

Chapter 2

ADMINISTRATION¹

Article I. In General

- Sec. 2-1. Recommendations by mayor to council regarding state of the city.
Secs. 2-2--2-30. Reserved.

Article II. City Council

Division 1. Generally

- Sec. 2-31. Composition.
Sec. 2-32. Meetings generally.
Sec. 2-33. Order of business.
Sec. 2-34. Presiding officer.
Sec. 2-35. Committees.
Sec. 2-36. Reports of bills and claims.
Sec. 2-37. Distribution of copies of minutes.
Secs. 2-38--2-50. Reserved.

Division 2. Ordinances and Resolutions

- Sec. 2-51. Reading; referral to committee.
Sec. 2-52. Distribution of copies of proposed ordinances.
Sec. 2-53. Approval of appropriations or payments.
Secs. 2-54--2-70. Reserved.

Division 3. Rules of Procedure

- Sec. 2-71. Generally.
Sec. 2-72. Suspension of rules.
Sec. 2-73. Amendment of rules.
Secs. 2-74--2-90. Reserved.

Article III. Officers and Employees

Division 1. Generally

- Sec. 2-91. Oath.
Sec. 2-92. Bonds.
Sec. 2-93. Ineligibility of persons having private interest in city contract.
Sec. 2-94. Medical examinations.
Sec. 2-95. Temporary vacancies.
Sec. 2-96. Powers and duties of officers.
Sec. 2-97. Departmental rules.
Sec. 2-98. Nepotism.

¹ **Cross references:** Any ordinance for the rights, licenses or franchises or the creation of any contract with the city saved from repeal, § 1-10(4); administration and enforcement of buildings and building regulations, § 18-31 et seq.; civil emergencies, ch. 30; courts, ch. 34; elections, ch. 38; administration and enforcement floodplain zoning code regulations, § 54-71 et seq.; law enforcement, ch. 70; libraries, ch. 74; offenses against governmental administration, § 82-31 et seq.; planning, ch. 94; administration and enforcement of subdivision regulations, § 110-31 et seq.; taxation, ch. 114; administration and enforcement of traffic and vehicle regulations, § 122-31 et seq.; utilities, ch. 126; administration and enforcement of zoning regulations, § 130-31 et seq.

- Sec. 2-99. Notice of job openings.
- Sec. 2-100. Criminal Background Checks.
- Secs. 2-101--2-120. Reserved.

Division 2. Elected Officials

- Sec. 2-121. Enumerated.
- Sec. 2-122. Terms.
- Sec. 2-123. Eligibility.
- Sec. 2-124. Compensation.
- Sec. 2-125. Vacancies.
- Secs. 2-126--2-140. Reserved.

Division 3. Administrator

- Sec. 2-141. Office created.
- Sec. 2-142. Appointment; term; removal.
- Sec. 2-143. Residency.
- Sec. 2-144. Powers and duties.
- Sec. 2-145. Cooperation and assistance by city officials and employees.
- Secs. 2-146--2-160. Reserved.

Division 4. Appointed Officials

- Sec. 2-161. Enumerated; appointments to be made by mayor.
- Sec. 2-162. Repealed.
- Sec. 2-163. Terms.
- Sec. 2-164. Vacancies.
- Sec. 2-165. Eligibility of alderpersons.
- Secs. 2-166--2-190. Reserved.

Article IV. Boards, Commissions and Committees

- Secs. 2-191--2-240. Reserved.

Article V. Finance

Division 1. Generally

- Sec. 2-241. Expenditures to be in accordance with appropriations.
- Sec. 2-242. Claims procedure.
- Sec. 2-243. Travel expenses.
- Sec. 2-244. General license and permit requirements.
- Sec. 2-245. Non-sufficient funds
- Secs. 2-246--2-260. Reserved.

Division 2. Budget Procedures

- Sec. 2-261. Departmental estimates.
- Sec. 2-262. Preparation of preliminary budget.
- Sec. 2-263. Hearing; approval by council.
- Sec. 2-264. Changes in budget.
- Secs. 2-265--2-280. Reserved.

Division 3. Fire Protection Response Fee

- Sec. 2-281. Imposed; fee schedule.
- Sec. 2-282. Interest on unpaid accounts.
- Sec. 2-283. Property subject to fee.
- Sec. 2-284. Appeals.
- Sec. 2-285. Maximum fee.
- Sec. 2-286. Collection of unpaid fees.
- Secs. 2-287--2-310. Reserved.

Article VI. Public Records

- Sec. 2-311. Definitions.
- Sec. 2-312. Duty to maintain records; delivery to successors in office.
- Sec. 2-313. Legal custodians.
- Sec. 2-314. Right to access; fees and deposits.
- Sec. 2-315. Access procedures.
- Sec. 2-316. Limitations on right to access.
- Sec. 2-317. Destruction.
- Sec. 2-318. Preservation through microfilm.
- Sec. 2-319. Fee for clerk/treasurer search and report of tax and special assessments.
- Sec. 2-320. Fees for open records requests.

ARTICLE I. IN GENERAL

Sec. 2-1. Recommendations by mayor to council regarding state of the city.

In the year elected, the mayor shall prepare the overall plan or recommendations for the city for the ensuing two years. In the preparation thereof, the mayor shall work with the council president. The mayor shall present such plan or recommendations to the council at the regular May meeting. At the end of the first year of the two-year term, the mayor may revise such plan and shall present it to the council for review.

(Code 1986, § 1.04)

Secs. 2-2--2-30. Reserved.

ARTICLE II. CITY COUNCIL

DIVISION 1. GENERALLY

Sec. 2-31. Composition.

The mayor and alderpersons shall be the city council.

(Code 1986, § 2.01)

Sec. 2-32. Meetings generally.

