

# Government and Administration

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## CITY GOVERNMENT: ELECTIONS

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### Sec. 2-1-1 City Government

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

## **Sec. 2-1-2 Official Newspaper**

The official newspaper of the City of Adams shall be the *Adams County Times*.

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

## **Sec. 2-1-3 Elections**

- (a) **Annual City Elections.** The annual City election shall be held on the first Tuesday in April.
- (b) **Polling Hours.** The polls for all elections shall open at 7:00 a.m. and close at 8:00 p.m. The rules for provision of voting booths, ballots and election officials and all of the rules for conduct of elections in Title II, Wisconsin Statutes, shall apply to elections in the City of Adams.
- (c) **Polling Places.** The designated polling place for all wards of the City of Adams shall be at the Adams City Hall.
- (d) **Election Inspectors.** Pursuant to Sec. 7.30(1) Wis. Statutes, the City of Adams shall allow for selection of two (2) or more sets of officials to work at different times on Election Day and permits the Clerk or his/her designee to establish different working hours for different officials assigned at the same polling place.

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

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

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

## **Sec. 2-1-5 Aldermanic Districts**

- (a) **Division.** The City of Adams shall be and the same is hereby divided into three (3) Aldermanic Districts. The composition of the districts, by wards, shall be as follows:
  - (1) First (1<sup>st</sup>) Aldermanic District. Ward One (1)
  - (2) Second (2<sup>nd</sup>) Aldermanic District. Ward Two (2)
  - (3) Third (3<sup>rd</sup>) Aldermanic District. Wards Three (3), and Four (4).
- (b) **Composition.** The composition of such districts by Block Numbers shall be as follows:
  - (1) **First (1<sup>st</sup>) Aldermanic District.** Block Numbers Two Thousand Twenty-Four (2024), Two Thousand Sixty-Seven (2067) through Two Thousand Seventy-Six (2076), Two Thousand Ninety-Three (2093) through Two Thousand One Hundred One (2101), Three Thousand Fifty-One (3051) through Three Thousand Sixty-Three (3063), Three Thousand Sixty-Seven (3067), Three Thousand Sixty-Nine (3069) through Three Thousand Seventy (3070), Four Thousand Sixty (4060), Four Thousand One Hundred Four (4104) through Four Thousand One Hundred Six (4106).

- (2) **Second (2<sup>nd</sup>) Aldermanic District.** Block Numbers Three Thousand One (3001), Three Thousand Four (3004), Three Thousand Fourteen (3014) though Three Thousand Fifty (3050)
- (3) **Third (3<sup>rd</sup>) Aldermanic District.** Block Numbers Three Thousand (3000), Three Thousand Two (3002) through Three Thousand Three (3003), Three Thousand Five (3005) through Three Thousand Thirteen (3013), Four Thousand Sixty-Six (4066), Four Thousand One Hundred (4100) through Four Thousand One Hundred Three (4103), Four Thousand One Hundred Seven (4107) through Four Thousand One Hundred Nineteen (4119).

(c) **Definitions.**

- (1) **“Wards”**, as used in this Section, refers to the municipal wards established by the City of Adams, Wisconsin, based upon the 2010 census, as set forth in Resolution No. 2011-12R adopted by the Common Council at a regular session held on July 5, 2011.
- (2) **“PolyID”**, as used herein, shall refer to enumeration identification areas utilized in and reported out of the 2010 federal census.”

*(Amend Title 2, Chapter 1, Section 5 of the Code of Ordinances of the City of Adams, WI by Council on June 18, 2001 by Ord. No.09-2001)*

*(Amend Title 2, Chapter 1, Section 5 of the Code of Ordinances of the City of Adams, WI by Council on July 5, 2011 by Ord. No. 01-2011)*



# Mayor; Common Council

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## **Sec. 2-2-1 Common Council**

The Aldermen of the City of Adams 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 Aldermen**

The City of Adams shall have six (6) Aldermen in addition to the Mayor, who is a member of the Common Council by virtue of his office as Mayor. The Mayor and Aldermen shall constitute the Common Council. One (1) Alderman shall be elected from each aldermanic district for a term of two (2) years. Aldermen shall be divided into two (2) classes, one (1) class of Aldermen to be elected in the odd years and one (1) class from each ward to be elected in the even years, according to aldermanic district number.

*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. He shall take care that the City ordinances and the State Statutes are observed and enforced.
  - (2) The Mayor shall, from time to time, provide the Council such information and recommend such measures as he may deem advantageous to the City. When present, he shall preside at the meetings of the Council.
  - (3) The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.
- (c) **Veto Power.** He shall have the veto power as to all acts of the Council except such as to which it is expressly or by necessary implications otherwise provided. All such acts shall be submitted to him by the City Clerk/Treasurer, and shall be enforced upon his approval, evidenced by his signature, or upon his failing to approve and disapprove within five (5) days, which fact shall be certified thereon by the City Clerk/Treasurer. If the Mayor disapproves, he shall file his objection with the City Clerk/Treasurer, who shall present it to the Council at its next regular meeting. A two thirds (2/3) vote of all the members of the Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.



(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 seven (7) 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(6). Wis. Stats.

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

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

*State law Reference:* Sec. 62.06(9)(e), Wis. Stats.

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

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

- (1) **Public Finance Committee**
  - a. Review and finalize annual budget with Mayor and Clerk/Treasurer for public hearing and Common Council approval.
  - b. Monitor expenditures.
  - c. Review request for non-budgeted or emergency expenditures.
  - d. Consider any other matters which may be referred by the Council.
  
- (2) **Public Works Committee.**
  - a. Review and finalize annual capital improvement program.
  - b. Recommend policy guidelines regarding public improvements.
  - c. Mediate any dispute between a property owner and the City regarding public improvements.
  - d. Review and approve any unusual requests for use of City-owned facilities.
  - e. Review and recommend any proposed changes, remodeling, additions, etc., to City facilities.
  - f. Review and recommend programs to safeguard air and water environmental quality.
  - g. Administer the City's public recreation and parks programs.
  - h. Recommend for Council consideration policies and procedures for more efficient municipal operations.
  - i. Consider any other matters which may be referred by the Council.
  
