of the Friday preceding the regular meeting. If written comments are given at the meeting, the presenter should provide copies for the Common Council and staff.

Sec. 2-2-16 Introduction of Business; Resolutions and Ordinances; Disposition of Communications.

- (a) **Definitions—Ordinances, Resolutions and Motions.**
- (1) **Ordinance.** A legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Council action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty.
 - (2) **Resolution.** An internal legislative act which is a formal statement of policy concerning matters of a special or temporary nature. Council action shall be taken by resolution where required by law and in those instances where an expression of policy more formal than a motion is desired.
 - (3) **Motion.** A form of action taken by the Council to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.
- (b) **Ordinances.** All ordinances and resolutions shall be prepared as follows:
- (1) Each ordinance or resolution shall include a note stating the purpose thereof. All ordinances submitted to the Council shall be in writing and shall include at the outset a descriptive or brief statement of the subject matter and a title.
 - (2) The sponsor of an ordinance or resolution may be the Mayor, one (1) or more Alderpersons, a department head or a City committee, board, or commission.
 - (3) No ordinance, resolution or by-law shall be considered unless presented in writing by an Alderperson or by a committee. Unless requested by an Alderperson before final vote is taken, no ordinance, resolution or by-law need be read in full.
 - (4) On ordinances or resolutions that require special handing, the Clerk Administrator shall assure that an editorial note is prepared showing compliance with such special handing.
 - (5) The City Administrator may reject any ordinance or resolution from placement on the agenda which fails to comply with this Section.
 - (6) Resolutions shall be in writing at the request of one Alderperson; such request shall be nondebatable. Resolutions may be referred to an appropriate standing committee for an advisory recommendation.
- (c) **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.
- (d) **Notice.** 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.

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- (e) **Effective Date.** Unless otherwise provided, all ordinances shall take effect and be in force from and after passage and publication and/or legal posting; and published copies thereof shall have appended the date of first publication and/or legal posting.
- (f) **Disposition of Petitions, Communication, Etc.** Every petition or other correspondence from citizens addressed to the Common Council or to the City Administrator or other City officer for reference to the Common Council, shall be delivered by such other City officer to the Mayor or to the presiding officer of the Council as soon as convenient after receipt of same, and in any event, prior to or at the opening of the next meeting of the Common Council following the receipt of same. Every such petition, or other writing, and every paper, communication or other proceeding which shall come before the Council for action, may be referred by the Mayor or presiding officer to the appropriate committee or commission, unless objected to by some member of the Council.
- (g) **Reference and Reports.** The presiding officer may refer new business coming to the Common Council to an appropriate Council committee unless otherwise referred or acted upon by the Common Council. All referrals, unless otherwise provided for in the referral, shall be reported on at the next regular Common Council meeting. Common Council motions based upon committee or commission action is permissible only on items specifically on the agenda.

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

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

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

Sec. 2-2-18 Conduct of Deliberations.

- (a) **Roll Call.** When the presiding officer shall have called the members to order, the City Administrator shall proceed to call the roll in rotating order, noting who are present, and who are absent. If, after having gone through the call, it shall appear that a quorum is not

present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month. If they do not, the Council shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner as provided by the Wisconsin Statutes or Sections 2-2-11 and 2-2-12.

- (b) **Meeting Attendance.** All members of the Common Council shall attend all Council meetings, meetings of committees to which members have been appointed, and special or adjourned meetings when duly notified thereof. A member who does not appear in answer to his/her name when the roll is called at any regular meeting or any special or adjourned meeting when notified thereof shall be marked absent. Any member seeking to be excused from attending any regular or special meeting must notify the Mayor or City Administrator in advance of such meeting, explaining the reason for his/her absence and, upon complying with this requirement, such members shall be duly excused from attending said meeting. An Alderperson shall be physically present at the meeting in order to vote at such meeting.
- (c) **Recognition for Debate.**
- (1) When a member is to speak in debate, or deliver any matter to the Council, he/she shall respectfully address himself/herself to the presiding officer, and confine his/her remarks to the question under debate, and avoid personalities.
 - (2) When two (2) or more members address the presiding officer at the same time, the presiding officer shall name the member who is to speak first.
- (d) **Roll Call Vote Procedure.** The ayes and nays shall be ordered upon any question at the request of any member of the Council, or the Mayor, and the City Administrator shall call the roll starting with the Alderperson according to seating order on the next call of the roll, at the same or any subsequent meeting, the City Administrator shall start with the Alderperson whose name appears next on said seating order, and each subsequent call of roll shall begin with the name of the Alderperson next in seating order.
- (e) **Reconsideration.** When a motion has been decided, it shall be in order for any member who voted in the majority, to move a reconsideration thereof, at the same or next succeeding meeting and the Mayor shall call for a roll call of the Alderpersons. If a majority of the members present shall be in favor of a reconsideration, the subject shall be before the Council for further action.
- (f) **Motions With Preference.** During any meeting of the Common Council certain motions will have preference. In order of precedence they are;
- (1) **Motion to Adjourn.** This motion can be made at any time and has first precedence. This is a non-debatable motion.
 - (2) **Motion to Lay on the Table.** This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.
 - (3) **Motion to Call Previous Question.** This motion may be made at any time after the debate or discussion commences related to an action item, business item, motion or question that is properly before the Common Council. This motion is a non-debatable

motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. The motion, if adopted, brings the Common Council to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.

- (4) ***Motion to Postpone to a Date Certain.*** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Common Council. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion must establish a date and time certain when the debate and discussion before the Common Council will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Common Council.
 - (5) ***Motion to a Committee.*** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Common Council. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion, if adopted, forwards the action item, business item, motion or question to a committee for further review and discussion. The committee must be a committee of the Common Council.
 - (6) ***Motion to Amend or Divide the Question.*** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Common Council. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to divide.
 - (7) ***Motion to Postpone Indefinitely.*** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Common Council. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question.
 - (8) ***Motion to Introduce a Matter Related to the Action Item, Business Item, Motion or Question.*** This motion may be made at any time after the debate and discussion commences on the action item, business item, motion or question properly before the Common Council. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.
- (g) **Public Directory Votes.** No member of the Common Council shall request, at a meeting of the Common Council, a vote from the general public unless the proposed vote of the general public is so noted by the presiding officer of the meeting as strictly an advisory vote to the Council. Any vote taken by the general public at a meeting of the Common

Council shall be considered by the Council only as an advisory vote and shall not be considered as a directory vote.

- (h) **Rules of Parliamentary Procedure.** The rules of parliamentary practice in *Robert's Rules of Order, (Revised 1951)*, which is hereby incorporated by reference, shall govern the proceedings of the Council in all cases to which they are applicable and in which they are not inconsistent with these rules or with the laws of the State of Wisconsin.
- (i) **Compelling Votes; Abstentions.** No member may be compelled to vote. When a member abstains from voting, the effect is the same as if the member voted on the prevailing side. The "prevailing side" is defined as the votes accumulated which resulted in carrying or defeating a question. In case of a tie vote (not including the abstention), the abstaining vote is considered a "naye." In case of a vote requiring approval by more than a simple majority, an abstaining vote is considered an "aye." (See also Section 2-5-7 on conflicts of interest).
- (j) **Majority Vote.**
 - (1) Unless a larger number is required by statute, ordinance or bylaw, a majority vote of those present at a legally constituted meeting is necessary to carry a question.
 - (2) In the case of a tie vote on any motion, the motion shall be considered lost.
- (k) **Staff Input.** During regular or special meetings of the Common Council, the presiding officer may call for a staff report on business items as the agenda is considered and before a motion is entertained by the presiding officer. Once a motion is pending, debate is limited to Common Council members; additional staff input will be limited to providing clarification on issues if requested by a Common Council member.
- (l) **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.
- (m) **Call for the Previous Question.** Any member desirous of terminating the debate may call the previous question when the question announced by the Mayor shall be "call the main question." If a majority of the members present vote in the affirmative, the main question shall be put to a vote without further debate, and its effect shall be to put an end to all debate and bring the Council to a direct vote, first upon the pending amendment and then upon the main question.
- (n) **Amendment of Rules.** The rules of this Section shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Council.
- (o) **Suspension of Rules.** Any of the provisions of this Section may be suspended temporarily by a recorded vote of two-thirds (2/3) of the Council members present at any meeting.

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

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

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

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

Title 2 ► Chapter 3

Municipal Officers and Employees

2-3-1	General Provisions
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2-3-18	Oath of Office; Bonds of Officers

Appendix A: City of Abbotsford Employee Grievance Policy

Sec. 2-3-1 General Provisions.

- (a) **General Powers.** Officers of the City of Abbotsford shall have generally the powers and duties prescribed for like officers of cities, towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Mayor, shall perform such duties as shall be required of him/her by the Common 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.

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

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

Sec. 2-3-2 Appointed Officials.

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

Official	How Appointed	Term
(1) Attorney	Mayor, subject to confirmation by Council	Pleasure of Council
(2) Administrator & Clerk-Treasurer	Mayor, subject to confirmation by Council,	Administrator-As prescribed by contract. Clerk-Treasurer-Indefinite
(3) Chief of Police	Purusant to Section 5-1-1	
(4) Public Works Department Manager (Street Commissioner, Weed Commissioner)	Mayor, subject to confirmation by Council	Indefinite Indefinite
(5) Water & Wastewater Operations Manager	Mayor, subject to confirmation by Council	Indefinite
(6) Building Inspector	Mayor, subject to confirmation by Council	Indefinite

- (b) **Time for Taking Office.** The regular term of all appointed officials shall commence with their appointment at the first regular meeting of the Common Council in May of each year; except officials appointed for indefinite terms, who shall take office upon appointment and qualification.

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

(a) **Offices of Clerk and Treasurer Combined.** Pursuant to Sec. 62.09(3)(c), Wis. Stats., the offices of the City Clerk and City Treasurer have been combined by charter ordinance enacted pursuant to Sec. 66.01, Wis. Stats. Any references in this Code of Ordinances to the City Clerk or the City Treasurer shall be construed to mean the Clerk-Treasurer.

(b) **Duties as Clerk.** In his/her capacity as City Clerk, the City Clerk-Treasurer shall be responsible for performing those duties required by Sec. 62.09(9), Wis. Stats., and for the following additional duties:

- (1) Perform all election duties as required by Wisconsin Statute and keep and maintain all election records and all property used in conjunction with holding of elections;
- (2) Publish all legal notices as required by law except those legal notices which the City Administrator is required to publish, and file and preserve all contracts, bonds, oaths of office and other documents not required to be filed elsewhere;
- (3) Issue all licenses required by ordinance or statute, except as otherwise provided
- (4) Maintain files on all City records, ordinances, resolutions and vouchers;
- (5) Issue licenses to various vendors in City;
- (6) Advertise for bids, receive them and summarize the results;
- (7) Identify and evaluate ideas to achieve more efficient and effective operation;
- (8) Coordinate, supervise and conduct elections;
- (9) Maintain personnel files;
- (10) Prepare ballots for elections and publish required election notices;
- (11) Train election poll workers;
- (12) Supervise elections and tabulation of votes cast, and report and certify election results as required by law;
- (13) Assist candidates in completing necessary nomination papers;
- (14) Perform such other duties as may be directed by Common Council.