(a) *Organization meeting; regular meetings.* Following a regular city election, for the purpose of organization, the city council shall meet on the third Tuesday of April. Except as otherwise provided in this section, regular meetings of the city council shall be held on the second Tuesday of each month at 6:30 p.m. Whenever a legal holiday falls on the second Tuesday of the month, such regular meeting shall be held on the third Tuesday in such month at the same hour and place. All meetings of the council shall be held in the city hall, including special and adjourned meetings, except by vote of two-thirds of the entire council.

(b) *Special meetings.* Special meetings may be called by the mayor or by any two councilmembers upon written notice of the time and purpose of such meeting to each member of the council and the mayor, delivered to him personally or left at his usual place of abode at least six hours before the meeting. The 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 meeting. A special meeting may be held without such notice when two-thirds of the members of the council are present in person. Attendance by any councilmember shall be deemed a waiver on his part of any defect of notice. Any special meeting attended by all alderpersons shall be a regular meeting for the transaction of any business that may come before such meeting.

(c) *Adjourning; quorum.*

(1) The council may, by a majority vote of those present but not less than three affirmative votes, adjourn from time to time to a specific date and hour.

(2) No action shall be taken unless a quorum is present.

(3) Two-thirds of the alderpersons shall constitute a quorum. A lesser number may compel the attendance of absent members or may adjourn. The mayor shall not be counted in determining whether a quorum is present at a meeting.

(d) *Applicability of open meeting law.* Meetings of the council, committees thereof and boards and commissions shall be subject to Wis. Stats. §§ 19.81--19.98.

(Code 1986, § 2.02)

Sec. 2-33. Order of business.

(a) The business of the council shall be conducted in the following order:

(1) Call to order by presiding officer.

(2) Roll call. If a quorum is not present, and cannot be obtained, the meeting shall thereupon adjourn, which may be to a specific date pursuant to section 2-32(c)(1).

- (3) Reading the minutes of the preceding meeting, and approving the minutes if correct, and rectifying mistakes if any exist. The reading of the minutes may be waived by majority action if the minutes have been previously distributed pursuant to section 2-37.

(4) Residents present who wish to appear on any matter, regardless of whether the matter is listed or not listed on the agenda, will be permitted to speak at this time subject to a limit of three minutes per person, except that if the resident desires to speak about a subject regarding which there is a public hearing on the agenda of the same city council meeting, the resident shall not speak at this time but instead shall be permitted to speak during the public hearing. In addition, any non-residents present who wish to appear on any matter, regardless of whether the matter is listed or not listed on the agenda, will be permitted to speak at this time at the discretion of the presiding officer, except that if the non-resident desires to speak about a subject regarding which there is a public hearing on the agenda of the same city council meeting, the non-resident shall not speak at this time but instead shall be permitted to speak during the public hearing.

- (5) Reports of committees.
- (6) Unfinished business from previous meetings.
- (7) Communications and recommendations of the administrator.
- (8) Communications and recommendations of the mayor.
- (9) New business and miscellaneous communications.
- (10) Introduction of new ordinances.

(b) In the absence of the clerk, the mayor shall appoint a clerk pro tem.

(Code 1986, § 2.03, Ord. 2006-9)

Sec. 2-34. Presiding officer.

(a) *Mayor.* The mayor, at the stated hour, shall call the meeting to order. He shall preserve order and decorum.

(b) *Council president or acting mayor.* If the mayor is absent at the designated time of any meeting, the president of the council shall preside, and during the absence or inability of the mayor, or while the office is vacant, shall have the powers and duties of the mayor, except he shall not approve an act of the council which the mayor has disapproved by filing an objection with the clerk-treasurer. He shall, while so officiating, be styled "acting mayor." The president shall be selected by a majority vote of all members of the council at the annual meeting on the third Tuesday of April. In the absence of both the mayor and president of the council, the clerk-treasurer shall call the meeting to order and preside until the council shall, by motion, select an acting mayor for that meeting.

(c) *Speaking on questions.* Whenever the presiding officer desires to speak on any question, he shall first seek recognition of the president of the council, and, in the absence of the president, the senior alderperson in point of service. Upon receiving recognition, he shall not be required to vacate the chair.

(Code 1986, § 2.04)

Sec. 2-35. Committees.

- (a) Appointment. The following committees shall be appointed annually, on the third Tuesday in April, by the mayor subject to confirmation by a majority vote of the entire council:
 - (1) Municipal services.
 - (2) Public safety.
 - (3) Finance and labor.
- (b) Composition; duties. Each committee shall consist of three members. Subject to the approval of the council, the committees shall supervise the following phases of municipal activity:
 - (1) Municipal services. Public property, streets and alleys, Maple Hill Cemetery, sanitation, sanitary sewer system and wastewater treatment plant, storm water utility, and water and light utilities, including hearing and deciding appeals of water impact fees under section 126-184.
 - (2) Public safety. Police department, licenses and the emergency medical service.
 - (3) Finance and labor. Financial matters, employee grievance appeals under a collective bargaining agreement, development of council labor negotiations strategy, and assistance to the city administrator with labor negotiations.
- (c) Committee of the whole. 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 chairperson of the committee, provided there is no objection by any one of the alderpersons present at the meeting.
- (d) Special committees. The mayor may, from time to time, appoint such special committees 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.
- (e) Reports. Each committee shall, at the next regular meeting, submit a written or oral report on all matters referred to it, unless a longer time is granted by the council, and such report shall be entered in the proceedings. Such report shall recommend a definite action by the council on each item, and, if written, shall be signed by a majority of the committee, and shall be filed with the clerk-treasurer prior to each meeting. Minority reports may be submitted in writing.
- (f) Cooperation by city officers and employees. Any committee may require any city officer or employee to confer with it and supply information needed in connection with any matter pending before the committee.
- (g) Term of appointment. Each alderperson's appointment to a committee shall be for a one-year term and shall expire on the third Tuesday in April.