- (3) **Public Safety Committee.**
  - a. Review and recommend Council action regarding proposed litigation impacting upon the City and its residents.
  - b. Advisory to the Board regarding the operation of the Police Department and the Fire Department.
  - c. Review traffic or pedestrian safety matters, and recommend needed action for Council approval.
  - d. Assist in enforcing building code and property maintenance ordinances.
  - e. Consider any other matters which may be referred by the Council.
  
- (4) **Personnel Committee.**
  - a. Serve as an appeals board for resolving grievances between an employee and his supervisor.
  - b. Review questions regarding personnel policies and administration.

- c. Conduct personnel employment process and make recommendations to Council matters relating to employment.
- d. Negotiate and recommend to Council labor contracts and agreements.
- e. Consider any other matters which may be referred by the Council.

(5) **Policy and Procedure Committee.**

- a. Review existing ordinances or proposed amendments to the Code of Ordinances, for recommendation to the Council.
- b. Interpret the meaning or intent of any existing ordinance, and if necessary, request formal clarification by the City Attorney.
- c. Recommend for Council adoption, resolutions expressing the policy of the City regarding matters for which a formal declaration of official policy is required.

(6) **Downtown Development Commission.**

- a. Recommend for Council adoption, development plan(s) for the Main Street corridor.
- b. Recommend for Council adoption, economic development plans and programs for the Main Street corridor.
- c. Administer implementation of Main Street corridor development plans and programs.

(b) **Committee Appointments.**

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

(c) **Reference and Reports.**

- (1) The Mayor shall refer new business coming before the Common Council to the appropriate committee unless otherwise referred or disposed of by motion of the Council.

- (2) Formal committee recommendations will be placed on the agenda for Council action only if they are submitted to the City Clerk/Treasurer in written form at least by Monday noon of the week preceding the meeting to allow for publication. If time does not allow for publication, all matters to be considered must be submitted at least by noon of the day prior to the meeting.
- (d) **Cooperation of City Officers.** All City officers shall, upon request of the chairman of the committee, confer with the committee and supply to it such information as may be requested in connection with any matter pending before the committee.

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

- (a) **General.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (b) **Acquisition and Disposal of Property.** The Common Council may acquire property, real or personal, within or without the City, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or continuous to the City, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such City owned property, except dedicated, platted parks.
- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase or condemnation under Ch. 32, Wis. Stats., any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sec. 62.23, Wis. Stats.; and may sell and convey such easements of 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 rules 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 duties until he

returns or such disability has ended.

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

## **2-2-7 Cooperation with Other Municipalities**

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

*State Law Reference:* Sec. 66.30, Wis. Stats.

## **2-2-8 Internal Powers of the Council**

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

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

## **Sec. 2-2-9 Salaries**

- (a) **Salary Determination.** The Mayor and Alderpersons who make up the Common Council, whether operating under general or specific law, may, by majority vote of all the members of the Common Council, determine that an annual salary or per diem compensation be paid to the Mayor and Alderpersons.
- (b) **Compensation to be Paid.**
  - (1) The compensation to be paid to the Mayor shall be Three Thousand Nine Hundred Dollars (\$3,900.00) per year.
  - (2) The compensation to be paid to the Council President shall be Two Thousand Seven Hundred Dollars (\$2,700.00) per year.
  - (3) The compensation to be paid to the Alderpersons shall be Two Thousand Three Hundred Dollars (\$2,300.00) per year.
  - (4) The compensation for all of the above named officials, as set forth above in Subsections (b)(1) through (3), shall be supplemented at the rate of Thirty Dollars (\$30.00) for each officially posted meeting.
  - (5) Citizen members of any board, commission or committee authorized by the Common Council shall also be compensated at the rate of Thirty Dollars (\$30.00) for each officially posted meeting. The amount of compensation will be as from time to time established by the Council and otherwise authorized by law.

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

(Amendment to 2-2-9(b)(1),(2),(3) adopted by Council November 7, 1994 by Ordinance No.21-94) (Amendment to 2-2-9(b)(5) adopted by the Council November 7, 1994 by Ordinance No.17-94) (Amendment to Ordinance 2-2-9 (b)(1),(2),(3),(4) and (5) adopted by Council November 29, 1999 by Ordinance No.17-99)(Amendment to 2-2-9(b)(1),(2),(3) adopted by Council February 7, 2005 by Ordinance No.01-2005) (Amendment to 2-2-9(b) (1), (2), (3) adopted by Council December 18, 2006) (Amending Title 2, Chapter 2, Section 9 (B)(4), And (B)(5)of The Code Of Ordinances of The City Of Adams, WI by Council on October 4, 2010 by Ord. No. 11-2010) (Amendment to 2-2-9(b)(1),(2),(3) adopted by Council June 17, 2019 by Ord. No. 01-2019)

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

- (a) **Annual Organization Meeting.** Following a regular City election, the Common Council shall meet on the third Tuesday of April for the purpose of organization.
- (b) **Regular Meetings.** Regular meetings of the Common Council shall be held on the first and third Mondays of each calendar month, at the hour of 6:00 p.m., or as otherwise scheduled by the Council. Any regular meetings falling upon a legal holiday shall be held on the next following secular day, at the same hour and place, or as otherwise designated by majority vote of the Common Council. All meetings of the Council shall be held in the Adams Municipal Building, including special and adjourned meetings, unless another location is designated by the Common Council at a previous meeting.

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

## **Sec. 2-2-11 Special Meetings**

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

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

## **Sec. 2-2-12 Open Meetings**

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

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

### Sec. 2-2-13 Quorum

- (a) Two-thirds (2/3) of the members-elect of the Common Council shall constitute a quorum, but a lesser number may adjourn if a majority is not present or compel the attendance of absent members. The Mayor shall not be counted in computing a quorum. No action shall be taken unless a quorum is present.
- (b) The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour.

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

### Sec. 2-2-14 Presiding Officers

- (a) **Presiding Officer.** The Mayor shall preside over all meetings of the Common Council. In the absence of the Mayor, the President of the Council shall preside.
- (b) **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in *Robert's Rules of Order. (Revised)*, unless otherwise provided by statute or by this Chapter. Any member shall have the right to appeal from a decision of the presiding officer. An appeal shall be sustained by a two-thirds (2/3) vote of the members present excluding the Mayor. In the absence of the City Clerk/Treasurer, the presiding officer shall appoint a clerk pro tem.