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- (c) **Duties as Treasurer.** In his/her capacity as City Treasurer, the City Clerk-Treasurer shall be responsible for performing those duties required by Sec. 62.09(11), Wis. Stats., and for the following additional duties:
- (1) Prepare the tax roll and tax notices required by the State of Wisconsin.
 - (2) Prepare financial and bank statements;
 - (3) Maintain fiscal records for the City and serve as City Comptroller;
 - (4) Make reports to the State on assessments;
 - (5) Prepare and send invoices for services provided by municipal utilities.
 - (6) Perform record keeping, billing, collections, banking, investments, accounting and financial reporting of all City operations, including utilities;
 - (7) Collect all taxes for the City and other taxing bodies;
 - (8) Prepare monthly financial report;
 - (9) Prepare check vouchers for payment of approved claims for signature;
 - (10) Make property tax settlements with the County Treasurer and turn over to school district and other taxing units their proportionate share of property tax collections;
 - (11) Issue purchase orders.
- (d) **Duties Prescribed By Law or Council.** The Clerk-Treasurer shall perform such other duties as are prescribed by State Statutes and by order of the Common Council. The Clerk-Treasurer generally shall perform, under directions of the Mayor or other presiding officer of the Council, all duties pertaining to his/her office as Clerk-Treasurer.
- (e) **Bond.** The City Clerk-Treasurer shall execute to the City a surety company fidelity bond in an amount determined by the Common Council.

Sec. 2-3-4 City Administrator

- (a) **Position Creation and Purpose**
- (1) **Position Established.** In order that the various officers, officials and employees and departments executing policy and administering the affairs of the City of Abbotsford may operate as efficiently as possible under a system of an elected part-time Mayor and Common Council, and to better ensure professional management of municipal responsibilities and services, the office of City Administrator is created. This Section is a Charter Ordinance.
- (b) **Statutory Requirements for Consolidated Offices.** Pursuant to Sections 62.09(9) and (11) and 66.0101, Wis. Stats., the City of Abbotsford elects by charter ordinance not to be governed by those portions of Chapter 62, Wis. Stats., which relate to the separate offices, selection and tenure of the offices of City Clerk and City Treasurer and which are in conflict with this Section.
- (c) **Appointment; Term.** Pursuant to Section 2-3-2, the City Administrator shall be appointed by the Mayor, subject to majority confirmation vote of the members elect of the Common Council, on the basis of merit, appropriate education and appropriate experience. The City Administrator shall hold office as prescribed by employment contract, subject to removal as provided in Sec. 17.13, Wis. Stats., and City personnel policies. The City Administrator is an at-will employee of the City.
- (d) **Responsibilities.** The responsibilities of the City Administrator shall be, but not limited to, the following:
- (1) **Chief Administrative Official.** The City Administrator shall:
- Serve as the chief administrative official of the City of Abbotsford, responsible to and under the general direction of the Mayor and Common Council.
 - Be responsible for implementing policies set forth by the Mayor and Common Council.
 - Be responsible for City compliance with federal and state laws and City ordinances and adopted policies.
 - Provide information presentations to community organizations as requested and when directed by the Mayor and Common Council.
 - Participate in membership and community organizations as requested by the Mayor and Common Council.
 - Establish positive relationships with state, county and agency officials and with area governmental units and organizations.
- (e) **Audits.** Annual audits shall be made of the records of the Administrator with the audit to be made by a certified public accountant.
- (f) **Duties as Clerk.** The City Administrator shall be responsible for performing those duties as designated below as required by the Wisconsin Statutes for city clerks:
- Prepare meeting agendas in cooperation with the Mayor and provide proper notices for the Common Council and other City governmental bodies as required by the Wisconsin Statutes and local ordinances.
 - Publish/post all legal notices as required by law that are not the assigned duty of the Clerk-Treasurer to publish.
 - Serve as legal custodian of all City records in compliance with the Wisconsin Open Records Law except where other custodians are designated; file and preserve all City minutes, contracts, bonds, oaths of office, vouchers, financial records, and other City records and documents not required to be filed elsewhere by the City Clerk-Treasurer.

Sec. 2-3-4

- (4) Attend meetings, take minutes and maintain files for the Common Council, and such other official boards, committees and commissions as may be directed.
- (5) Prepare and distribute reports for the Common Council and for federal and state agencies.
- (6) Audit and obtain approval on claims charged against the City.
- (7) File required financial and other reports with federal, state and county agencies.
- (8) File insurance claims on behalf of the City.
- (9) Administer oaths and affirmations;
- (10) Locate suppliers of goods or services and obtain quotes;
- (11) Confer with the Mayor, department heads and Common Council committees about projects and issues;

(g) **Duties as Treasurer.** The City Administrator shall be responsible for performing those duties required by the Wisconsin Statutes for city treasurers, for:

- (1) Investing available and/or surplus funds pursuant to the Wisconsin Statutes, City Code of Ordinances and any Council-approved investment policy.
- (2) Maintain payroll records and prepare payroll checks from approved employee time sheets;
- (3) Coordinate the preparation and compilation of the annual City budget;

(h) **Duties Prescribed by Law.** The City Administrator shall perform such other duties as are prescribed by the Wisconsin Statutes and City Code of Ordinances, and as directed by the Mayor or Common Council. The City Administrator shall be responsible for all the official acts of assistants.

(i) **Bond.** The City Administrator shall execute to the City a surety company fidelity bond in an amount determined by the Common Council.

Note: This is a Charter Ordinance.

Sec. 2-3-5 City Attorney.

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

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

Sec. 2-3-6 Chief of Police.

The Chief of Police shall be appointed by the Colby-Abbotsford Police Commission and serve pursuant to Section 5-1-1 of this Code of Ordinances.

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

Sec. 2-3-7 Fire/EMS Chief.

- (a) **Appointment.** The Fire/EMS Chief shall be appointed by the Central Fire and EMS District Commission, pursuant to its bylaws.
- (b) **Duties and Powers.**
- (1) The Fire/EMS Chief shall have general supervision of the Fire and EMS Department personnel, apparatus and equipment. The Fire/EMS Chief, or his/her designee, shall be present at fires and command all fire-fighting operations. The Fire/EMS Chief may make such further rules, regulations and policies for the government of the Fire and EMS Department as he/she may deem necessary, provided such rules and regulations shall not be inconsistent with the laws of the State of Wisconsin or Department bylaws. The Fire/EMS Chief shall, by virtue of his/her office, hold the office of Fire Inspector or he/she may delegate a member of the Department to serve as the Fire Inspector.

- (2) The Fire/EMS Chief 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 Fire and EMS Department.
- (c) **Reports of Chief.** The Fire/EMS Chief shall report to the Common Council from time to time at his/her discretion or upon the request of said Common Council on matters concerning departmental matters and shall perform such other duties in conformance with his/her office as may from time to time be required of him/her by the Common Council.

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

Cross-Reference: Title 5, Chapter 2

Sec. 2-3-8 Assessor.

- (a) **Appointment.**
- (1) The City of Abbotsford hereby elects not to be governed by those portions of Sec. 62.09(3)(b), Wis. Stats., relating to the method of selection of the City Assessor which are in conflict with this Section. (Charter Ordinance).
 - (2) The City Assessor, or assessing firm, shall be appointed by the Common Council for a term of office as determined by contract.
 - (3) A corporation or an independent contractor may be appointed as Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats.
 - (4) No Assessor shall be appointed unless said Assessor is certified by the Wisconsin Department of Revenue as qualified to perform the functions of the office of Assessor.
- (b) **Duties.** The Assessor shall perform all duties required of such office as provided by law and such other duties as are requested to be executed by such person by the Common Council from time to time.
- (c) **Definition.** For purposes of this Section, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

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

Sec. 2-3-9 Public Works Department Manager.

- (a) **General Description.** The purpose of the Public Works Department Manager is to work with and manage the day-to-day operation and maintenance of City public works-related equipment, lands and buildings, including streets. The Public Works Department Manager's work is under the direction of the Mayor and Common Council.
- (b) **Specific Duties and Responsibilities.** Subject to the direction of the Mayor and Common Council, the Public Works Department Manager shall have the following duties and responsibilities listed below. This listing of essential duties and responsibilities is intended to be illustrative only and should not be construed as a complete description of specific responsibilities and duties; nor is it intended to limit duties to those listed. The Common Council has the authority to assign, direct, and modify duties and responsibilities listed and that duties not listed that are of similar type and/or level of difficulty shall not be excluded:
- (1) Supervise and manage all aspects of the Public Works Department, including storm sewer facilities, development-related tasks, streets, parks, municipal buildings, etc.
 - (2) Supervise Public Works Department employees.
 - (3) Budget preparation for general fund that pertains to public works, parks, etc.
 - (4) Administrative responsibilities for the Public Works Department, including, but not limited to, requests for proposals, recordkeeping, communications with the public, ordinance enforcement, and fiscal monitoring.
 - (5) Payroll and personnel management of Public Works Department employees, including periodic personnel evaluations.
 - (6) Scheduling of Public Works Department employees.
 - (7) Administer Public Works Department purchasing, including obtaining quotes/bids and developing specifications.
 - (8) Manage all City buildings, grounds, park facilities and related equipment.
 - (9) Monitor and manage City streets and street improvements, including maintenance, street cleaning, striping, etc.
 - (10) Work cooperatively with the public regarding Public Works Department issues.
 - (11) Supervision, repair and management of storm sewer, water, and sewer lines.
 - (12) Perform necessary physical work including, but not limited to, flushing hydrants, operating heavy equipment, and repairing equipment to the extent possible.
 - (13) Conduct snow removal operations for all City streets and designated municipal sidewalks.
 - (14) Supervise and maintain street lighting and various City decorations for the business district.
 - (15) Supervise and manage building maintenance.
 - (16) Work with sales personnel on Public Works Department requirements.
 - (17) Communicate and coordinate operations with other City department heads.