(Code 1986, § 2.05; Ord. No. 1999-21, §§ 2--4, 1-11-2000, Ord. 2005-4, Ord. 2006-18, Ord. 2014-02)

Sec. 2-36. Reports of bills and claims.

All bills and other financial claims against the city shall be itemized, and upon receipt thereof shall be delivered by the clerk-treasurer to the head of the department having jurisdiction of the expenditure or claim. The department head shall within a reasonable time thereafter examine the claim or bill and return it to the clerk-treasurer initialled by him with a notation as to his approval or disapproval and any comments thereon. The

clerk-treasurer shall refer the bill or claim to the committee on finance for report thereon at the ensuing meeting of the council, provided payment of regular wages and salaries of officials and employees according to schedules adopted by the council shall be made by the clerk-treasurer without submission to the council after verification by the department head submitting the claim, subject to the requirements of Wis. Stats. §§ 62.12(8) and 62.25.

(Code 1986, § 2.07)

Sec. 2-37. Distribution of copies of minutes.

Within not more than ten days after each meeting of the council, the clerk-treasurer shall supply to each alderperson a written copy of the proceedings thereof.

(Code 1986, § 2.09)

Secs. 2-38--2-50. Reserved.

DIVISION 2. ORDINANCES AND RESOLUTIONS

Sec. 2-51. Reading; referral to committee.

Any alderperson may require the reading in full of any ordinance, resolution, communication, or other matter at any time it is before the council. The council may refer any matter to the appropriate committee.

(Code 1986, § 2.08(1), Ord. 2013-04)

Sec. 2-52. Distribution of copies of proposed ordinances.

(a) Prior to the first reading thereof, a written copy of each proposed ordinance shall be furnished to each alderperson and the mayor. If time permits, such copy shall be provided to the members of the council prior to the date of the council meeting at which the first reading thereof is scheduled.

(b) If prior mailing is not possible, a copy thereof shall be delivered to each member of the council attending such meeting at or prior to the commencement thereof. A copy of such proposed ordinance shall be provided to each councilmember not attending such meeting within two days following the meeting.

(Code 1986, § 2.08(2)) Ord 2016-23

Sec. 2-53. Approval of appropriations or payments.

All ordinances or resolutions appropriating money or creating any charge against the city other than the payment of claims for purchases or work previously authorized by the council shall require affirmative action by two-thirds of all members of the council.

(Code 1986, § 2.08(3))

Secs. 2-54--2-70. Reserved.

DIVISION 3. RULES OF PROCEDURE

Sec. 2-71. Generally.

The deliberations of the council shall be conducted in the following manner:

- (1) *Addressing council.* No alderperson or city staff shall address the council until he has been recognized by the presiding officer. He shall confine his remarks to the question under discussion and avoid all personalities.
- (2) *Recognition.* When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
- (3) *Citizens addressing council.* No person other than a member or city staff shall address the council, except under section 2-33(a)(4), and except that citizens may address the council with the permission of the presiding officer as to matters which are being considered by the council at the time.
- (4) *Withdrawing motions.* No motion shall be withdrawn without the consent of the person making the motion and the person seconding it.
- (5) *Permissible motions.* When a question is under discussion no action shall be in order except:
 - a. To adjourn.
 - b. To recess.
 - c. To lay on the table.
 - d. To move the previous question.
 - e. To postpone to a certain day.
 - f. To refer to a committee.
 - g. To amend.
 - h. To postpone indefinitely.

These motions shall have precedence in the order listed.

- (6) *Terminating debate.* Any member wishing to terminate the debate may move the previous question, in which event the mayor shall announce the question as, "Shall the main question now be put?" If two-thirds of the members present vote

in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and to bring the council to a direct vote, first upon any pending amendments, and then upon the main question.

(7) *Voting.*

- a. The ayes and noes may be required by any member. On confirmation and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the city of any fund thereof, the vote shall be by ayes and noes. All aye and nay votes shall be recorded in the journal. In all other motions, resolutions, and ordinances, the vote may be taken by viva voce (voice vote).
- b. The mayor shall not vote except in the case of a tie. When the mayor does vote in the case of a tie, his vote shall be counted in determining whether a sufficient number of the council has voted favorably or unfavorably on any measure.
- c. A majority vote of all members present of the council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.

(8) *Non-debatable motions.* A motion to adjourn shall always be in order, and a motion to adjourn, to recess, or to lay on the table, and a call for the previous question, shall be decided without debate.

(9) *Reconsideration.* Any member voting with the prevailing side may move for a reconsideration of the vote of any question, except confirmation of the appointment of city officials, at that meeting or at the next succeeding regular meeting. A motion to reconsider, being put and lost, shall not be renewed.

(10) *Applicability of Robert's Rules of Order, 1970, Newly Revised.* The rules of parliamentary procedure contained in Robert's Rules of Order, 1970, Newly Revised, shall govern the proceedings of the council where not inconsistent with the rules stated in this Code.

(Code 1986, § 2.06; Ord. No. 2001-9, § 1, 12-11-2001, Ord. 2005-18, Ord. 2006-9, Ord. 2013-04)

Sec. 2-72. Suspension of rules.

The rules set forth in this division, or any part thereof, may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds of the members present.

(Code 1986, § 2.10)

Sec. 2-73. Amendment of rules.

The assent of two-thirds of all the members of the council shall be required to amend the rules set forth in this division, or any part thereof.

(Code 1986, § 2.11)

Secs. 2-74--2-90. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES²

DIVISION 1. GENERALLY

Sec. 2-91. Oath.

Every person elected or appointed to any office shall take and file the official oath within ten days after notice of his election or appointment.

(Code 1986, § 1.03(1))

Sec. 2-92. Bonds.