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

### Sec. 2-2-15 Order of Business

- (a) **Order of Business.** At all regular meetings the order of business shall be according to the tentative agenda prepared by the City Clerk/Treasurer. All matters to be considered at a regular or special Council meeting shall be submitted to the City Clerk/Treasurer at least by Monday noon of the week preceding the meeting whenever possible to allow for publication. Nothing shall preclude the calling of a special meeting or with dispensing with the publication of notice or such posting of the agenda for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Section 19.81 to 19.89. Wis. Stats. All copies of the agenda shall be forwarded by the City Clerk/Treasurer to the representatives of the press, radio and television a part of his 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) Communications and miscellaneous work.
  - (5) Unfinished business remaining from preceding sessions in the order in which it was introduced.
  - (6) New business, including introduction of ordinances.
  - (7) Reports of standing committees and department heads.
  - (8) Adjournment.
- (b) **Order to be Followed.** No business shall be taken up out of order unless by unanimous consent of all alderpersons and in the absence of any debate whatsoever.
- (c) **Citizen Comments.** The Mayor or presiding officer shall determine at what point in a meeting citizens will be called upon to speak and may impose a limit on the length of time a citizen may address the Council. A written form shall be provided by the City Clerk/Treasurer on which the citizen may register to speak at Council meeting. The subject to be addressed and/or agenda item shall be indicated.

## **Sec. 2-2-16 Introduction of Ordinances**

- (a) **Ordinances to be in Writing.** All ordinances submitted to the Council shall be in writing and shall begin with a title and the name of the Alderperson or Mayor introducing the same. All ordinances shall be drafted by the City Attorney at the request of the Mayor or any member of the Council; and upon passage by the Council, the City Clerk/Treasurer shall superintend the printing of the same. Any written material introduced may be referred to I the appropriate committee pursuant to Section 2-2-5. Any member of the Council may require the reading in full of any ordinance or resolution at any time it is before the Council.
- (b) **Subject and Numbering of Ordinances.** Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- (c) **Notice.**
- (1) The Common Council may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.
  - (2) Ordinances will be placed on the agenda for Council action only if they are submitted to the City Clerk/Treasurer in written form not later than noon on the day prior to the regular or special Council meeting at which action is requested.



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

- (a) All general ordinances of the City and all regulations imposing any penalty shall be published in the official paper of the City once and shall be immediately recorded, with the affidavit of publication, by the City Clerk/Treasurer in a book kept for that purpose. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Common Council shall be prima facie proof of due passage, publication and recording thereof.
- (b) All ordinances shall take effect and be in force from and after passage and publication, unless otherwise provided and published copies thereof shall have appended the date of first publication.

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

## Sec. 2-2-18 Conduct of Deliberations

- (a) **Roll Call.** When the presiding officer shall have called the members to order, the City Clerk/Treasurer shall proceed to call the roll in alphabetical 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 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 Clerk/Treasurer in advance of such meeting, explaining the reason for his absence and, upon complying with this requirement, such members shall be duly excused from attending said meeting.
- (c) **Absence of Designated Presiding Officers.** In the case of the absence of the Mayor and the President of the Council, the Council at any regular or special meeting shall proceed to elect one (1) of their members to preside at a meeting, which election shall be by open ballot, and shall require a majority of the total votes cast by the members in attendance.
- (d) **Addressing Council.** No member may speak more than ten (10) minutes without first obtaining leave of the presiding officer, and no person not a member of the Council shall be permitted to address the Council, except on leave especially granted by the presiding officer pursuant to Section 2-2-15(c).
- (e) **Necessity of Roll Call Vote.** A roll call shall be necessary on all questions or motions.

- (f) **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 Clerk/Treasurer shall call the roll starting with the Alderman whose last name appears first on the list of the Aldermen's names alphabetically arranged and, on the next call of the roll, at the same or any subsequent meeting, the Clerk/Treasurer shall start with the Alderman whose name appears next on said alphabetical list, and each subsequent call of roll shall begin with the name of the Alderman next on said alphabetical list of Aldermen, such order of roll call shall be followed until the list of Aldermen has been completed. Each time the list has been completed, the City Clerk/Treasurer shall again start on top of the list and proceed on down through the list.
- (g) **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 Aldermen. If a majority of the members present shall be in favor of a reconsideration, the subject shall be before the Council for further action.
- (h) **Precedence of Motions.** When a question is under discussion, the following motions shall have precedence in the order listed:
- (1) To adjourn.
  - (2) To recess.
  - (3) To lay on the table.
  - (4) To move the previous question.
  - (5) To postpone to a day certain.
  - (6) To refer to a committee.
  - (7) To amend.
  - (8) To postpone indefinitely.
- (i) **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.
- (j) **Reconsideration of Questions.** It shall be in order for any member, if in the majority, I 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.
- (k) **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.

- (l) **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.
- (m) **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 Fees**

From time to time, the Common Council may, by resolution, impose and revise the fees for permits, fines and licenses issued by the City and other charges imposed by the City. Resolutions which impose or revise fees or charges shall first be approved by the Finance Committee of the Common Council.



### MUNICIPAL OFFICERS AND EMPLOYEES

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#### **Sec. 2-3-1 General Provisions**

- (a) **General Powers.** Officers of the City of Adams 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 by the Council. Officers whose powers and duties are not enumerated in Chapter 62 of the Wisconsin Statutes shall have such powers and duties as are prescribed by law for like officers or as are directed by the Council.
- (b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to City officers.
- (d) **Legal Representation.** Whenever any City official in his official capacity proceeded against or obliged to proceed before any civil court, board, committee or commission, to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings, or the Council has ordered the proceedings discontinued, the Council may provide for payment to such official such sum as it sees fit, to reimburse him for the expenses reasonable incurred for costs and attorney's fees.