- (18) Maintain communications with the Common Council and City committees, including reporting activities and attendance at relevant Common Council and committee meetings.
 - (19) Coordinate work with the City Engineer, City Attorney, and City staff.
 - (20) Service as the contact employee for Public Works Department activities and public relations.
 - (21) Perform troubleshooting responsibilities with all aspects of Public Works Department functions.
 - (22) Contact outside resources as necessary, such as contractors, vendors, state agencies, and professional consultants.
 - (23) Determine and administer goals and priorities for the Public Works Department, including conducting strategic planning for the Department.
 - (24) Monitor developments within the City (both public and private), including work by contractors, and assist the City Engineer in the development process; attend necessary pre-construction conferences and in-field meetings.
 - (25) Perform other tasks as directed by the Common Council.
- (c) **Minimum Qualifications.** The Public Works Department Manager shall possess the following qualifications:
- (1) Five (5) years of previous public works experience, with a minimum of three (3) years as a supervisor.
 - (2) Possess a valid Commercial Driver's License (CDL) – CDL must be obtained within ninety (90) days of employment date; City will pay related expenses for obtaining the CDL one time only.
- (d) **Language, Ability and Interpersonal Communication Requirements.** The Public Works Department Manager shall meet the following requirements:
- (1) Requires the ability to perform mid to upper-level data analysis, including the ability to coordinate, strategize and correlate, using discretion in determining time, place and/or sequence of operations within an organizational framework. Requires the ability to implement decisions based on such data and oversee the execution of these decisions.
 - (2) Requires the ability to provide first line supervision. Ability to communicate and persuade and train others. Ability to advise and provide interpretation regarding the application of policies, procedures and standards to specific situations.
 - (3) Requires the ability to utilize a wide variety of reference, descriptive, advisory and/or design data and information such as construction plans, invoices, drawings, flow charts, maps, equipment and operations manuals, financial statements, statutes, procedures and non-routine correspondence.
 - (4) Requires the ability to communicate orally and in writing with the Common Council, City committees/boards, Department personnel, contractors, engineers, plumbers, vendors/suppliers, plumbers, other City departments, Wisconsin Department of Natural Resources, Wisconsin Public Service Commission, customers and the public.

- (5) Possess excellent oral and written communication skills and computer proficiency.
- (e) **Salary and Minimum Work Hours Requirements.** This is an exempt position with a work week averaging forty (40) hours. The salary for this position shall be determined by the Common Council.

Sec. 2-3-10 Water and Wastewater Operations Manager.

- (a) **General Description.** The Water and Wastewater Operations Manager is responsible for the entire Water and Wastewater Utility Department's operations for the City of Abbotsford. The Water and Wastewater Operations Manager supervises the day-to-day activities of the Wastewater Utility and Water Utility and reports directly to the Mayor and Common Council about all aspects of the Water Utility and Wastewater Utility. This position is responsible for overseeing all operations and employees of the Water Department and Wastewater Department.
- (b) **Specific Duties and Responsibilities as Water Operations Manager.** Subject to the direction of the Mayor and Common Council, the Water Operations Manager shall have the following duties and responsibilities:
 - (1) Operate, maintain, and effect all proper Water Utility coordination to ensure the continuous availability of water to the serviceable water area, by the proper and efficient operation of the water treatment facility and its equipment.
 - (2) Supervise, perform, and record all laboratory tests as required for the Water Utility by the Wisconsin Department of Natural Resources (DNR) and the City of Abbotsford.
 - (3) Advise the Mayor and Common Council on all water-related issues concerning the Water Utility.
 - (4) Responsible for the budgeting and approval of financial expenditures related to the water operations of the City.
 - (5) Required to report at monthly committee meetings and Common Council meetings as needed to communicate information or discuss matters regarding Water Utility operations and/or needs.
 - (6) Responsible to report at department head meetings and coordinate work and needs between departments.
 - (7) Maintain and ensure the proper, effective operation of the treatment plants, water towers, municipal wells, facilities, pumps, and equipment, etc.
 - (8) Complete and ensure that necessary information is provided for the applicable portion of the Annual Water Utility Report for the Wisconsin Public Service Commission.
 - (9) Supervise all activities and training of Water Utility Operators.
 - (10) Address employee conduct, taking disciplinary action if necessary, regarding Water Utility Operators and other employees assigned to the Water Utility Department.

- (11) Responsible for supervising all municipal water meters and the correct readings thereof for the City's billing system.
 - (12) Perform weekend duties pertaining to water, sewer, streets, etc., as needed.
 - (13) Perform snowplowing and other necessary street work as needed in conjunction with the Public Works Department.
 - (14) Perform necessary assistance for water line breaks, and sanitary sewer blockages as needed, working in conjunction with the Public Works Department.
 - (15) Complete all Wisconsin Department of Natural Resources, Environmental Protection Agency, and other municipal, county, state and federal Water Utility-related forms, reports, correspondence, information requests, etc.
- (c) **Specific Duties and Responsibilities as Wastewater Operations Manager.** Subject to the direction of the Mayor and Common Council, the Water and Wastewater Operations Manager shall have the following duties and responsibilities as they pertain to the Wastewater Utility Department:
- (1) Operate, maintain, and effect all proper Wastewater Utility coordination to ensure the continuous operation of the wastewater treatment facility and its equipment and lift stations.
 - (2) Supervise, perform, and record all laboratory tests as required for the Wastewater Utility by the Wisconsin Department of Natural Resources (DNR) and the City of Abbotsford.
 - (3) Perform the daily process testing required for proper operation of the Wastewater Utility.
 - (4) Advise the Mayor and Common Council on all wastewater-related issues concerning the Wastewater Utility.
 - (5) Responsible for the budgeting and approval of financial expenditures related to the water operations of the City.
 - (6) Required to report at monthly committee meetings and Common Council meetings when needed to communicate information or discuss matters regarding Wastewater Utility operations and/or needs.
 - (7) Responsible to report at department head meetings and coordinate work and needs between departments.
 - (8) Maintain and ensure the proper, effective operation of the treatment plants, facilities, pumps, lift stations, equipment, etc.
 - (9) Maintain the buildings and grounds of the wastewater treatment plant and its lift stations.
 - (10) Supervise all activities and training of Wastewater Utility Operators.
 - (11) Address employee conduct, taking disciplinary action if necessary, regarding Wastewater Utility Operators and other employees assigned to the Wastewater Utility Department.
 - (12) Perform weekend duties pertaining to City wastewater, water, sewer, streets, parks, etc., services as needed.

- (13) Be able to complete and ensure the necessary information is provided for applicable components of the City audit; file the DNR, CMAR and other DNR reports as required by the Wisconsin Department of Natural Resources and other municipal, county, state and federal wastewater utility-related forms, reports, correspondence, information requests, etc.
 - (14) Possess a Commercial Driver's License (CDL) – CDL must be obtained within ninety (90) days of employment date; City will pay related expenses for obtaining CDL one time only.
- (d) **Minimum Qualifications.**
- (1) The Water and Wastewater Operations Manager shall possess the following qualifications in his/her capacity as Water Operations Manager:
 - a. High School diploma required.
 - b. Maintain computer literacy of necessary wastewater-related software to ensure the proper administration of the Water Utility (Supervisory Control and Data Acquisition knowledge necessary).
 - c. Must obtain the following Waterworks Operator licenses within one (1) year from the date of employment:
 - 1. G: Groundwater Source.
 - 2. D: Distribution System.
 - 3. S: Surface Water Source.
 - 4. I: Oxidation and Filtration Treatment.
 - 5. V: Specialized Treatment.
 - 6. Z: Zeolite and Resin Treatment.
 - (2) The Water and Wastewater Operations Manager shall possess the following qualifications in his/her capacity as Wastewater Operations Manager:
 - a. High School diploma required.
 - b. Maintain computer literacy of necessary wastewater-related software to ensure the proper administration of the Wastewater Utility (Supervisory Control and Data Acquisition knowledge necessary).
 - c. Proficient in use of Excel software use (preparation of spread sheets, graphs, etc.).
 - d. Must obtain the following Wastewater Operator licenses within one (1) year from the date of employment:
 - 1. Grade 2 – Have satisfied the requirements of Grade 1, plus have two (2) years of general experience in the operation of a wastewater treatment plant and facilities.
 - 2. Subclass:
 - aa. Trickling filters and rotating biological contractors (RBC).
 - bb. Primary Treatment.
 - cc. Anaerobic Digestion.
 - dd. Mechanical Sludge Dewatering and Treatment.
 - ee. Phosphorus Removal.

- (e) **Salary and Minimum Work Hours Requirements.** This is an exempt position with a work week averaging forty (40) hours. The salary for this position shall be as determined by the Common Council.

Sec. 2-3-11 Building Inspector; Plumbing Inspector; Heating, Ventilating and Air Conditioning Inspector; Electrical Inspector.

(a) **Appointment.**

- (1) Inspectors shall be appointed pursuant to Section 2-3-2. The City of Abbotsford may select the services of an inspection firm or independent contractor.
- (2) Each inspector shall:
 - a. Possess such executive ability as is requisite for the performance of his/her duties and shall have a thorough knowledge of the standard materials and methods used in the installation of equipment in his/her area of responsibility;
 - b. Be well versed in approved methods of construction for safety to persons and property, the Statutes of the State of Wisconsin relating to work in his/her area of responsibility, and any orders, rules and regulations issued by authority thereof;
 - c. Have sufficient experience in the installation of equipment to enable him/her to understand and apply the appropriate codes adopted by the City of Abbotsford.
 - d. Be certified in his/her area of inspection responsibilities.

(b) **Authority to Enter Premises; Appeals.**

- (1) In the discharge of their respective duties, each Inspector under this Section or his/her authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his/her authorized agent while in the performance of his/her duties; and any person so interfering shall be in violation of this Section and subject to a penalty as provided by Section 1-1-7.
- (2) If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public for inspection purposes has been denied, the Inspector shall obtain a special inspection warrant under Sec. 66.0119, Wis. Stats.
- (3) Unless otherwise specified elsewhere in this Code of Ordinances, any person feeling himself/herself 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.

- (c) **Duties and Authority.** The Building Inspector shall have such responsibilities as are prescribed in this Section and Title 15 of this Code of Ordinances.

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- (d) **Stop Work Orders and Revocations.** The Building Inspector may order construction, installation, alteration or repair work stopped when such work is being done in violation of this Code of Ordinances. Work so stopped shall not be resumed, except with written permission of the Inspector, provided if the stop work order is an oral one it shall be followed by a written order within a reasonable period of time.
- (e) **Conflict of Interest.** No Inspector shall inspect any construction work in the City in which the Inspector has a personal or financial interest either direct or indirect.
- (f) **Records.** The Building Inspector shall keep a record of all applications for permits and regularly number each permit in the order of issuance. The Building Inspector shall keep a record of all inspections made and a record of all fees collected by them showing the date of his/her receipt and transfer to the City Clerk-Treasurer.

Sec. 2-3-12 Weed Commissioner.