The clerk-treasurer, chief of police and such others as the statutes or the council may direct shall execute and file an official bond in such sum as the council may determine, with such bond furnished by a surety company as provided by Wis. Stats. § 632.17(2). The council may at any time require new and additional bonds of any officer. All official bonds must be approved by the mayor, and when so approved shall be filed within ten days after the officer executing the bond shall have been notified of his election or appointment. Official bonds filed with the city clerk-treasurer shall be recorded by him in a book kept for that purpose.

(Code 1986, § 1.03(2))

Sec. 2-93. Ineligibility of persons having private interest in city contract.

No person shall be eligible to any city office who directly or indirectly has any private interest, as prohibited by Wis. Stats. § 946.13, in any public contract with such city.

(Code 1986, § 1.03(3))

Sec. 2-94. Medical examinations.

- (a) All persons hired as full-time city employees shall submit to a medical examination at the city's expense. Such reports shall be examined only by such city officials as must know the contents thereof to properly evaluate the report, and otherwise such reports shall be kept confidential except upon the express or implied consent of the employee involved.
- (b) All full-time police officers shall submit to the public safety committee such a report of medical examination at least once every three years.
- (c) Committees may require such examinations of any other full-time or part-time employees whenever they deem it advisable.

² **Cross references:** Any ordinance fixing of salaries of public officials and employees saved from repeal, § 1-10(3); building inspector, § 18-51 et seq.; municipal judge, § 34-61 et seq.; chief of police, § 70-51 et seq.; zoning administrator, § 130-51 et seq.; chairperson for the board of zoning appeals, § 130-77.

- (d) The information contained on such reports may be used by the committees or department heads to withdraw the offer of employment after an initial offer has been made.

(Code 1986, § 1.03(4))

Sec. 2-95. Temporary vacancies.

If any officer is incapacitated or absent from any cause, the council may appoint some person to discharge his duties until he returns or until such disability is removed.

(Code 1986, § 1.03(5))

Sec. 2-96. Powers and duties of officers.

(a) *Generally.* Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law, and except as to the mayor shall perform such duties as shall be required of them by the council. Officers whose powers and duties are not enumerated in Wis. Stats. ch. 62 shall have such powers and duties as are prescribed by law for like officers or as are directed by the council.

(b) *Mayor, clerk, treasurer, attorney, chief of police, alderpersons and police officers.* The statutory provisions describing and defining the duties and powers of the mayor, clerk, treasurer, attorney, chief of police, alderpersons and police officers in Wis. Stats. § 62.09(8), (9), (11)--(13), as amended, are hereby adopted and by reference made a part of this chapter as if fully set forth in this chapter.

(Code 1986, § 1.03(6)) Ord 2016-23

Sec. 2-97. Departmental rules.

All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.

(Code 1986, § 1.03(7))

Sec. 2-98. Nepotism.

(a) *Prohibited.* No person shall be employed by the city while he or a member of his immediate family is:

- (1) Authorized or required to participate in the employment, disciplining or removal of such person.
- (2) Authorized or required to participate in determining the wages, hours or working conditions of such person.
- (3) Authorized or required to exercise supervision over such person.

(b) *"Immediate family" defined.* For purposes of this section, immediate family includes spouse, brother, sister, father, mother, son, daughter, brother-in-law or sister-in-law, mother-in-law or daughter-in-law or father-in-law or son-in-law.

(c) *Applicability.*

- (1) This section applies only when considering whether to employ or appoint a person and not when such person is already employed or is holding a city office.
- (2) This section shall not apply to part-time, seasonal or temporary employees who are compensated by the city less than \$5,000.00 in any 12-consecutive-month period.

(Code 1986, § 1.03(10))

Sec. 2-99. Notice of job openings.

Job postings, notices and promotions shall be conducted in accordance with City and department policy. Department heads are to provide notification in such a manner that is in keeping with the position. All department head and officer of the City positions shall be posted no less than a class 2 notice. Supervisory committees of the department head position to be advertised shall determine how, when and what notice will be provided.(Code 1986, § 1.03(11)) Ord 2016-23

Sec. 2-100. Criminal Background Checks.

- 1) The city shall conduct a criminal background check on all candidates for employment who reach final consideration for employment with the city. Additionally, when the city determines there to be a job related and business necessity for screening current employees for criminal conduct, the city shall require a criminal background check on a current employee.
- 2) When assessing an individual applicant or current employee with a criminal conviction or a pending criminal charge, the city shall consider whether the circumstances of the criminal conviction or pending criminal charge are substantially related to the circumstances of the particular job. In making this assessment, the city shall consider such things as the nature and gravity of the crime, the circumstances of the offense, the time elapsed since the offense and/or completion of the sentence, the nature of the job and any other relevant information.

(Ord. 2013-09)

Secs. 2-101--2-120. Reserved.

DIVISION 2. ELECTED OFFICIALS

Sec. 2-121. Enumerated.

The elected officials shall be a mayor, two alderpersons from each alderperson district, and a municipal judge.

(Code 1986, § 1.01(1))

Sec. 2-122. Terms.

The mayor shall be elected in even-numbered years for a two-year term. One alderperson shall be elected from each alderperson district each year for a two-year term.

The municipal judge shall be elected in even-numbered years for a four-year term. The regular term of the mayor and alderpersons shall commence on the third Tuesday of April in the year of election. The term of office of the municipal judge shall commence on May 1 in the year of election.

(Code 1986, § 1.01(2))

Sec. 2-123. Eligibility.

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 an alderperson district office, of the alderperson district, and actually residing therein.

(Code 1986, § 1.01(3))

Sec. 2-124. Compensation.