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

## **Sec. 2-3-2 City Clerk/Treasurer**

- (a) **Appointment Not to Be Governed by Statutes.** The City of Adams, pursuant to Sections 62.09 and 66.01 of the Wisconsin Statutes, hereby elects not to be governed by those portions of Chapter 62, Wis. Stats., Which are in conflict with this Section. (Charter Ordinance).
- (b) **Combined Offices.** The offices of City Clerk and City Treasurer are hereby consolidated, and the duties of both offices shall be performed by the person appointed as City Clerk/Treasurer. The Clerk/Treasurer position shall be filled by appointment pursuant to Subsection(c).
- (c) **Term.**
  - (1) The Clerk/Treasurer of the City of Adams shall be appointed by the Common Council and shall hold office during satisfactory performance, subject to suspension or removal by the City pursuant to law.
- (d) **Duties.** The City Clerk/Treasurer shall be responsible for performing those duties required by Sec. 62.09(9) and (11) of the Wisconsin Statutes and for the following additional duties:
  - (1) Perform all election duties as required by Wisconsin Statute and keep and maintain all election records and all property used in conjunction with holding of elections;
  - (2) Publish all legal notices unless otherwise provided; file and preserve all contracts, bonds, oaths of office and other documents not required to be filed elsewhere;
  - (3) Issue all licenses required by ordinance or statute, except as otherwise provided;
  - (4) Prepare the tax roll and tax notices required by the State of Wisconsin.
  - (5) Attend meetings, take minutes and maintain files for the Common Council and such other official boards and commissions as may be directed;
  - (6) Maintain a file on all City records, ordinances, resolutions and vouchers;
  - (7) Type and distribute reports for the Council and federal and state agencies;
  - (8) Audit and obtain approval on claims charged against City;
  - (9) Prepare financial and bank statements;
  - (10) Assist the City Assessor in maintaining property assessment records;
  - (11) Administer oaths and affirmations;
  - (12) Maintain fiscal records for the City and serve as City Comptroller;
  - (13) Issue licenses to various vendors in City;
  - (14) Make reports to the State on assessments;
  - (15) Prepare and send invoices for services provided by municipal utilities.
  - (16) Perform record keeping, billing, collections, banking, investments, accounting and financial reporting of all City operations, including utilities;
  - (17) Develop and implement improved internal control and financial reporting procedures as necessary or as requested;

- (18) Collect all taxes for the City and other taxing bodies;
  - (19) Invest idle funds for maximum interest earnings;
  - (20) Prepare monthly financial report;
  - (21) Maintain payroll records and prepare payroll checks from approved employee time sheets;
  - (22) Prepare check vouchers for payment of approved claims for signature;
  - (23) Develop and implement improved internal control and financial reporting procedures as necessary or as directed;
  - (24) Coordinate the preparation and compilation of the annual City budget;
  - (25) File financial and other reports with various state agencies;
  - (26) File insurance claims on behalf of the City;
  - (27) 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;
  - (28) Locate suppliers of goods or services and obtain quotes;
  - (29) Advertise for bids, receive them and summarize the results;
  - (30) Issue purchase orders;
  - (31) Identify and evaluate ideas to achieve more efficient and effective operation;
  - (32) Coordinate, supervise and conduct elections;
  - (33) Confer with Mayor, department heads and Common Council committees about projects and problems;
  - (34) Maintain personnel files;
  - (35) Perform such other duties as may be directed by Common Council.
- (e) **Bond.** The City Clerk/Treasurer shall execute to the City a surety company fidelity bond in an amount determined by the Common Council.

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

### **Sec. 2-3-3 Deputy Clerk/Treasurer**

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

## **Sec. 2-3-4 City Attorney**

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

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

## **Sec. 2-3-5 Chief of Police.**

- (a) **Appointment.**
- (1) The Chief of Police shall be appointed by the Common Council and shall hold office during satisfactory performance, subject to suspension or removal by the City pursuant to law.
  - (2) The compensation to be paid the Chief of Police for his services, the hours of active duty, rest days, vacation periods and other involvement of his or her employment shall be such as may be determined by the Common Council from time to time.
- (b) **General Duties.** The Chief of Police shall:
- (1) Have command of the Police Department of the City under direction of the Mayor and Common Council;
  - (2) Have general administration and control of the Department;
  - (3) Be responsible for the Department's government, efficiency and general good conduct;
  - (4) Perform all duties prescribed to him by laws of the State and ordinances of the City.
  - (5) Develop Department policies and procedures;



- (6) Maintain Department ethics and discipline;
- (7) Delegate special assignments or duties to police officers, and monitor to see that responsibilities are carried out;
- (8) Perform all the duties of a police officer during a portion of every regular shift;
- (9) Identify and evaluate ideas to achieve more efficient and effective operation;
- (10) Prepare Department budget requests and maintains expenditures within approved budgetary levels;
- (11) Authorize overtime work for police officers, with supporting justification provided to the Mayor and Common Council, or committee thereof;
- (12) Participate in the recruitment, testing and selection of new personnel;
- (13) Supervise and participate in the advanced and continuing training of police officers and non-sworn Department employees;
- (14) Cooperate with county, state and federal officials, and other municipal law enforcement agencies;
- (15) Make special reports to the Common Council on request; and advise and cooperate with other City departments in matters of public safety;
- (16) Submit weekly- and annual reports to the Mayor;
- (17) Perform other miscellaneous duties as assigned.

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

### **Sec. 2-3-6 Fire Chief**

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

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

## Sec. 2-3-7 Assessor

- (a) **Appointment.**
- (1) The City of Adams hereby elects not to be governed by those portions of Sec. 62.09(3)(b) of the Wisconsin statutes relating to the method of selection of the City Assessor which are in conflict with this Section. (Charter Ordinance).
  - (2) The City Assessor or assessing firm, shall be appointed by the Common Council. The Assessor's term shall be 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. 2-3-8 Building Inspector

- (a) **Appointment.** The Building Inspector shall be appointed by the Mayor, subject to Common Council confirmation. The Building Inspector shall serve at the pleasure of the Common Council. The Building Inspector shall be certified by the State of Wisconsin. The City may have multiple inspectors due to area of certification.
- (b) **Duties.** The Building Inspector shall have the following duties:
- (1) Review plans and applications for building permits;
  - (2) Issue permits for new construction, remodeling, and demolition of buildings;
  - (3) Inspect foundations, frames, roofs, etc., to assure that they meet the requirements of the building code;

- (4) Inspect existing units of dwellings and commercial buildings for zoning occupancy, housing, plumbing, electrical, heating, ventilating, air conditioning, and energy code compliance.
  - (5) Recommend and advise the public and contractors on code compliance;
  - (6) Issue orders to correct discrepancies and code violations;
  - (7) Consult with buildings, owners, and members of the public pertaining to City codes and ordinances;
  - (8) Report on the status of code enforcement activity to the Common Council.
  - (9) Perform other duties as may be directed by the Common Council.
- (c) **Right of Entry.** The Building Inspector or his deputies shall have the power to make or cause to be made an entry into any building or premises where the work altering, repairing or constructing any building or structure is going on, including plumbing and electrical work.