The Weed Commissioner shall be appointed by the Mayor, subject to Council confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his/her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the City 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: Secs. 66.0407 and 66.0517, Wis. Stats.

Sec. 2-3-13 Municipal Judge; Municipal Court.

- (a) **Established.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby established a Municipal Court for the City of Abbotsford.
- (b) **Office of Municipal Judge Created.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby created the office of Municipal Judge for the Municipal Court for the City of Abbotsford.
- (c) **Election; Term.** The Municipal Judge shall be elected at large in the spring elections in even-numbered years for a term of two (2) years commencing on May 1 succeeding the election. The Municipal Judge shall be subject to the Wisconsin Code of Judicial Ethics and shall file an annual financial statement.
- (d) **Salary.** The salary of the Municipal Judge may be increased for a new term prior to the beginning of the term for the Judge, or for the second year of a term before the start of the second year of the term of the Judge, but the salary shall not be decreased during the term of the Judge. Salaries may be paid annually or in equal installments as determined by the Common Council, but no Judge may be paid a salary for that portion of any term during

which portion the Judge has not executed the official bond or official oath as required by Sec. 755.03, Wis. Stats., and filed under Sec. 19.01(4)(c) of the Wisconsin Statutes, as amended.

- (e) **Bond; Oath.** The Municipal Judge shall execute and file with the Clerk of the Circuit Court for Clark or Marathon County the oath prescribed by Sec. 755.03, Wis. Stats., and an official bond of Fifty Thousand Dollars (\$50,000.00) as fixed by the Common Council.
- (f) **Procedure in Municipal Court.**
 - (1) The procedure in Municipal Court for the City of Abbotsford shall be as provided in this Section and state law, including, but not by way of limitation, Chapters 23, 62, 66, 345, 755 and 800 of the Wisconsin Statutes.
 - (2) The Municipal Court shall be open as determined by the Municipal Judge.
 - (3) The Municipal Judge shall keep his/her office and hold court in the City Hall.
 - (4) If the Municipal Judge is temporarily absent, sick or disabled, the provisions of Sec. 800.06(1), Wis. Stats., shall apply, and if the Municipal Judge becomes incompetent, unable or fails to act, or in the event of a vacancy, the provisions of Sec. 800.06(2), Wis. Stats., shall apply. Any substitute Municipal Judge designated or assigned hereunder shall be compensated as authorized by the Common Council. The Municipal Judge shall satisfy all continuing education requirements for municipal judges.
 - (5) Upon the proper and timely written request for substitution of the Municipal Judge, the provisions of Sec. 800.05, Wis. Stats., shall apply.
 - (6) The procedures of the Municipal Court shall be in accord with the applicable Wisconsin Statutes and City Ordinances. The Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In non-traffic matters, the Chief of Police shall draft a bond schedule, which shall become effective upon approval by the Common Council. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.
- (g) **Fees.**
 - (1) Bonds for appearance and other funds collected by the Court shall be treated as escrow funds and deposited with the City Clerk-Treasurer. Partial payments shall be maintained by the Clerk of Courts in a designated municipal bank account; specific documentation shall also be maintained providing for an audit of such account until full payment has been received, at which time the funds will be deposited with the City Clerk-Treasurer.
 - (2) The Clerk of the Municipal Court shall collect all forfeitures and costs in any action or proceeding before him and shall pay over such moneys to the City Clerk-Treasurer not later than the end of each month. At the time of payment, the Municipal Court Clerk shall report to the City Clerk-Treasurer the title of the action, the offense for which the forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessments and costs, if any. The City Clerk-Treasurer shall disburse the fees as

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- provided in Sec. 814.65, Wis. Stats., and disburse any penalty assessments pursuant to Sec. 66.0114, Wis. Stats.
- (h) **Board May Abolish Municipal Court.** The Common Council may, by ordinance or by law, abolish the Municipal Court at the end of any term for which the Judge has been elected.
 - (i) **Statutes Adopted by Reference.** Chapters 755 and 800, Wis. Stats., are hereby adopted by reference.
 - (j) **Contempt of Court.**
 - (1) The municipal judge may punish for contempt of Municipal Court for the City of Abbotsford persons guilty of either of the following acts:
 - a. Intentional misconduct in the presence of the court which interferes with a court proceeding or with the administration of justice, or which impairs the due respect for the Court.
 - b. Intentional disobedience, resistance or obstruction of authority, process or order of the Municipal Court.
 - (2) A Municipal Judge may impose a forfeiture for contempt in an amount not to exceed Fifty Dollars (\$50.00) or, upon nonpayment of the forfeiture, penalty assessment under Sec. 165.87, Wis. Stats., and jail assessment under Sec. 302.46, Wis. Stats., and any applicable domestic assessment under Sec. 973.055(1), Wis. Stats., a jail sentence not to exceed seven (7) days.
 - (k) **Court Authority to Impose Alternative Disposition and Sanctions.**
 - (1) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in Sections 938.343 and 938.344, Wis. Stats., in accordance with the provision of those statutes.
 - (2) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under Sections 938.343 or 938.344, Wis. Stats., the municipal court is authorized to impose any of the sanctions listed in Section 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.
 - (3) This Section is enacted under the authority of Section 938.17(2)(cm), Wis. Stats.

State Law Reference: Chapters 755 and 800, Wis. Stats.

Sec. 2-3-14 Clerk of the Municipal Court.

- (a) **Appointment.** The Municipal Judge shall, in writing, appoint a Clerk of the Municipal Court. The Clerk's salary shall be fixed by the Common Council. The Clerk of the Municipal Court shall hold office for an indefinite term of office. The Clerk shall, before entering upon the duties of his/her office, take the oath provided by Sec. 19.01, Wis. Stats., and give such bond as the Board may require. The oath and bond of the Clerk of

Municipal Court shall be filed with the City Clerk-Treasurer. The cost of such bond shall be paid by the City.

- (b) **Duties.** The Court Clerk shall:
- (1) File and review citations and complaints;
 - (2) Reply to departmental mail concerning routine matters as prescribed by the Municipal Judge;
 - (3) Compile docket numbers for citations and complaints and gather all material pertinent to cases;
 - (4) Determine and schedule Court dates and facilities;
 - (5) Communicate with law officers, attorneys and defendants regarding court proceedings;
 - (6) Balance dockets at the conclusion of court proceedings;
 - (7) Prepare and mail warrants and summons;
 - (8) Prepare monthly report of financial activities;
 - (9) Assist in the collection of traffic bonds;
 - (10) Prepare necessary communications for jury trials and transfers to Circuit Court;
 - (11) Perform such other duties as may be required by the Municipal Judge and Common Council.

Sec. 2-3-15 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 of Abbotsford, and in case of a ward office, of the ward, and actually residing therein.
- (b) An appointee by the Mayor, requiring to be confirmed by the Council, who shall be rejected by the Council, shall be ineligible for appointment to the same office for one (1) year thereafter.
- (c) No member of the Common Council shall, during the term for which he/she is elected, be eligible for an office or position which, during such term, has been created by, or the selection to which is vested in, the Council, provided that the Council may be represented on City boards or commissions where no additional remuneration is paid such representative except as otherwise provided by the laws of the State of Wisconsin.

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

Sec. 2-3-16 Removal from Office.

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

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- (b) **Appointed Officials.** Appointed officials may be removed as provided in Sec. 17.12(1)(c) and 17.16, Wis. Stats.

Annotation: 62 Atty. Gen. Op. 97.

Sec. 2-3-17 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. 2-3-18 Oath of Office; Bonds of Officers.

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

APPENDIX A

CITY OF ABBOTSFORD EMPLOYEE GRIEVANCE POLICY

POLICY:

- (a) **Statutory Requirement.** This Employee Grievance Policy has been adopted to comply with Section 66.0509, Wis. Stats., and provides a grievance procedure for timely and orderly review of matters concerning workplace safety, discipline and termination.

- (b) **Employee Discipline In General.**
 - (1) Disciplinary procedures may result when:
 - a. An employee's actions or conduct do not conform with generally accepted standards of good behavior;
 - b. An employee violates a policy, procedure and/or rule;
 - c. An employee's conduct is detrimental to the interests of the City of Abbotsford ("City"); and/or
 - d. An employee's performance is not acceptable.

 - (2) Disciplinary action may result in any of the following steps being taken:
 - a. Verbal warning or reprimand.
 - b. Written warning or reprimand.
 - c. Suspension, with or without pay.
 - d. Termination of employment.

 - (3) Based upon the facts involved, there may be circumstances when one (1) or more of the disciplinary steps are bypassed. Certain types of employee problems or infractions may be of such a serious nature to justify either a suspension or termination of employment without proceeding through progressive discipline steps. The City of Abbotsford reserves the right, in its sole discretion, to impose disciplinary action as may be appropriate to the particular circumstances.

- (c) **Applicability.** This Policy shall be applicable to all City employees covered under Section 66.0509, Wis. Stats., other than police and fire employees subject to Section 62.13(5), Wis. Stats. Specifically, but not limited to, this Policy applies to union and non-union employees, limited term employees, full- and part-time employees, at-will employees, and seasonal employees. A City employee may appeal any level of employee discipline action under this grievance procedure.

Appendix A

DEFINITIONS:

For purposes of this Policy, the following definitions shall be applicable:

- (a) **Days.** Means calendar days, excluding legal holidays as defined in Section 995.20, Wis. Stats. If the last day on which an event is to occur is a legal holiday, any time limit under this Policy is extended to the next day which is not a legal holiday.

- (b) **Employee Discipline.**
 - (1) Any employment action that results in a:
 - a. Verbal reprimand.
 - b. Written reprimand.
 - c. Disciplinary suspension without pay.
 - d. Disciplinary suspension with pay.
 - e. Disciplinary reduction in pay or other benefits.
 - f. Disciplinary demotion.
 - g. Termination.

 - (2) The term "discipline" does not include:
 - a. Verbal notices or reminders.
 - b. Performance evaluations.
 - c. Documentation of employee acts and/or omissions in a personnel file.
 - d. Non-disciplinary demotions, transfers or changes in job assignment.
 - e. Non-disciplinary adjustments to compensation and/or benefits.
 - f. Actions taken to address job performance, including use of a job target plan or performance improvement plan.
 - g. Placement of an employee on paid leave pending an internal investigation.
 - h. Counseling (written or verbal) regarding job performance.
 - i. Other personnel actions taken by the employer that are not a form of progressive discipline and are taken for non-disciplinary reasons.

- (c) **Employee Termination.** Action(s) taken by the employer to terminate an individual's employment with the City for misconduct or performance reasons but shall not include the following personnel actions:
 - (1) Retirement.

 - (2) Death.

 - (3) Voluntary quit.