- (a) The mayor and alderpersons shall receive such salaries as may be provided from time to time by ordinance. Such ordinances establishing or changing such salaries for the ensuing year shall be adopted at the regular meeting of the council not later than the first regular meeting in February. Whenever salaries of an officer who may be elected or appointed for a definite term are to be changed or established, the council shall, not later than the first regular meeting in February, fix the amount of salary of such officer for the ensuing year. The salary of an elected officer shall not be increased or diminished during his term of office. The term "ensuing year," as used in this section, shall mean the year following beginning May 1 and ending April 30.
- (b) The mayor and alderpersons shall be paid monthly. All other salaries shall be paid as directed by the city council.
- (c) The compensation or salaries to be paid the officers of the city are established as follows:
 - (1) Mayor: \$500.00 per month.
 - (2) Alderperson:
 - a. Fifty dollars per meeting for each regular or special meeting of the council attended by an alderperson member. Compensation for special meetings may be waived at the discretion of the Council.
 - b. Fifty dollars per meeting for each meeting attended of any permanent, standing committee.

For the purpose of this section, the month shall commence on the date of the regular monthly council meeting and terminate on the day prior to the next regular monthly council meeting.

- (3) Non-Alderperson Committee Members
 - a. Permanent, standing committee, board and commission members (excluding the Police Commission, ad hoc and sub-committees) shall be paid twenty dollars per meeting.
 - b. Police Commission members shall be paid twenty-five dollars per meeting.
- (d) Such salaries shall commence on the third Tuesday of April in the year of the election of such officers.

(Code 1986, § 1.01(4), Ordinance 2003-2, Ord. 2008-01, Ord. 2011-01, Ord. 2013-08, Ord. 2014-02, Ord 2016-23)

Sec. 2-125. Vacancies.

Vacancies in elected municipal offices shall be filled in accordance with Wis. Stats. § 17.23.

(Code 1986, § 1.01(5))

Secs. 2-126--2-140. Reserved.

DIVISION 3. ADMINISTRATOR

Sec. 2-141. Office created.

In order to provide the city with a more efficient, effective and responsible government under a system of a part-time mayor and part-time common council at a time when city government is becoming increasingly complex, there is hereby created the office of city administrator for the city.

(Code 1986, § 1.06(1))

Sec. 2-142. Appointment; term; removal.

The city administrator shall be appointed by the mayor on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, subject to confirmation by a majority vote of the council. The administrator shall hold office for an indefinite term subject to removal at any time by a three-fourths 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 division or other provisions of this Code.

(Code 1986, § 1.06(2))

Sec. 2-143. Residency.

The city administrator is considered an emergency employee under Section 66.0502(4) of the State Statutes.

(Code 1986, § 1.06(3))

Sec. 2-144. Powers and duties.

The city administrator, subject to the limitations defined in resolutions and ordinances of the city and state statutes, shall be the chief administrative officer and finance director of the city, responsible only to the mayor and the council for the proper administration of the business affairs of the city, pursuant to the statutes of the state, the ordinances of the city, and the resolutions and directives of the council, with power and duties as follows:

(1) *General duties.*

- a. Carry out directives of the mayor and council which require administrative implementation, reporting promptly to the mayor and council any difficulties encountered therein.
- b. Be responsible for the administration of all day-to-day operations of the city government, including the monitoring of all city ordinances and resolutions, council meeting minutes and state statutes.
- c. Prepare a plan of administration, including an organization chart, which defines authority and responsibility for all non-statutory positions of the city, and submit it to the city council for adoption as the official organization and administrative procedure plan for the city.
- d. Establish when necessary administrative procedures to increase the effectiveness and efficiency of city government according to current practices in local government, not inconsistent with subsection (1)c of this section or directives of the mayor and council.
- e. Serve as ex officio nonvoting member of all boards, commissions and committees of the city, except as specified by the council or state statutes.
- f. Keep informed concerning current federal, state, and county legislation and administrative rules affecting the city and submit appropriate reports and recommendations thereon to the council.
- g. Keep informed concerning the availability of federal, state and county funds for local programs, and assist department heads and the council in obtaining these funds under the direction of the mayor and the council.
- h. Represent the city in matters involving legislative and intergovernmental affairs as authorized and directed as to that representation by the mayor and council.
- i. Act as public information officer for the city with the responsibility of ensuring that the news media are kept informed about the operations of the city and that all open meeting rules and regulations are followed.
- j. Establish and maintain procedures to facilitate communications between citizens and city government to ensure that complaints, grievances, recommendations and other matters receive prompt attention by the responsible official, and to ensure that all such matters are expeditiously resolved.
- k. Promote the economic well-being and growth of the city through public and private sector cooperation.

(2) *Responsibilities to city council.*

- a. Attend the regular council meeting and attend committee of the whole and special meetings as requested by the mayor, assisting the mayor and the council as required in the performance of their duties.

- b. In coordination with the mayor, the council, and the clerk-treasurer, ensure that appropriate agendas are prepared for all meetings of the council, all council committees, and all other appropriate committees and commissions of the city, together with such supporting material as may be required; with nothing in this subsection being construed to give the administrator authority to limit or in any way prevent matters from being considered by the council, or any of its committees and commissions.
- c. Keep the mayor and council regularly informed about the activities of the administrator's office by written report at regular meetings of the council and at those special council meetings as requested.
- d. If action normally requiring council approval is necessary at a time when the council cannot meet, the administrator shall receive directives from the mayor.

(3) *Personnel.*

- a. Be responsible for the administrative direction and coordination of all employees of the city according to the established organizational procedures of the city and the state statutes.
- b. Recommend to the council the appointment, promotion, and, when necessary for the good of the city, suspension or termination of department heads.
- c. In consultation with the appropriate department head and committee, be responsible for the appointment, promotion, and, when necessary for the good of the city, suspension or termination of employees below the department head level.
- d. 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; ensure that city employees have proper working conditions; and work closely with department heads to promptly resolve personnel problems or grievances.
- e. Assist in labor contract negotiations and collective bargaining issues.
- f. Work closely with department heads to ensure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills.
- g. Has direct supervision of Finance Department office staff.