### **Sec. 2-3-9 Street Superintendent**

- (a) **Appointment.**  
The Street Superintendent shall be appointed by the Common Council and shall hold office during satisfactory performance, subject to suspension or removal by the City pursuant to law.
- (b) **Duties:** The purpose of this position is to supervise, coordinate and perform various functions of the Department of Public Works. To assure efficient and effective service delivery and operation of the Department. The following duties of the Street Superintendent are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.
- (1) Typical work day for this position is Monday through Friday, 7:00 A.M. to 3:30 P.M. Duties require work outside and beyond the normal workday hours.
  - (2) Direct supervision of Wastewater Treatment Plant personnel, and all other Public Works' employees.
  - (3) Plans, establishes and assigns all work duties to ensure completion of projects in an efficient and effective manner. Assist in work duties as practicable.
  - (4) Monitors work and ensures adherence to proper methods and procedures.
  - (5) Organizes future project assignments and staffing levels to assure proper employee/work ratio. Maintains a schedule of upcoming projects.
  - (6) Participate in staffing and personnel decisions, including, but not limited to, interviewing, hiring, promotion, transfer, discipline and discharge of employees.
  - (7) Advises the City Administrator and appropriate committee(s) on Public Works' issues, including project progress, staffing levels/changes, union issues and other information as required. Responsible for contract administration of all Public Works' functions, including participation in the grievance procedure.
  - (8) Monitors and reviews progress reports, schedules revisions, anticipates problems, costs trends and budget expenditures.
  - (9) Assists City Administrator with Union contract negotiations, including the development of bargaining proposals that may or may not be provided to the Union.

- (10) Assists in developing General Fund Program for Streets, Solid Waste/Recycling, Parks and Forestry. Responsible for Purchasing within these programs.
- (11) Assist in research, preparation and administration of grants for Public Works' projects.
- (12) Handles citizen complaints and presents claims to the City Administrator and appropriate committees as necessary.
- (13) Provides information to the public regarding Public Works' projects."
- X (14) Shall perform said duties of the Director of Public Works when referred to in the Code of Ordinance.

### **Sec. 2-3-10 Health Officer**

The City of Adams has opted to discontinue maintenance of a City Health Department and City Health Officer position. The City shall be covered through and come under the jurisdiction of the County Health Officer under Sec. 251.08, Wis. Stats.

### **Sec. 2-3-11 Weed Commissioner**

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

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

### **Sec. 2-3-12 Eligibility for Office**

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

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

### **Sec. 2-3-13 Removal from Office.**

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

*Annotation:* 62 Atty. Gen. Op. 97.

### **Sec. 2-3-14 Custody of Official Property**

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

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

### **Sec. 2-3-15 Oath of Office; Bonds of Officers.**

- (a) **Oath.** Every person elected or appointed to any statutory office shall take and file his official oath within ten (10) days after the notice of his election or appointment.
- (b) **Bonds.** The Clerk/Treasurer, and such other statutory officers as the laws of Wisconsin or the Common Council may direct, shall execute and file an official bond in such form as the Council may determine. The Council may at any time require new or additional bonds of any officer. All official bonds must be approved by the Mayor and, when so approved, then be filed within ten (10) days after the officer executing the same shall have been notified of this election or appointment. Official bonds shall be filed with the City Clerk/Treasurer and shall be recorded by him in a book kept by him for that purpose.

*(Amendment to Sec. 2-3-10 rescinded and recreated by Council on July 1, 1996, by Ordinance No.7-96)*

## **Sec. 2-3-16 Office of the City Administrator**

- (a) **Office of the City Administrator.** In order to provide the City of Adams with a more efficient, effective and responsible government under a system of a part-time Mayor and part-time Common Council (hereinafter referred to as "Council") at a time when City government is becoming increasingly complex there is hereby created the Office of City Administrator for the City of Adams (hereinafter referred to as "Administrator").
- (b) **Appointment, term of Office and Removal.** The Administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a two-thirds vote of the Council. For the purposes of appointing or terminating the Administrator, the Mayor and each Alderman shall cast one vote. The Administrator shall hold office for an indefinite term subject to removal at any time by a two-thirds vote of the Council. This section, however, shall not preclude the Council from establishing other employment terms and conditions not inconsistent with the provisions of this ordinance or the Municipal Code of the City of Adams.
- (c) **Residency.** The Administrator shall become a resident of the City of Adams within six months following the date of appointment, unless this requirement is specifically waived or varied by Council ordinance or by contract authorized by the Council, and entered into with the Administrator, covering the terms and conditions of residency.
- (d) **Functions and Duties of the Administrator.** The Administrator subject to the limitations defined in resolutions and ordinances of the City of Adams and Wisconsin State statutes, shall be the chief administrative officer of the city, responsible only to the Mayor and Council for the proper administration of the business affairs of the city, pursuant to the statutes of the State of Wisconsin, the ordinances of the City of Adams, and the resolutions and directives of the Council with power and duties as follows:
- (a) **General Duties**
1. Carry out directives of the Mayor and Council which require administrative implementation, reporting promptly to the Mayor and Council any difficulties encountered herein;
  2. Be responsible for the administration of all day-to-day operations of the city government including the monitoring of all city ordinances, resolutions, Council meeting minutes and state statutes;
  3. Establish, when necessary, administrative procedures to increase the effectiveness and efficiency of city government according to current practices in local government;
  4. Serve as Ex-Officio nonvoting member of all boards, commissions and committees of the City, except as specified by the Council or Wisconsin State Statutes;
  5. Keep informed concerning current Federal, State and county legislation and administrative rules affecting the city and submit appropriate reports and recommendations thereon to the Council;

6. Keep informed concerning the availability of Federal, State and county funds for local programs. Assist Department Heads and the Council in obtaining these funds under the direction of the Mayor and the Council;
7. Represent the city in matters involving legislative and inter-governmental affairs as authorized and directed as to that representation by the Mayor and Council;
8. Act as public information officer for the city with the responsibility of assuring that the news media are kept informed about the operations of the city and that all open meeting rules and regulations are followed;
9. Establish and maintain procedures to facilitate communications between citizens and city government to assure that complaints, grievances, recommendations and other matters receive prompt attention by the responsible official, and to assure that all such matters are expeditiously resolved;
10. Promote the economic well-being and growth of the city through public and private sector cooperation;
11. In the absence of a Department Head for the Public Works Department, the Administrator shall assume the duties and tasks in directing, supervising and coordinating that department in accordance with guidelines as may be provided by the Mayor and City Council.