- (4) Layoff or failure to be recalled at the expiration of the recall period.
 - (5) Completion of seasonal employment or temporary assignment.
 - (6) Completion of contract employment.
 - (7) Action taken for failure to meet any position qualifications.
 - (8) Job abandonment ("no-call, no-show" or other failure to report to work)
 - (9) Any workforce reduction action.
 - (10) Job transfer.
 - (11) Action taken pursuant to an ordinance other than an ordinance specifically addressing employee discharge.
 - (12) Termination of employment due to medical condition, lack of qualification or necessary license, or other inability to perform job duties for non-disciplinary reasons.
- (d) **Grievance.** A dispute between the employer and an employee regarding actions of City officials with regard to employee discipline, employee termination, or workplace safety.
- (e) **Hearing Officer.** The impartial hearing officer required pursuant to Sec. 66.0509(1m)(d)2, Wis. Stats. The hearing officer selected by the Common Council may be an attorney, a retired judge, a professional mediator/arbitrator, an outside human resources professional from another governmental entity, or other qualified individual currently on the list of arbitrators or mediators for the Wisconsin Employment Relations Commission (WERC), Federal Mediation and Conciliation Service, or the American Arbitration Association. The hearing officer shall not be an employee of the City nor someone with a direct interest in the matter, such as, for example, a member of the governing body or the governing body's personnel committee.
- (f) **Workplace Safety.** Conditions of employment affecting an employee's physical health or safety, safety of the physical work environment, the safe operation of workplace equipment and tools, personal protective equipment, workplace violence, and training related to the same. Included within this definition are any alleged violations of any standard established under state law or administrative rule or federal law or regulation relating to workplace safety.

Appendix A

PROCEDURES:

(a) Required Contents of all Written Grievances; General Considerations.

- (1) Any written grievance filed by a City of Abbotsford employee under this Policy shall contain all of the following information:
 - a. The name and position of the filing employee.
 - b. A brief summary statement of the issue involved.
 - c. A statement of the remedy or action sought.
 - d. A detailed explanation of the facts supporting the grievance.
 - e. The date(s) the incident(s) occurred or the date(s) the alleged workplace safety concern was discovered.
 - f. The specific policy, procedure or rule that is being challenged. If applicable, the specific workplace safety rule alleged to have been violated.
 - g. The steps taken to informally resolve the grievance (either orally or in writing) with the employee's supervisor, the individuals involved in the attempted resolution, and the results of such discussion. When necessary, an explanation should be included as to why a grievance was not resolved at a prior step.
 - h. The employee's signature and date.
- (2) A grievance or request for an appeal is considered timely if received by the City Administrator-Clerk-Treasurer during normally business hours or if postmarked by 11:59 p.m. on the due date.
- (3) An employee must process his/her grievance outside of normal work hours, unless the employee elects to use accrued paid time (vacation, compensatory time, etc.) in order to be paid for time spent processing his/her grievance through the various steps of the grievance procedure prescribed in this Policy.

(b) Steps of the Grievance Process.

- (1) **Step 1 – Preliminary Grievance Steps.**
 - a. Prior to filing a formal written grievance under this Policy, an employee shall discuss any complaint or problem with his/her immediate supervisor to determine if the grievance can be resolved.
 - b. Every reasonable effort should be made by employees and supervisors to resolve any questions, misunderstandings, or problems that have arisen before an employee files a grievance.
 - c. Such a preliminary meeting is not required in the case of termination.

(2) **Step 2 – Written Grievance Filed With City Administrator-Clerk-Treasurer; Review.**

- a. If the grievance cannot be resolved at Step 1, the employee must file a written grievance with the City Administrator-Clerk-Treasurer no later than ten (10) days from the date the employee first becomes aware of the termination, discipline, or workplace safety situation causing the grievance.
- b. The City Administrator-Clerk-Treasurer shall inform the employee's immediate supervisor and the Mayor about receipt of the written grievance as soon as practicable.
- c. The City Administrator-Clerk-Treasurer, or his/her designee, shall investigate the facts given rise to the grievance. The City Administrator-Clerk-Treasurer shall respond to the grievance in writing, if possible, within ten (10) days of receipt of the written grievance.
- d. As part of the grievance investigation, the employee's supervisor may be requested to provide a written response, which must contain:
 1. A statement of the date(s) the meeting between the employee and supervisor was held.
 2. A statement as to whether the grievance was sustained or denied, with summary facts.
- e. If the grievance involves a decision directly affecting the City Administrator-Clerk-Treasurer, the process shall begin with a written grievance filed with the Mayor who shall conduct the investigation as Step 2; appeal to a Hearing Officer as Step 3; and appeal to the Common Council as Step 4. The timelines established for each step shall apply.

(3) **Step 3 – Impartial Hearing Officer.**

- a. If the grievance is not resolved at Step 2, the employee may request in writing, within ten (10) days following receipt of the City Administrator-Clerk-Treasurer's written response, a request for written review by an impartial Hearing Officer.
- b. The City Administrator-Clerk-Treasurer shall notify the employee's supervisor and the Mayor of the filing of the request for an appeal to a Hearing Officer as soon as practicable.
- c. The City shall select the impartial Hearing Officer pursuant to Subsection (e). The Hearing Officer shall not be a City employee.
- d. On appeal, the City Administrator-Clerk-Treasurer shall transmit all grievance materials, grievance responses, and a copy of this Policy to the Hearing Officer.
- e. 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. If the Hearing Officer decides a hearing is necessary, the Hearing Officer shall schedule a date/time for a hearing. The hearing shall be held at a mutually agreeable time in a public building and shall be open to the public unless the Hearing Officer otherwise directs.
- f. The Hearing Officer shall determine whether the City acted in an arbitrary or capricious manner. The Hearing Officer may only overrule a disciplinary action

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if the action was arbitrary or capricious. In all cases, the grievant shall have the burden of proof to support the grievance. The Hearing Officer shall either sustain or deny the decision of the employee's supervisor. The Hearing Officer does not have authority to modify or amend the decision made by the employee's supervisor. The Hearing Officer does not have authority to grant in whole or in part a specific request of a grievant to modify a disciplinary determination.

- g. The Hearing Officer shall prepare a written decision affirming or reversing the action with the reasons therefore. The Hearing Officer shall submit his/her findings to the City and the employee within thirty (30) days of the close of the hearing (if a hearing is conducted) or the submission of the parties' written briefs, if any, whichever is later, or at a date mutually agreed upon by the parties.

(4) **Step 4 – Review by Common Council.**

- a. Either the employee or the City Administrator-Clerk-Treasurer may file with the Common Council a written notice of appeal of the Hearing Officer's determination within ten (10) days of the postmark date that the Hearing Officer's determination is mailed. For Library employees (if a City Library exists), the appeal shall be filed with the Library Board, which shall follow the procedures herein.
- b. Such appeals shall be on the written record, the preparation and associated costs of which shall be the responsibility of and at the expense of the party seeking the appeal. A copy of the written record shall be provided by the appealing party to the other party at no charge. The written record shall be filed with the Common Council within twenty-one (21) days of the notice of appeal.
- c. No formal hearing shall be held on the appeal before the Common Council. The Common Council shall only determine whether the Hearing Officer reached an arbitrary or incorrect result based on a review of the record coming before the Hearing Officer. The Common Council shall not take new testimony or evidence on the matter, but the Common Council may request additional written submittals from the parties regarding clarification of matters raised before the Hearing Officer.
- d. The appeal will be scheduled and noticed for the Common Council's next regular meeting. The Hearing Officer's determination may be affirmed, modified, or reversed by a majority vote of a quorum of the Common Council.
- e. The Common Council shall inform the employee in writing of its findings and decision within fifteen (15) days of the Common Council meeting, and shall also file its written decision with the City Administrator-Clerk-Treasurer. A copy of the written decision of the Common Council shall be mailed to the last known address of the employee or the employee's representative.
- f. The Common Council's decision shall be final and binding on the parties.

(c) **Grievance Settlements.**

- (1) A grievance shall be considered waived if not filed or appealed within the grievance timelines designated within this Policy. The time limits prescribed in the preceding steps may be extended by mutual written agreement between the parties.
- (2) A grievance shall be considered settled and dismissed at the completion of any step in this Policy if all parties are mutually satisfied or the grievance has not been timely processed to the next level.
- (3) Settlements shall be in writing and signed by the employee and the appropriate City official(s) involved at the step level that the grievance was settled.

(d) **Consolidation of Multiple Grievances.**

- (1) If more than one (1) employee seeks to have a grievance reviewed that involves the same circumstance or issue, a single grievance review application may be used. A group grievance shall be signed by all grieving employees and must state that it is a group grievance at the first step in the grievance procedure.
- (2) The City Administrator-Clerk-Treasurer and/or the Hearing Officer may consolidate grievances where a reasonable basis for consolidation exists.

(e) **Selection of a Hearing Officer; Compensation.**

- (1) The City may contract to engage the services of an impartial Hearing Officer to hear, review and determine appeals under Step 3. Any such Hearing Officer cannot be a City employee or be receiving any compensation or benefits from the City other than those set forth in this Subsection.
- (2) The Hearing Officer shall receive compensation at the Hearing Officer's standard rate for conducting the hearing, review of the case, travel time, and time spent preparing a written determination. Compensation for the Hearing Officer shall be equally divided between the parties.
- (3) While not mandatory, the City Administrator-Clerk-Treasurer may maintain a list of at least three (3) qualified individuals who are willing to serve as a Hearing Officer for purposes of this Policy. If such a list is maintained, the Hearing Officer selected to hear a grievance shall be selected by random drawing, with the parties to the grievance present when the drawing takes place, unless otherwise agreed upon. If such a list is not maintained, the City shall select an impartial Hearing Officer.

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(f) **Hearing Procedures.**

- (1) The Hearing Officer shall be responsible for the orderly and fair conduct of the hearing and the preservation of a record of the record. The Hearing Officer shall have the authority to administer oaths and issue subpoenas at the request of the parties. The party requesting a subpoena from the Hearing Officer is responsible for the fees associated with the subpoena.
- (2) This process does not involve a hearing before a court of law; thus, the rules of evidence shall not be applicable.
- (3) All testimony before the Hearing Officer shall be taken under oath.
- (4) If a court reporter is employed, all costs affiliated with the services of the court reporter and preparation of a transcript of the hearing shall be equally divided between the parties.

(g) **Representation.** Both the employer and the City may be assisted by a representative of their own choosing at any point during the grievance procedure.

(h) **Miscellaneous Costs.**

- (1) Each party (employer and employee) shall be responsible for its own costs for witnesses and all other out-of-pocket expenses not specifically addressed in this Policy, including possible attorney fees.
- (2) Any expense incurred by an employee in investigating, preparing, or presenting a grievance shall be the sole responsibility of the employee.