(4) *Budgeting and purchasing.*

- a. Be responsible for the preparation of the annual city budget, in accordance with guidelines as may be provided by the city council and in coordination

with department heads, and pursuant to state statutes, for review and approval by the mayor and the council.

- b. Administer the budget as adopted by the council.
- c. Report quarterly to the council on the current fiscal position of the city.
- d. Supervise the accounting system of the city and ensure that the system employs methods in accordance with current professional accounting practices and internal controls.
- e. Advise bonding activity and capital improvement plan (CIP).
- f. Analyze fiscal trends and projections.

(Code 1986, § 1.06(4), Ord. 2013-01)

Sec. 2-145. Cooperation and assistance by city officials and employees.

All officials and employees of the city shall cooperate with and assist the city administrator so that the city government shall function effectively and efficiently.

(Code 1986, § 1.06(5))

Secs. 2-146--2-160. Reserved.

DIVISION 4. APPOINTED OFFICIALS

Sec. 2-161. Enumerated; appointments to be made by mayor.

The following officials shall be appointed by the mayor, subject to confirmation by the city council:

(1) Clerk-treasurer. References to the city clerk or city treasurer throughout this Code shall be to the clerk-treasurer.

(2) City assessor.

(3) City attorney.

(4) Chief of police.

(5) Superintendent of municipal services.

(6) Engineer.

(7) City auditor.

(8) City administrator.

(Code 1986, § 1.02(1), Ord. 2013-01, Ord. 2014-02, Ord 2015-10, Ord 2016-23)

Sec. 2-162. Reserved.

(Code 1986, § 1.02(2), repealed by Ord. 2012-10)

Sec. 2-163. Terms.

Terms of office for appointed officials shall be as follows:

- (1) Clerk-treasurer for an indefinite term during good behavior.
- (2) Superintendent of municipal services for an indefinite term during good behavior.
- (3) Chief of police for an indefinite term during good behavior.
- (4) City administrator for the term or series of terms defined in the city administrator's employment agreement.
- (5) Other officers for a two-year term beginning January 1 of each odd-numbered year or as defined in a council resolution or otherwise provided by state statute.

(Code 1986, § 1.02(3); Ord. No. 2003-18, § 1, 12-9-2003, Ord. 2014-02, Ord. 2015-10, Ord 2016-23)

Sec. 2-164. Vacancies.

Vacancies in appointive offices shall be filled by appointment for the remainder of the unexpired term by the appointing power and in the manner prescribed by law for making regular, full-term appointments thereto.

(Code 1986, § 1.02(5))

Sec. 2-165. Eligibility of alderpersons.

No alderperson shall, during the term for which he is elected, be eligible to any appointive city office, except that the council may be represented on boards and commissions and the council may fix the tenure of such representatives notwithstanding any other provisions.

(Code 1986, § 1.02(6))

Secs. 2-166--2-190. Reserved.

**ARTICLE IV. BOARDS, COMMISSIONS AND COMMITTEES³
(RESERVED)**

Secs. 2-191--2-240. Reserved.

ARTICLE V. FINANCE⁴

³ **Cross references:** Historic preservation commission, § 62-31 et seq.; library board, § 74-31 et seq.; park and recreation board, § 86-31 et seq.; plan commission, § 94-31 et seq.; economic development committee, § 94-71 et seq.; taxation board of review, § 114-31 et seq.; board of zoning appeals, § 130-71 et seq.

DIVISION 1. GENERALLY

Sec. 2-241. Expenditures to be in accordance with appropriations.

No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by section 2-264. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriations shall continue in force until the purpose for which the appropriation was made shall have been accomplished or abandoned.

(Code 1986, § 3.05)

Sec. 2-242. Claims procedure.

- (a) *Generally; auditing by council.* No account or demand against the city, except as provided in subsections (c) and (d) of this section, shall be paid until it has been audited by the city council and an order drawn on the city treasury therefor. Every such account shall be itemized.

After auditing, the city council shall cause to be endorsed by the clerk-treasurer, over his hand on each account, the word "allowed" or "disallowed," as the fact is, adding the amount allowed, if any, and specifying the items or parts of items disallowed, if disallowed in part only. The minutes of the proceedings of the council shall show to whom and for what purpose every such account was allowed, and the amount. Every such account or demand allowed in whole or in part shall be filed by the clerk-treasurer, and those of each year consecutively numbered, and each shall have endorsed the number of the order on the clerk-treasurer issued in payment, and the clerk-treasurer shall take a receipt thereon for such order.

- (b) *Verification of claims.* All accounts, demands or claims against the city shall be verified by the claimant or proper official.
- (c) *Alternative payment procedure.* Payments may be made from the city treasury after the city clerk audits and approves each claim as a proper charge against the treasury, and endorses his or her approval on the claim after having determined that all of the following conditions have been complied with:
1. That funds are available for the claim pursuant to the budget approved by the governing body.
 2. That the item or service covered by the claim has been duly authorized by the proper official, department head or board or commission.
 3. That the item or service has been actually supplied or rendered in conformity with the authorization described in paragraph 2.

⁴ **Cross references:** Any ordinance for the letting of contracts without bids saved from repeal, § 1-10(9); any ordinance for the tax and special assessment levies saved from repeal, § 1-10(11); any ordinance for the budget ordinances, resolutions and actions saved from repeal, § 1-10(15); taxation, ch. 114.

4. That the claim is just and valid pursuant to law. The city clerk may require the submission of proof to support that claim as the city clerk considers necessary.

The city clerk shall file with the city council not less than monthly a list of the claims approved, showing the date paid, name of claimant, purpose and amount.