(b) **Responsibilities to the City Council**

1. Attend all meetings of Council, assisting the Mayor and the Council as required in the performance of their duties;
2. In coordination with the Mayor, the Council and the clerk, ensure that appropriate agendas are prepared to all meetings of the Council, all Council Committees, and all other appropriate committees and commissions of the City, together with such supporting material as may be required; with nothing herein being construed as to give the Administrator authority to limit or in any way prevent matters from being considered by the Council, or any of its committees and commissions;
3. Assist in the preparation of ordinances and resolutions as requested by the Mayor or the Council, or as needed;
4. Keep the Mayor and Council regularly informed about the activities of the Administrator's office by oral or written report at regular and special meetings of the Council;
5. In the event that action normally requiring Council approval is necessary at a time when the Council cannot meet, the Administrator shall receive directives from the Mayor.

(c) **Personnel Responsibilities**

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

(d) **Budgeting and Purchasing Responsibilities**

1. Be responsible for the preparation of the annual City budget, in accordance with guidelines as may be provided by the City Council and in coordination with Department Heads and the Finance Committee, and pursuant to State Statutes, for review and approval by the Mayor and Council;
2. Administer the budget as adopted by Council;
3. Report regularly to the Council on the current fiscal position of the City;
4. Supervise the accounting system of the City and ensure that the system employs methods in accordance with current professional accounting practices;
5. Serve as the purchasing agent for the City, supervising all purchasing and contracting for supplies and services, subject to the purchasing procedures established by the Council and any limitation contained in the Wisconsin State Statutes;

- (e) **Cooperation.** All officials and employees of the City shall cooperate with and assist the Administrator so that the City government shall function effectively and efficiently.



## **Sec. 2-3-17 Residency Requirement for Certain Appointed Officials and Response Time of Certain City Employees**

- (a) **Purpose and Mandate.** The Mayor and Common Council find and the City of Adams requires that it is necessary, convenient, and proper, in order to provide for the health, safety, general welfare, administrative, and emergency needs of the citizens of the City of Adams, that certain essential City officials reside within corporate limits of the City; and that certain other City employees, for whom work would be necessary in an emergency situation reside within a reasonable distance, herein established, in order to be able to respond to emergency situations within a reasonable time.
- (b) **Scope and Application.**
- (1) The residency of this section applies to the following essential officials: The City Administrator, Clerk/Treasurer, Chief of Police, and all City Department Heads and supervisory positions which may be created from time to time by the City Council.
  - (2) This section shall not apply to an essential City official or other City official whose employment within the City on the effective date of this section arises out of a personal contract with the City for the provision of personal or professional services; whose employment with the City arises out of a joint or cooperative contract with another municipality; or whose employment with the City arises out of a personal contract for the provision of personal or professional services on a temporary basis for a term of one (1) year or less, or for the purpose of a single or nonrecurring special project, study or service.
- (c) **Residency Transition.**
- (1) A listed essential official or employee who resides outside the corporate limits of the City on the effective date of this section shall not be required to establish residency inside the corporate limits of the City during his/her continuous employment with the City provided that residency was not a condition of employment at the time that employee was originally hired by the City.
  - (2) Any listed essential official or employee who resides inside the corporate limits of the City on the effective date of this section shall not reside outside the corporate limits of the City unless the person's office, position or employment with the City shall be forthwith automatically vacated.
- (d) **Vacancy.** A vacancy occurring under this section shall be filled as provided in the Code of Ordinances for the original appointment of an essential City official; or, as to all employees, according to existing City employment policy and practice.
- (e) **Required Residency Limits.**
- (1) Full-time Police officers shall reside within ten (10) miles of the corporate limits of the City of Adams.
  - (2) All part-time Police officers shall reside within ten (10) miles of the corporate limits of the City of Adams.
  - (3) Public Works personnel shall reside within ten (10) miles of the corporate limits of the City of Adams.

(f) **Residency Limit Transition.**

- (1) Personnel to whom this Ordinance applies who reside the required residency limits on the effective date of this section shall establish residency within such requirement upon the change, sale, transfer or conveyance of the person's residence, or the person's employment with the City shall be forthwith automatically vacated.
- (2) Personnel to whom this Ordinance applies who reside within the required residency limits on the effective date of this section shall not establish residency outside such requirement, or the person's employment with the City shall be forthwith automatically vacated.

(g) **Waiver.** The Common Council may, upon a showing of necessity and a vote of 3/4 of all its members, waive the requirements of this section.

## BOARDS, COMMISSIONS AND COMMITTEES

<a href="#"><u>2-4-1</u></a>	Board of Review
<a href="#"><u>2-4-2</u></a>	Reserved for Future Use
<a href="#"><u>2-4-3</u></a>	Board of Health (Rescinded)
<a href="#"><u>2-4-4</u></a>	Board of Appeals
<a href="#"><u>2-4-5</u></a>	City Plan Commission
<a href="#"><u>2-4-6</u></a>	Water and Sewer Utilities Commission
<a href="#"><u>2-4-7</u></a>	Downtown Development Commission
<a href="#"><u>2-4-8</u></a>	Cable Television Program Advisory Committee
<a href="#"><u>2-4-9</u></a>	General Provisions Regarding Meetings and Public Notice
<a href="#"><u>2-4-10</u></a>	Residency Required for Service on Boards, Committees or Commissions

### Sec. 2-4-1 Board of Review.

- (a) **Composition.** The Board of Review shall consist of the Mayor, the Clerk/Treasurer and one (1) Alderperson from each of the three (3) wards in the City. The Alderperson shall be annually appointed at the Council's organizational meeting by the Mayor, subject to Council confirmation.
- (b) **Duties.** The duties and functions of the Board of Review shall be as described in Sections 70.46 and 70.47, Wis. Stats.
- (c) **Board's Duty.** The Board shall carefully examine the assessment roll and correct all apparent errors in description or computation. It shall add all omitted property but shall not raise or lower the assessment of any property except after hearing, as provided by the Statutes.