(i) **Policy Revisions.** This Policy may be revised or repealed by the Common Council at any time.

Title 2 ► Chapter 4

Boards, Commissions and Committees

- 2-4-1** Board of Review
- 2-4-2** Library Board
- 2-4-3** Colby-Abbotsford Police Commission
- 2-4-4** Board of Appeals
- 2-4-5** City Plan Commission
- 2-4-6** General Provisions Regarding Meetings and Public Notice
- 2-4-7** Residency Required for Service on Boards or Commissions;
Attendance Standards
- 2-4-8** Committee and Commission Rules

Sec. 2-4-1 Board of Review.

(a) **How Constituted.**

- (1) **Membership.** The Board of Review shall consist of the Mayor and four (4) persons, who may also be Alderpersons, public officers or employees, annually appointed by the Mayor, subject to Council confirmation, at the annual organizational meeting.
- (2) **Alternate Members.** Pursuant to Secs. 70.47(6m)(c) and 70.46(1), Wis. Stats., the Common Council hereby provides for the appointment of alternates to serve on the Board of Review in the event a standing board member of the Board of Review is removed pursuant to Sec. 70.47(a), Wis. Stats., or recused pursuant to Sec. 70.47(b), Wis. Stats. The Common Council shall establish and maintain a public list of names and persons eligible and appointed by the Common Council to serve as alternative members of the Board of Review. The list shall be arranged and maintained by the Clerk-Treasurer in a priority order of probable and likely service as an alternative. The Clerk-Treasurer shall notify any named member who has been lawfully removed under Sec. 60.47(6m)(a) or (b), Wis. Stats., and shall notify the alternate person of his/her appointment to replace a named member of the Board of Review. The alternate, once noticed, if he/she approves the appointment, and he/she would not violate Sec. 19.59, Wis. Stats., shall then take the oath of office and act as a member of the Board of Review under Sec. 60.47(6m)(c), Wis. Stats.

2-4-1

- (3) **Training Requirement.** No Board of Review may be constituted unless it includes at least one (1) voting member who, within two (2) years of the Board's first meeting, has attended a training session under Sec. 73.03(55), Wis. Stats., and unless that member is the municipality's chief executive officer or that officer's designee. The City Clerk-Treasurer shall provide an affidavit to the Wisconsin Department of Revenue stating whether the requirement under this Section has been fulfilled.
- (b) **Compensation.** The members of the Board of Review shall receive a salary as determined by the Common Council at the meeting at which appointments to the Board of Review are made for each day or fraction thereof, that the Board is in session for the purpose of hearing and considering testimony or in meeting their report and determination.
- (c) **Objections to Valuations to Be Written.** No person shall be permitted to appear and make objection before the Board to the amount of valuation of any property unless objection thereto shall first have been made in writing and filed with the Clerk of the Board of Review prior to the adjournment of public hearing by the Board of Review.
- (d) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46, 70.47 and 70.48, Wis. Stats. 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.
- (e) **Meetings.** In accordance with Sec. 70.47(3)b, Wis. Stats., the Common Council do hereby exercise their right to designate hours for the annual Board of Review proceedings other than those set forth in Sec. 70.47(3)a, and shall designate the hours of the annual Board of Review. The Board of Review may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.

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

Sec. 2-4-2 Library Board.

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

- (2) The Library Board shall submit annually to the Council an itemized budget of the estimated expenses of the library for the following year.

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

Sec. 2-4-3 Colby-Abbotsford Police Commission.

The Colby-Abbotsford Police Commission shall be appointed and serve pursuant Section 5-1-1 of this Code of Ordinances.

Sec. 2-4-4 Board of Appeals.

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed as specified in Sec. 62.23(7)(e) of the Wisconsin Statutes. The Zoning Board of Appeals shall consist of five (5) members, and two (2) alternate members, appointed by the Mayor, subject to confirmation by the Common Council for a term of three (3) years. The members 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 should be applicable to that parcel or premises. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination appealed from or to decide in favor of the applicant on any

matter on which it is required to pass, or to effect any variation in the requirements of City zoning ordinances. The grounds of every such determination shall be stated and recorded. Per Sec. 62.23(7)(e)7., Wis. Stats., the Zoning Board of Appeals may permit, in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the Zoning Code, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

- (6) Per Sec. 62.23(7)(e)7.e., Wis. Stats., the Common Council authorizes the Zoning Board of Appeals to impose an expiration date for a variance if such date relates to a specific date by which action or work authorized must be commenced or completed. In the absence of a different expiration date being established at the time of granting a variance, no order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than eighteen (18) months from the date of such order unless within such period the erection or alteration of a building is started or the use is commenced per the variance approval. [See Section 13-1-263.]
- (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 the authority to expend, under regular procedures, all sums appropriated to it for the purpose and activities authorized herein.

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

Cross-Reference: Sections 13-1-260 through 123-1-264, Appeals and Variances

Sec. 2-4-5 City Plan Commission.

- (a) **Title.** This Section is entitled the "City of Abbotsford Plan Commission Ordinance."
- (b) **Purpose.** The purpose of this Section is to establish a City of Abbotsford Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the City

of Abbotsford and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

- (c) **Composition.** The Plan Commission shall consist of the Mayor, one (1) Alderperson, and five (5) citizen members.
- (d) **Appointment.**
 - (1) **Election/Appointment of Alderperson Member.** At its annual meeting in April of each year the Common Council shall, by a two-thirds (2/3) majority vote of its members, elect one (1) of its number as a member of the City Plan Commission for a period of one (1) year from and after the first day of May next ensuing. If the Mayor declines to serve, an additional Alderperson shall be appointed.
 - (2) **Appointment and Terms of Citizen Members.** The five (5) citizen members shall be appointed by the Mayor, subject to Common Council confirmation, 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.
- (e) **Quorum.** 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 Plan Commission.
- (f) **Vacancies.** A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.
- (g) **Compensation; Expenses.** The Common Council may set a per diem allowance per meeting for citizen and Alderperson members of the Plan Commission, as allowed under Sec. 66.0501(2), Wis. Stats. In addition, the Common Council may reimburse reasonable costs and expenses.
- (h) **Experts; Staff.** The Plan Commission, under Sec. 62.23(1), Wis. Stats., may recommend to the Common Council the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.
- (i) **Rules; Records.** The Plan Commission, under Sec. 62.213(2), Wis. Stats., may adopt rules for the transaction of its business, subject to City ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under Secs. 19.21 through 19.39, Wis. Stats.; copies shall be filed with the City Clerk-Treasurer.
- (j) **Chairperson and Officers.**
 - (1) **Chairperson.** The Plan Commission chairperson shall be the Alderperson appointed to the Commission. The chairperson shall, subject to City ordinances and Plan Commission rules:
 - a. Provide leadership to the Plan Commission;
 - b. Set Plan Commission meeting and hearing dates;
 - c. Provide notice of Plan Commission meetings and hearings and set their agendas, personally or by his/her designee;
 - d. Preside at Plan Commission meetings and hearings; and
 - e. Ensure that the laws are followed.
 - (2) **Vice-Chairperson.** The Plan Commission may elect, by open vote under Sec. 19.88(1), Wis. Stats., a vice-chairperson to act in the place of the chairperson when the chairperson is absent or incapacitated for any cause.

- (3) **Secretary.** The Plan Commission shall elect, by open vote under Sec. 19.88(1), Wis. Stats., one of its members to serve as secretary, or, with the approval of the Common Council, designate the City Clerk-Treasurer or other City official or employee as secretary.
- (k) **Commission Members As Local Public Officials.** All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, in accordance with, but not limited to, the provisions of the Wisconsin Statutes on Public Records [Secs. 19.21 through 19.39, Wis. Stats.]; Code of Ethics for Local Government Officials [Secs. 19.42, 19.58 and 19.59, Wis. Stats.]; Open Meetings [Secs. 19.81 through 19.89, Wis. Stats.]; Misconduct in Office [Sec. 946.12, Wis. Stats.]; and Private Interests in Public Contracts [Sec. 946.13, Wis. Stats.]. Plan Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.
- (l) **General and Miscellaneous Powers.** The Plan Commission, under Sec. 62.23(4), Wis. Stats., shall have the power:
 - (1) Necessary to enable it to perform its functions and promote City planning.
 - (2) To make reports and recommendations relating to the planning and development of the City of Abbotsford to the Common Council, other public bodies, citizens, public utilities and organizations.
 - (3) To recommend to the Common Council programs for public improvements and the financing of such improvements.
 - (4) To receive from public officials, within a reasonable time, requested available information required for the Plan Commission to do its work.
 - (5) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under Sec. 66.0119, Wis. Stats., or other court-issued warrant.
- (m) **City Comprehensive Planning; General Authority and Requirements.**
 - (1) **Comprehensive Plan.** The Plan Commission shall make and adopt a Comprehensive Plan under Secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in Sec. 66.1001(2), Wis. Stats., and follows the procedures in Sec. 66.1001(4), Wis. Stats. The Plan Commission shall make and adopt the Comprehensive Plan within the time period directed by the Common Council, with time sufficient to allow the Common Council to review and adopt the Plan so that the City Comprehensive Plan is in effect by the date on which any City program or action affecting land use must be consistent with the City Comprehensive Plan under Sec. 66.1001(3), Wis. Stats.
 - (2) **Preparation.** In this Subsection, the requirement to "make" the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate

the preparation of the plan, whether the work is performed for the City by the Plan Commission, City staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

- (n) **Procedure for Plan Commission Adoption and Recommendation of a City Comprehensive Plan or Amendment.** The Plan Commission, in order to ensure that the requirements of Sec. 66.1001(4), Wis. Stats., are met, shall proceed as follows:
- (1) **Public Participation Verification.** Prior to beginning work on a Comprehensive Plan, the Plan Commission shall verify that the Common Council has adopted written procedures designed to foster public participation in every stage of preparation of the Comprehensive Plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a Comprehensive Plan and shall provide an opportunity for written comments to be submitted by members of the public to the Common Council and for the Common Council to respond to such written comments.
 - (2) **Resolution.** The Plan Commission, under Sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed Comprehensive Plan or amendment to the Common Council by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the Comprehensive Plan. The resolution adopting a Comprehensive Plan shall further recite that the requirements of the comprehensive planning law have been met, under Sec. 66.1001, Wis. Stats., namely that:
 - a. The Common Council adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the Comprehensive Plan;
 - b. The plan contains the nine (9) specified elements and meets the requirements of those elements;
 - c. The (specified) maps and (specified) other descriptive materials relate to the plan;
 - d. The plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and
 - e. The Plan Commission clerk or secretary is directed to send a copy of the Comprehensive Plan adopted by the Plan Commission to the governmental units specified in Sec. 66.1001(4), Wis. Stats., and Subsection (c) herein.
 - (3) **Transmittal.** One copy of the Comprehensive Plan or amendment adopted by the Plan Commission for recommendation to the Common Council shall be sent to:
 - a. Every governmental body that is located in whole or in part within the boundaries of the City, including any school district, sanitary district, public inland lake protection and rehabilitation district or other special district.