The city shall obtain an annual detailed audit of its financial transactions and accounts by a certified public accountant licensed or certified under Wisconsin Statutes, Chapter 442, and designated by the city council.

The alternative payment procedure herein shall be operative only if the city clerk is covered by a fidelity bond of not less than \$5,000.

The alternative payment procedure herein shall not be applicable to claims to bring and maintain legal action against governmental bodies or officers, agents or employees pursuant to Wisconsin Statutes, Section 893.80.

- (d) *Emergency Medical Volunteer Funds.* Pursuant to the authority granted by Section 66.0608 of the Wisconsin statutes, the Emergency Medical Services Coordinator, or his or her delegate, has authority to deposit volunteer funds of the volunteer funds, as defined in subparagraph i below, in an account in the name of the department and to have exclusive control over the expenditure of the volunteer funds subject to the following limitations:

- i. Volunteer funds shall mean funds that are raised by employees of the Emergency Medical Services Department, volunteers, or donated to the department.
- ii. The account shall not have a balance greater than five thousand dollars (\$5,000).
- iii. Account transactions shall be reported to the Finance Director/Treasurer on a monthly basis, and the account shall comply with the city's budget and audit procedures.
- iv. Notwithstanding the above, volunteer funds shall remain the property of the City of Evansville until disbursed.

(Code 1986, § 3.06; Ord. 2009-07, Ord. 2012-08)

Sec. 2-243. Travel expenses.

(a) The city shall reimburse city officials and employees for necessary incurred expenses while on city authorized and approved business according to the policy and guidelines relating to travel, lodging and meals defined in the city employee handbook.

(b) The travel expense restrictions will be adjusted periodically to compensate for price changes by amendment to the city employee handbook.

(Code 1986, § 3.08; Ord. No. 1999-9, § 1, 8-10-1999)

Sec. 2-244. General license and permit requirements.

No person or applicant shall be issued or reissued or have renewed a license or permit in the City of Evansville unless all delinquent municipal taxes, assessments, and overdue ordinance violation forfeitures are paid in full.

(Ord. 2006-38)

Sec. 2-245. Non-sufficient funds.

A charge as established by the council from time to time by resolution and as set forth in appendix A will be imposed for any check, credit card charge or other payment draft document in payment of a bill returned at any time unpaid by the financial institution on which drawn.

(Ord. 2012-01)

Secs. 2-246--2-260. Reserved.

DIVISION 2. BUDGET PROCEDURES

Sec. 2-261. Departmental estimates.

When requested by the finance committee, each year, each officer, department and committee shall file with the clerk-treasurer and city administrator an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during such year, and of the conditions and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the city administrator and shall be designated as "departmental estimates," and shall be as nearly uniform as possible for the main division of all departments.

(Code 1986, § 3.03(1))

Sec. 2-262. Preparation of preliminary budget.

The city administrator shall coordinate a preliminary budget for the finance committee showing estimated income for the next year based on the current tax rate plus any adjustments recommended by the finance committee. The city administrator shall prepare preliminary budgeted expenses from proposed budgets submitted by departments, including wage adjustments per contracts and recommendations for noncontract labor wage adjustments. The city administrator shall prepare a listing of each department's requested capital outlay, broken down by item or project. The preliminary budget shall include the past year's and present city valuation and tax rates.

(Code 1986, § 3.03(2))

Sec. 2-263. Hearing; approval by council.

The council shall hold a public hearing on the budget as required by law. Following the public hearing, the proposed budget may be changed or amended and shall take the same course in the council as ordinances.

(Code 1986, § 3.03(3))

Sec. 2-264. Changes in budget.

The amount of the tax to be levied or certified, the amounts of the various appropriations, and the purposes thereof shall not be changed after approval of the budget except by resolution on a two-thirds vote of the entire membership of the city council. Notice of such transfer shall be given by publication within ten days thereafter in the official city newspaper.

(Code 1986, § 3.04)

Secs. 2-265—2-280. Reserved.

DIVISION 3. FIRE PROTECTION RESPONSE FEE⁵

Sec. 2-281. Imposed; fee schedule.

Owners of real property and personal property shall be charged a fire protection response fee according to the schedule published from time to time by the Evansville Fire Protection District, of which the city is a participant. The schedule of fire protection response fees shall be available to the public at the office of the Evansville Fire Protection District and the office of the city clerk-treasurer at city hall.

(Code 1986, § 3.09(1)(a))

Sec. 2-282. Interest on unpaid accounts.

The Evansville Fire Protection District may charge up to 1 1/2 percent per month interest on unpaid fire protection response fee accounts, provided the Evansville Fire Protection District complies with all federal and state laws concerning the charging of interest on delinquent accounts.

(Code 1986, § 3.09(1)(b))

Sec. 2-283. Property subject to fee.

All real and personal property shall be subject to the fire protection response fee, even if the real or personal property is exempt from general taxation by the city.

(Code 1986, § 3.09(1)(c))

Sec. 2-284. Appeals.

The Evansville Fire Protection District shall create and follow an appeal procedure for property owners who contest a response fee charged.

⁵ **Cross Reference:** Fire prevention and protection, Ch. 50.

(Code 1986, § 3.09(1)(d))

Sec. 2-285. Maximum fee.

The fire protection response fee shall be set by the Evansville Fire Protection District.

(Code 1986, § 3.09(1)(e)) Ord 2016-23

Sec. 2-286. Collection of unpaid fees.

(a) Unpaid fire protection response fees more than 90 days old from date of first billing shall be placed as a special charge on the real property served, pursuant to the authority contained in Wis. Stats. § 66.60(16)(a). Such special charge shall not be payable in installments. The special charge shall become a lien as of October 1 of the year of delinquency, or October 1 of the following year if the delinquency was less than 90 days old as of October 1 of any year.