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

### Sec. 2-4-2 Reserved For Future Use

### Sec. 2-4-3 Board of Health.

Title 2, Chapter 4, Section 2-4-3 of Code of Ordinances of City of Adams, Wisconsin, and any other City Ordinance inconsistent with this Ordinance are hereby rescinded.

## 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) member, 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 ought to be made regarding the premises. The concurring vote of three (3) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the City's zoning ordinances. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless a zoning permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.
- (c) **Meetings and Rules.** All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the City Clerk Treasurer and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Section or with applicable Wisconsin Statutes.

- (d) **Offices.** The Common Council shall provide suitable meeting space for holding the Zoning Board of Appeals' hearings.
- (e) **Appropriations.** The Common Council shall appropriate funds to carry out the duties of the Zoning Board of Appeals and the Board shall have the authority to expend, under regular procedures, all sums appropriated to it for the purpose and activities authorized herein.

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

## **SEC. 2-4-5 City Plan Commission**

- (a) **Composition.** The Plan Commission shall consist of seven (7) members as follows: The Mayor, one (1) Alderperson, and five (5) citizen members. The Director of Public Works shall be a permanent non-voting member and shall serve in an advisory capacity.
- (b) **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.
  - (2) **Appointment and Terms of Citizen Members.** The five (5) citizen members shall be appointed by the Mayor on the third Tuesday of April in each year to hold office for a term of three (3) years commencing with the third Tuesday of April.
- (c) **Organization of Commission.** The Mayor shall serve as presiding officer. The Plan Commission shall organize by the election of a vice-chairman, secretary and such other officers as may in their judgment be necessary.
- (d) **Record.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk/Treasurer. Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.

(e) **Duties.**

(1) **The Master Plan.**

- a. The Plan Commission may make, adopt and, as necessary, amend, extend or add to the master plan, subject to Common Council confirmation, for the physical development of the City including areas outside of its boundaries which, in the Plan Commission's judgment bear relation to the development of the City. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.
- b. The Commission may adopt the master plan as a whole by a single resolution or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Common Council. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Common Council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Common Council in the performance of their duties.

- (2) **Mandatory Referrals to Commission.** The Common Council or officer of the City having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within thirty (30) days, or such longer period as may be stipulated by the Common Council, the Council or other public body or officer may take final action without it.

- (3) **Miscellaneous Powers.** The Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic educational, professional and other organizations and citizens. It may recommend to the Common Council programs for public improvements. All public officials shall; upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.
- (f) **Vacancies.** Vacancies shall be filled by appointment for the remainder of the un-expired term in the same manner as appointment for the full term.
- (g) **Compensation.** The amount of compensation will be as from time to time established by the Council and otherwise authorized by law.

### **Sec. 2-4-6 Water and Sewer Utilities Commission**

- (a) **Terms of Office.** There is hereby created a Board of Commissioners for the City of Adams Water and Sewer Utility. The Commission shall consist of five (5) members, three (3) of which shall be members of the Common Council and two (2) of which shall be selected at large. The positions shall be filled by appointment by the Mayor, subject to confirmation by the council. On the initial Board, two (2) positions will be for one (1) year terms; three (3) positions shall be for two (2) year terms. Thereafter, terms will be two (2) years in length, running, in the case of Alderperson members, concurrently with their aldermanic terms.
- (b) **Monthly Meetings.** The Commission shall meet monthly and at such time as will enable it to report monthly to the Common Council prior to the regular council meeting.
- (c) **Compensation.** The amount of compensation will be as from time to time established by the Council and otherwise authorized by law.

### **Sec. 2-4-7 Downtown Development Commission**

- (a) **Composition of Commission.** The Downtown Development Commission shall be comprised of the Mayor, two (2) Alderpersons and six (6) at-large members all to be appointed by the Mayor subject to the approval of the Common Council. City residency shall not be a requirement of appointment for at-large members. At-large appointees shall have a “stake holder” interest in the Main Street corridor. Stake holder interest may consist of but, is not limited to; property ownership, business ownership, resident or employee within the Main Street corridor. The Mayor may elect to appoint one additional member as a delegate representing the Village of Friendship.
- (b) **Terms of Office.** Terms will be two (2) years in length, running, in the case of Alderperson members, concurrently with their aldermanic terms.
- (c) **Purpose of Commission.** The Commission is established to promote economic growth, commerce, community and culture within and for the Main Street corridor. The Commission shall serve as steward of Downtown development plans, programs, promotions, projects and progress.

*(Amendment of Subsection 2-4-5(g) adopted by the Council on November 7, 1994 by Ordinance No.17-94 and Subsection 2-4-7 (Adams Swimming Pool Utility) of the Code Of Ordinances of the City Of Adams, Wisconsin is hereby rescinded on November 7, 1994 by Ordinance No.17-94) (Creating Title 2, Chapter 4, Section 7(a)(b)(c) of the Code of Ordinances of the City of Adams, WI by Council on February 18, 2013 by Ord. No.04-2013)*

## **Sec. 2-4-8 Cable Television Program Advisory Committee**

- (a) **Establishment of Cable Television Program Advisory Committee.** There is established a Cable Television Program Advisory Committee consisting of five (5) persons chosen at large to be representative of the community; all to be appointed by the Mayor subject to the approval of the Common Council. The first appointments shall be for a two (2) year term, and thereafter all appointments shall be for three (3) year terms.
- (b) **Advisory Committee Duties.** The Cable Television Program Advisory Committee shall perform the following functions:
  - (1) Make recommendations to the grantee of the community antenna television and audio communications system and to the educational and governmental users of the educational and governmental access channels.
  - (2) Insure that the grantee makes the public access channel available to all residents of the City on a non-discriminatory basis.
  - (3) Assure that the operation of the public access channel be free of program censorship and control.
  - (4) Perform such other duties and functions relative to the public access channel as may be appropriate.
  - (5) Make recommendations to the grantee on the procedural aspects of the public access channel.
- (c) **Advisory Committee Rules and Procedures.** The Advisory Committee shall have the authority to submit proposed rules and regulations for the conduct of its business to the Mayor and Common Council for approval, and upon approval, shall have the right to hold hearings and make recommendations to the grantee of the community antenna television and audio communications system and to the educational and governmental communities on the coordination of the educational and government access channels. All such actions shall only be advisory.