- b. The clerk of every city, village, town, county and regional planning commission that is adjacent to the City of Abbotsford.
 - c. The Wisconsin Land Council.
 - d. The Wisconsin Department of Administration.
 - e. The regional planning commission in which the City is located.
 - f. The public library that serves the area in which the City is located.
- (o) **Plan Implementation and Administration.**
- (1) **Ordinance Development.** If directed by resolution or motion of the Common Council, the Plan Commission shall prepare the following for Common Council review and action:
 - a. Zoning - A proposed City zoning ordinance under Section 62.23(7), Wis. Stats. (if not under county zoning), a City construction site erosion control and stormwater management zoning ordinance, a City exclusive agricultural zoning ordinance under Subchapter V of Ch. 91, Wis. Stats., and any other zoning ordinance within the City's authority.
 - b. Official Map - A proposed official map ordinance under Sec. 62.23(6), Wis. Stats.
 - c. Subdivisions - A proposed City subdivision or other land division ordinance under Sec. 236.45, Wis. Stats.
 - d. Other - Any other ordinance specified by the Common Council (Note: e.g., historic preservation, design review site plan review).
 - (2) **Ordinance Amendment.** The Plan Commission, on its own motion, or at the direction of the Common Council by its resolution or motion, may prepare proposed amendments to the City's ordinances relating to comprehensive planning and land use.
 - (3) **Non-Regulatory Programs.** The Plan Commission, on its own motion, or at the direction of the Common Council by resolution or motion, may propose non-regulatory programs to implement the Comprehensive Plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvements planning.
 - (4) **Consistency.** Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under City ordinances or programs that implement the City's Comprehensive Plan under Secs. 62.23 and 66.1001, Wis. Stats., shall be consistent with that plan as of January 1, 2010. If any such Plan Commission action would not be consistent with the Comprehensive Plan, the Plan Commission shall use this as information to consider in updating the Comprehensive Plan.
- (p) **Referrals to the Plan Commission.**
- (1) **Required Referrals Under Sec. 62.23(5), Wis. Stats.** The following shall be referred to the Plan Commission for advisory report:

- a. The location and architectural design of any public building.
 - b. The location of any statue or other memorial.
 - c. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:
 1. Street, alley or other public way;
 2. Park or playground;
 3. Airport;
 4. Area for parking vehicles; or
 5. Other memorial or public grounds.
 - d. The location, extension, abandonment or authorization for any publicly or privately owned public utility.
 - e. All plats under the City's jurisdiction under Ch. 236, Wis. Stats., including divisions under a City subdivision or other land division ordinance adopted under Sec. 236.45, Wis. Stats.
 - f. The location, character and extent or acquisition, lease or sale of lands for:
 1. Public or semi-public housing;
 2. Slum clearance;
 3. Relief of congestion; or
 4. Vacation camps for children.
 - g. The amendment or repeal of any ordinance adopted under Sec. 62.23, Wis. Stats., including ordinances relating to the Plan Commission, City Comprehensive Plan under Sec. 66.1001, Wis. Stats., City official map and/or City zoning.
- (2) **Required Referrals Under Sections of the Wisconsin Statutes Other Than Sec. 62.23(5), Wis. Stats.** The following shall be referred to the Plan Commission for report:
- a. An application for initial licensure of a child welfare agency or group home under Sec. 48.68(3), Wis. Stats.
 - b. An application for initial licensure of a community-based residential facility under Sec. 50.03(4), Wis. Stats.
 - c. Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the City, as a pedestrian mall under Sec. 66.0905, Wis. Stats.
 - d. Matters relating to the establishment or termination of an architectural conservancy district under Sec. 66.1007, Wis. Stats.
 - e. Matter's relating to the establishment of a reinvestment neighborhood required to be referred under Sec. 66.1107, Wis. Stats.
 - f. Matters relating to the establishment or termination of a business improvement district required to be referred under Sec. 66.1109, Wis. Stats.
 - g. A proposed housing project under Sec. 66.1211(3), Wis. Stats.
 - h. Matters relating to urban redevelopment and renewal in the City required to be referred under Subch. XIII of Ch. 66, Wis. Stats.

- i. The adoption or amendment of a City subdivision or other land division ordinance under Sec. 236.45(4), Wis. Stats.
 - j. Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
- (3) **Required Referrals Under This Section.** In addition to referrals required by the Wisconsin Statutes, the following matters may be referred to the Plan Commission for report:
- a. Proposed regulations or amendments relating to historic preservation under the Wisconsin Statutes.
 - b. A proposed driveway access ordinance or amendment.
 - c. A proposed City official map ordinance under Sec. 62.23(6), Wis. Stats., or any other proposed City ordinance under Sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the Plan Commission.
 - d. A proposed zoning ordinance or amendment adopted under Section 62.23(7), Wis. Stats., a construction site erosion control and stormwater management zoning ordinance under Sec. 627(6), Wis. Stats., a City exclusive agricultural zoning ordinance under Subchapter V of Ch. 91, Wis. Stats.
 - e. A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under Sec. 62.23(7a), Wis. Stats.
 - f. A proposed boundary change pursuant to an approved cooperative plan agreement under Sec. 66.0307, Wis. Stats., or a proposed boundary agreement under Sec. 66.0225, Wis. Stats., or other authority.
 - g. A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under Sec. 66.0307(7m), Wis. Stats.
 - h. Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the City for review or adoption.
 - i. Any proposed contract, for the provision of information, or the preparation of a Comprehensive Plan, an element of a plan or an implementation measure, between the City and the regional planning commission, under Sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
 - j. A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under Sec. 66.0435, Wis. Stats.
 - k. A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under Sec. 66.1009, Wis. Stats.
 - l. A proposed airport zoning ordinance under Sec. 114.136(2), Wis. Stats.
 - m. A proposal to create environmental remediation tax incremental financing in the City under Sec. 66.1106, Wis. Stats.
 - n. A proposed county agricultural preservation plan or amendment, under Subchapter IV of Ch. 91, Wis. Stats., referred by the county to the City, or proposed City agricultural preservation plan or amendment.

- o. Any other matter required by any City ordinance or Common Council resolution or motion to be referred to the Plan Commission.
 - (4) **Discretionary Referrals.** The Common Council, or other City officer or body with final approval authority or referral authorization under the City ordinances, may refer any of the following to the Plan Commission for report:
 - a. A proposed intergovernmental cooperation agreement, under Sec. 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under Sec. 66.0305, Wis. Stats.
 - b. Any other matter deemed advisable for referral to the Plan Commission for report.
 - (5) **Referral Period.** No final action may be taken by the Common Council or any other officer or body with final authority on a matter referred to the Plan Commission until the Plan Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Common Council, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the City's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Common Council to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

Sec. 2-4-6 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 of Abbotsford shall fix a regular date, time and place for its meeting.
- (b) **Notice of Meetings.**
 - (1) Every meeting of any board or commission of the City of Abbotsford, and/or any committee appointed or created by the Mayor or Common Council of the City of Abbotsford shall be preceded by public notice and shall be held in open session at a place acceptable to the public in accordance with the provisions of Chapter 19, Subchapter IV Open Meetings of Governmental Bodies, Wis. Stats., unless otherwise authorized by law.
 - (2) Such notice shall be given in writing to the official newspaper, and in addition thereto, shall be posted in at least one (1) location likely to give notice to the public of such meeting.
 - (3) A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting, but not less than twenty-four (24) hours prior to the commencement of such meeting unless otherwise authorized by law.

- (4) Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:

NOTICE OF MEETING
CITY OF ABBOTSFORD, WISCONSIN
(commission)

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

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

Dated: _____

(Commission)

By _____

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

- (c) **Notice to Members.** Every member of any board, commission or committee of the City of Abbotsford shall be notified by the secretary thereof or designee, that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.

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

Sec. 2-4-7 Residency Required for Service on Boards or Commissions; Attendance Standards.

- (a) **Residency.** Except for the Library Board, no person not a resident of the City of Abbotsford shall be appointed in a voting capacity to any City board, committee or commission. Any such member who moves from the City shall be removed from such board, commission or committee, but may be appointed to serve in an ex officio capacity.
- (b) **Attendance Standard.** Members of boards, committees and commissions are required to attend a minimum of two-thirds (2/3) of the meetings in each six (6) month period of their respective bodies, unless excused by the membership of their body. Failure to comply with this Subsection may result in the removal and replacement of the official found to be in noncompliance.
- (c) **Member Subject to Removal.** Any member of any board or commission who violates any provision of this Section or who knowingly attends a meeting held in violation hereof may be removed as a member of such board or commission after being granted a public hearing, by the appointing authority and upon concurrence of the Common Council.

Sec. 2-4-8 Committee and Commission Rules.

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

Title 2 ► Chapter 5

Ethics Code

2-5-1	Statement of Purpose
2-5-2	Definitions
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Sec. 2-5-1 Statement of Purpose.

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

elected and appointed City official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the City of Abbotsford.

Sec. 2-5-2 Definitions.

The following definitions shall be applicable in this Chapter:

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

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

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

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

- (a) **Sec. 19.42.** Code of Ethics – Definitions.
- (b) **Sec. 19.59.** Code of Ethics for Government Officials, Employees and Candidates.
- (c) **Sec. 946.10.** Bribery of Public Officers and Employees.
- (d) **Sec. 946.11.** Special Privileges from Public Utilities.
- (e) **Sec. 946.12.** Misconduct in Public Office.
- (f) **Sec. 946.13.** Private Interest in Public Contract Prohibited.

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

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

Sec. 2-5-5 Dedicated Service.

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

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

- (a) **Use of Public Property.** No official or employee shall use or permit the unauthorized use of City-owned vehicles, equipment, materials or property for personal convenience or profit,

except when such services are available to the public generally or are provided as City policy for the use of such official or employee in the conduct of official business, as authorized by the Common Council or authorized board, commission or committee.

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

Sec. 2-5-7 Conflict of Interest.

(a) Financial and Personal Interest Prohibited.

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

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

a violation of this Subsection, shall, within ten (10) days, disclose the details surrounding said offer to the Common Council. Failure to comply with this reporting requirement shall constitute an offense under this Chapter.

(d) **Representing Private Interests Before City Agencies or Courts.**

- (1) Non-elected City of Abbotsford officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any City agency, board, commission or the Common Council if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
- (2) Elected City of Abbotsford officials may appear before City agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.

(e) **Ad Hoc Committee Exceptions.** No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Common Council that such interest exists.

(f) **Contracts with the City.** No City official or employee who, in his/her capacity as such official or employee, participates in the making of a contract in which he/she has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his/her part shall enter into any contract with the City unless, within the confines of Sec. 946.13, Wis. Stats.:

- (1) The contract is awarded through a process of public notice and competitive bidding or the Common Council waives the requirement of this Section after determining that it is in the best interest of the City of Abbotsford to do so.
- (2) The provisions of this Subsection shall not apply to the designation of a public depository of public funds.

(g) **Campaign Contributions.** Campaign contributions shall be reported by all candidates for City office in strict conformity with the provisions of the Wisconsin Statutes. Any campaign contribution tendered to or accepted by a candidate subsequent to the final statutory report shall be reported to the Common Council.

Sec. 2-5-8 Advisory Opinions.

When an official or employee has doubt as to the applicability of a provision of this Ethics Code to a particular situation or definition of terms used in this Chapter, he/she should apply to the Common Council, which may ask the City Attorney for an advisory opinion and will be guided by that opinion when given. The official or employee shall have the opportunity to present

his/her interpretation of the facts at issue and of the applicability provisions of this Chapter before such advisory decision is made. This Chapter shall be operative in all instances covered by its provisions except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of a statutory provision is discretionary, but determined by the City Attorney to be more appropriate or desirable. Advisory requests and opinions shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made public.

Sec. 2-5-9 Hiring Relatives.

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

Sec. 2-5-10 Sexual and Other Unlawful Harassment.

(a) Harassment Prohibited.

- (1) City of Abbotsford officials and employees are responsible for maintaining high standards of honesty, integrity, impartiality, and professional and courteous conduct to assure proper performance of City business and to maintain the confidence of the public. The City of Abbotsford is committed to providing a positive and respectful work environment that is free of discrimination and unlawful or inappropriate harassment. Actions, words, jokes, comments or other harassment or discrimination based on gender, color, ancestry, physical or mental disability, marital or family status, race, ethnicity, national origin, creed, religion, age, use or non-use of lawful products off-duty or off-premises, arrest or conviction record, honesty testing, pregnancy or childbirth, sexual preference or orientation, genetic testing, military service membership or veteran status, or political preferences or beliefs or any other

legally protected characteristic are a form of official employee misconduct and shall not be tolerated. Prohibited harassment includes gender-based harassment by a person of the same sex. This Section is applicable to officials when acting in their official capacity or as otherwise engaged in City-related work or activities as an official.

- (2) It is also expressly prohibited for an official or employee to retaliate against another employee(s) or citizen who files a harassment complaint or who assists in investigating allegations. Retaliation is a violation of this Section and may result in discipline up to and including termination in the case of an employee or other sanctions or actions under this Section in the case of an official. No employee will be discriminated against, or discharged, because of bringing or assisting in the investigation of a complaint of harassment, including, but not limited to, sexual harassment.

- (b) **Sexual Harassment.** Sexual harassment, both overt and/or subtle, is demeaning to another person, undermines the integrity of the workplace and employment relationship, and is strictly prohibited. Sexual harassment is a specific form of official or employee misconduct which undermines the integrity of the workplace and employment relationship. All City of Abbotsford officials and employees must be able to work in an environment free from unsolicited and unwelcome sexual overtones or threats.

- (c) **Definitions.**

- (1) **Harassment.** Under Title VII of the Civil Rights Act of 1964, harassment generally is:
- a. Unwelcome verbal or physical conduct or other acts;
 - b. Engaged in because of the recipient's protected class status when:
 1. Submission to the conduct is a condition of employment or benefits ("quid pro quo"), or
 2. The conduct unreasonably interferes with the recipient's work or can reasonably be seen to create a hostile, intimidating, or offensive environment ("hostile environment").
 - c. Harassment can include, regardless of whether the recipient is part of a protected class:
 1. Verbal or physical abuse.
 2. Epithets, name-calling, slurs.
 3. Threats.
 4. Demands that an official or employee engage in actions or practices contrary to state law or local ordinances, or which are contrary to proper decisions of the governing body.
 5. Vulgar, obscene or derogatory language.
 6. Mimicry.
 7. Lewd or offensive gestures or pranks.

8. Offensive jokes.
 9. Offensive, threatening or hostile comments directed at an employee or official, and also including emails, telephone messages, and other electronic communications, including through the use of social media.
- (2) **Sexual Harassment.** A situation where an official or employee experiences unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature under any of these conditions:
- a. Submission by the employee to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- (3) **Sexual Harassment Examples.** Such prohibited behavior can be verbal, nonverbal or physical in nature. Examples of sexual harassment could include, but not be limited to, the following:
- a. Sexual advances.
 - b. Requests for sexual favors.
 - c. Sexual comments of a provocative or suggestive nature;
 - d. Jokes or innuendos intended for and directed to another employee;
 - e. Suggestive or demeaning looks or leering;
 - f. Creating an intimidating, hostile or offensive working environment;
 - g. Making acceptance of unwelcome sexual conduct or advances or requests for sexual favors of any nature a condition of employment or continued employment;
 - h. Unsolicited gestures of a sexual nature and verbal or written comments;
 - i. Unwelcome verbal or physical conduct of a sexual nature (e.g., touching, rubbing, or intentional brushing against another);
 - j. Conduct by a supervisor who uses implicit coercive sexual behavior to control, influence or affect the career, salary, job or working conditions of a fellow employee.
 - k. Display of offensive or graphic pictures, cartoons, jokes, photos.
 - l. Unwelcome social invitations.
 - m. Sexually charged emails or texts.
 - n. Implicitly or explicitly making or permitting acquiescence in or submission to sexual harassment a term or condition of employment.
 - o. Making or permitting acquiescence in, submission to or rejection of sexual harassment the basis or any part of the basis for any employment decision affecting an employee, other than an employment decision that is disciplinary action against an employee for engaging in sexual harassment in violation of this paragraph; or

- p. Permitting sexual harassment to have the purpose or effect of substantially interfering with an official's or employee's work performance or of creating an intimidating, hostile or offense work environment. Substantial interference with an official's or employee's work performance or creation of an intimidating, hostile or offensive work environment is established when the conduct is such that a reasonable person under the same circumstances as the official or employee would consider the conduct sufficiently severe or pervasive to interfere substantially with the person's work performance or to create an intimidating, hostile or offensive work environment.
- (d) **Reporting of Harassment or Discrimination.**
- (1) Any employee or official who believes he or she has been subjected to, or witnesses an incident of prohibited harassment or discrimination, must report the incident to the City Administrator-Clerk-Treasurer. If the City Administrator-Clerk-Treasurer is unavailable or the employee believes it would be inappropriate to contact that person, the employee shall immediately contact the Mayor or the chairperson of the Finance and Personnel Committee, as appropriate. Supervisors that become aware of prohibited harassment or discrimination shall promptly bring the matter to the attention of the Mayor or the chairperson of the Finance and Personnel Committee, as appropriate. City employees can raise concerns and make reports without fear of reprisal, as any form of retaliation shall not be tolerated by the City of Abbotsford.
 - (2) After appropriate investigation, any official or employee found to have engaged in prohibited harassment or discrimination shall be subject to appropriate discipline and sanctions. Depending upon all the circumstances, such sanctions could include termination of employment in the case of an employee. In the case of an official, penalties may include an official censure by the governing body and/or removal or reassignment from serving on City committees or commissions.
 - (3) The City recognizes that the question of whether a particular action or incident is purely a personal, social matter without discriminatory effect requires a factual determination based on the facts. The City also recognizes that false accusations of prohibited harassment or discrimination can have serious adverse effects. The City expects all employees to act honestly and responsibly in complying with and enforcing this policy. It is a primary goal of the City to maintain a pleasant working environment free of harassment or discrimination for all employees and officials.
 - (4) Any employee with questions or concerns regarding this policy or any suspected harassment or discrimination in the workplace to contact the Mayor and/or City Administrator-Clerk-Treasurer.

Sec. 2-5-11 Sanctions.

- (a) Upon the written complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this Chapter, the Common Council shall conduct

an investigation of the facts of the complaint, if the investigation indicates there may be a reasonable basis for the complaint justifying further investigation, the Common Council shall conduct a hearing in accordance with the common law requirements of due process including notice, an opportunity to be heard, an opportunity to cross-examine witnesses and to present testimony and other evidence in support of the accused's position and an opportunity to be represented by counsel or other representative at the expense of the accused. The Common Council shall make written findings of fact and issue a written decision concerning the propriety of the conduct of the subject official or employee.

- (b) A determination that a public official's or public employee's actions constitute improper conduct under the provisions of this Chapter may constitute a cause for removal from office, termination of employment, suspension, reprimand, removal from committee assignment, or other appropriate disciplinary action. As an alternative or in addition to sanctions imposed herein, any individual violating the Ethics Code shall be subject to a non-reimbursable forfeiture of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) as determined by the City of Abbotsford Common Council.
- (c) Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the labor agreement.

Harassment Complaint Form

Name of complainant: _____

Address: _____

Work phone: _____ Home phone: _____ Cell phone: _____

Email address: _____

Place of work or duties: _____

Please indicate with an "x" the type(s) of discrimination/harassment you are alleging related to protected classes as defined by Titles IV, VI and VII of the Civil Rights Act of 1964 as amended, and Title IX of the Education Amendments of 1972 and under state law or local ordinance. Other pertinent statutes may be found in the Americans with Disabilities Act and the Age Discrimination in Employment Act.

Harassment

Religion

Discrimination

National origin/ancestry

Race or color

Veteran

Age

Sexual harassment

Disability

Other (specify):

Sex

1. Person(s) suspected of harassment (respondent):

2. Nature of the allegations (what occurred; what was said; who was involved/present):

3. Date(s), time(s) and place(s) where the incident(s) took place:

4. Did anyone witness the incident? Yes No

If yes:

a. Name(s) of witness(es):

b. Description of their respective roles in the incident:

5. How did you react to the alleged harassment?

6. If applicable, describe any incident(s) that took place previously.

7. Is there any relationship between the complainant and the respondent and/or any of the parties named?

Yes No

8. What corrective action would you like to be taken regarding this matter?

9. If available, please produce copies of all documentation and evidence related to complaint.

I am filing this complaint because I honestly believe that _____ has been harassing me.

I hereby certify that to the best of my knowledge the above-mentioned information is true, accurate and complete. Making false or frivolous allegations is in violation of this policy and subject to disciplinary sanctions.

Furthermore, I realize that an inquiry will be initiated once this complaint has been filed.

Signature of the complainant or legal guardian

Date

Complaint form received by:

Name/title

Date