## **Sec 2-4-9 General Provisions Regarding Meetings and Public Notice**

- (a) **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the City shall:
  - (1) Fix a regular date, time and place for its meeting;
  - (2) All meeting notices shall be filed with the City Clerk/Treasurer who shall cause the notice to be published and posted in full compliance with the Open Meeting Law Requirements.
  - (3) Post at the front door of the City Hall, or publish, an agenda of the matters to be taken up at such meeting.
- (b) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or with dispensing with the publication of notice of such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Sections 19.81 to 19.89, Wis. Stats.



## **Sec. 2-4-10 Residency Required for Service on Boards, Committees or Commissions**

With the exception of the Downtown Development Commission, a person not residing within the City of Adams shall not be appointed to any City board, commission or committee as a voting member. Any board, commission or committee member who moves from the City shall immediately be removed from such board or commission.



## ETHICS CODE

<a href="#"><u>2-5-1</u></a>	Statement of Purpose
<a href="#"><u>2-5-2</u></a>	Definitions
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<a href="#"><u>2-5-4</u></a>	Responsibility of Public Office
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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 Adams officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the City, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the City.
- (b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City of Adams 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 Adams.

## Sec. 2-5-2 Definitions

The following definitions shall be applicable in this Chapter:

- (a) **Public Official.** Means those persons serving in statutory elected or appointed offices provided for in Chapter 62 of the Wisconsin Statutes, and all members appointed to boards, committees and commissions established or appointed by the Mayor and/or Common Council pursuant to this Code of Ordinances, whether paid or unpaid.
- (b) **Public Employee.** Means any person excluded from the definition of a public official who is employed by the City.
- (c) **Anything of Value.** Means 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.** Means the following specific blood or marriage relationships:
  - (1) A person's spouse, mother, father, child, brother or sister; 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.** Means owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of any business.
- (g) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

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

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

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

## **Sec. 2-5-5 Dedicated Service**

- (a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- (b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- (c) Members of the City staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the City Clerk/Treasurer. The City 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.** Copies of any correspondence written on City stationery shall be filed with the City Clerk/Treasurer, or his designee.
- (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 rightful remuneration and benefits, for himself or for a member of his or her immediate family.
- (d) **Political Contributions.** No official shall personally solicit from any City employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.

## **Sec. 2-5-7 Conflict of Interest**

### **(a) Financial and Personal Interest Prohibited.**

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

(b) **Disclosure of Confidential Information.** No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, nor shall such information be used to advance the financial or other private interests of the official or employee or others.

### **(c) Gifts and Favors.**

- (1) No official or employee, personally or through a member of his 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 may tend to impair his independence of judgment or action in the performance of his duties or grant in the discharge of his 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 a gift or gratuity that is an unsolicited item of nominal intrinsic value of less than Twenty Dollars (\$20.00), such as a meal, and that is not intended to influence the official. Any official or employee who receives, directly or indirectly, any gift or gifts having an aggregate value of more than Fifty Dollars (\$50.00) within any calendar year from any person who is known by said official or employee to be interested, directly or indirectly, in any manner whatsoever in business dealings with the City upon which the official or employee has any influence or input or over which the official or employee has any jurisdiction, discretion or control shall disclose the nature and value of such gifts to the Common Council by January 15 next following the year in which the gift or gifts are received.
- (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 from citizens for the purpose of supporting the candidate's campaign.
- (4) Gifts received by an official or employee or his 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 is or has been offered any gift, the acceptance of which would constitute a violation of this Subsection, shall, within ten (10) days, disclose the details surrounding said offer to the Common Council. Failure to comply with this reporting requirement shall constitute an offense under this Chapter.

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

- (1) Non-elected City officials and employees shall not appear on behalf of any private person (other than 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 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 capacity as such officer or employee, participates in the making of a contract in which he 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 part shall enter into any contract with the City unless, within the confines of Sec. 946.13, Wis. Stats.:
  - (1) The contract is awarded through a process of public notice and competitive bidding or the Common Council waives the requirement of this Section after determining that it is in the best interest of the City to do so.
  - (2) The provisions of this Subsection shall not apply to the designation of a public depository of public funds.

### **Sec. 2-5-8 Advisory Opinions**

Any questions as to the interpretation of any provisions of this Code of Ethics Chapter shall be referred to the City Attorney. Such requests shall be as detailed as possible and shall be made in writing. Advisory requests and opinions shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made public.

### **Sec. 2-5-9 Hiring Relatives**

- (a) This Section governs the proposed hiring of individuals for full-time or part-time work as City employees who are members of the immediate family of City employees or elected officials. "Immediate family" includes those relatives by blood or marriage defined in Section 2-5-2(e) as personal interests.
- (b) Hiring an immediate family member of any current City employee or elected City official is discouraged and will be considered only if that individual has the knowledge and skills, experience or other job-related qualifications that warrant consideration for the position. It is required that either the current employee or the relative seeking employment will make the personal interest relationship known to the hiring authority (department head, City board commission or Common Council) before a hiring decision is made; in every case, the decision to hire an immediate family member or former spouse will be subject to Common Council approval, with notice, before the new employee is permitted to begin work. Marriage between two (2) individuals already employed by the City or their relatives will not be considered a violation of this policy.
- (c) This Section does not apply to non-elected officials who are asked to accept appointment as members of a City board, commission or committee; non-elected officials, however, will be expected to disqualify themselves from participation in matters under consideration which may affect the hiring, retention, classification or compensation of their immediate family if currently employed or being considered for employment by the City.



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

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

## **Sec. 2-5-11 Sanctions**

A determination that an employee's actions constitute improper conduct under the provisions of this Chapter may constitute a cause of suspension, removal from office or employment or other disciplinary action. 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 applicable labor agreement.

## **Sec. 2-5-12 Police Officers and Firefighters**

When an ethics complaint has been filed against a police officer or firefighter or the Chief of either the Police or Fire Department, the procedure shall be had in accordance with the provisions of Sec. 62.13, Wis. Stats.

## **Sec. 2-5-13 Fair and Open Housing**

1. The City of Adams of Adams County hereby adopts Section 106.50, Wisconsin Statutes as amended and all subsequent amendments thereto;
2. The officials and employees of the City of Adams shall assist in the orderly prevention and removal of all discrimination in housing within the City of Adams by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes; as amended.
3. The Municipal Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the City of Adams to file a complaint there under with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.