(b) As an alternative to, and in addition to, the provisions of subsection (a) of this section, the Evansville Fire Protection District may commence legal proceedings for collection of unpaid fire protection response fees due from real or personal property owners of the city.

(Code 1986, § 3.09(2))

Secs. 2-287--2-310. Reserved.

ARTICLE VI. PUBLIC RECORDS

Sec. 2-311. Definitions.⁶

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authority means any of the following city entities having custody of a city record:

- (1) An office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or
- (2) A formally constituted subunit of an entity listed in subsection (1) of this definition.

Custodian means that officer, department head, division head, or employee of the city designated under section 2-313 or otherwise responsible by law to keep and preserve any city records or file, deposit or keep such records in his office, or who is lawfully in possession or entitled to possession of such public records and who is required by this article to respond to requests for access to such records.

Record means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or

⁶ **Cross references:** Definitions generally, § 1-2.

characteristics, which has been created or is being kept by an authority. The term "record" includes but is not limited to handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and optical disks. The term "record" does not include:

- (1) Drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working;
- (2) Materials that are purely the personal property of the custodian and have no relation to his office;
- (3) Materials to which access is limited by copyright, patent or bequest; and
- (4) Published materials in the possession of an authority other than a public library that are available for sale or are available for inspection at a public library.

Sec. 2-312. Duty to maintain records; delivery to successors in office.

(a) Except as provided under section 2-317, each officer of the city shall safely keep and preserve all records received from the officer's predecessor or other persons and required by law to be filed, deposited or kept in the officer's office or which are in the lawful possession or control of the officer or of the officer's deputies, or to the possession or control of which the officer or the officer's deputies may be lawfully entitled as such officers.

(b) Upon the expiration of each such officer's term of office or whenever the office becomes vacant, the officer, or on the officer's death the officer's legal representative, shall on demand deliver to the officer's successor all records then in the officer's custody, and the successor shall receipt therefor to the officer, who shall file such receipt with the clerk-treasurer. If a vacancy occurs before a successor is qualified, such records shall be delivered to and receipted for by the clerk-treasurer, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

Sec. 2-313. Legal custodians.

(a) Each elected official is the legal custodian of personal records and the records of the office, but the official may designate a staff employee to act as the legal custodian.

(b) Unless otherwise prohibited by law, the clerk-treasurer or the clerk-treasurer's designee shall act as legal custodian for the city council and for any committees, commissions, boards or other authorities created by ordinance or resolution of the city council.

(c) For every authority not specified in subsection (a) or (b) of this section, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate a staff employee to act as the legal custodian.

(d) Each legal custodian shall name a person to act as legal custodian in the custodian's absence or the absence of the custodian's designee.

(e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Wis. Stats. § 19.21 et seq. and this article. The designation of a legal custodian does not affect the powers and duties of an authority under this article.

Sec. 2-314. Right to access; fees and deposits.

(a) Except as provided in section 2-316, any person has a right to inspect a record and to make or receive a copy of any record as provided in Wis. Stats. § 19.35(1).

(b) Records will be available for inspection and copying during all regular office hours.

(c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.

(d) A requester may obtain copies or be permitted to view, but not use other media, to inspect, copy or abstract a record.

(e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

(f) A requester shall be charged a fee to defray the cost of locating and copying records as follows:

- (1) The cost of photocopying shall be the amount as established by the council from time to time by resolution and as set forth in appendix A. Such cost shall be calculated not to exceed the actual, necessary and direct cost of reproduction.
- (2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
- (3) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audiotapes or videotapes, shall be charged.
- (4) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
- (5) There shall be no charge for locating a record unless the actual cost exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester.
- (6) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to ensure payment if such estimate exceeds \$5.00.
- (7) Elected and appointed officials of the city shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
- (8) The legal custodian may provide copies of a record without charge or at a reduced charge where the custodian determines that waiver or reduction of the fee is in the public interest.

(g) Pursuant to Wis. Stats. § 19.34, and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This subsection does not apply to members of the city council.

Sec. 2-315. Access procedures.

(a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Wis. Stats. § 19.37. Except as provided in this article, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under section 2-314(f)(6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

(b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons for denial. If the legal custodian, after conferring with the city attorney, determines that a written request is so general as to be unduly time-consuming, the party making the request may first be required to itemize the request in a manner that would permit reasonable compliance.

(c) A request for a record may be denied as provided in section 2-316. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that, if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Wis. Stats. § 19.37(1), or upon application to the attorney general or a district attorney.

Sec. 2-316. Limitations on right to access.

(a) As provided by Wis. Stats. § 19.36, the following records are exempt from inspection under this article:

- (1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law, except that any portion of that record which contains public information is open to public inspection as provided in Wis. Stats. § 19.36(6).

- (2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aid by the state.
- (3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection.
- (4) A record or any portion of a record containing information qualifying as a trade secret as defined in Wis. Stats. § 134.90(1)(c).
- (5) Except with respect to an applicant who is a final candidate, as such term is defined in Wis. Stats. § 19.36(7)(a), any record related to the application that may reveal the identity of the applicant, if the applicant has indicated in writing that he does not wish the city to reveal his identity.
- (6) A record or portion of a record under Wis. Stats. § 19.35(1)(a) that contains specific information, including but not limited to a name, address, telephone number, voice recording or handwriting sample, which, if disclosed, would identify an informant, the portion of the record in which the information is contained or, if no portion of the record can be inspected or copied without identifying the informant, the entire record unless the legal custodian of the record, designated under Wis. Stats. § 19.33, makes a determination, at the time that the request is made, that the public interest in allowing a person to inspect, copy or receive a copy of such identifying information outweighs the harm done to the public interest by providing such access.
 - (b) As provided by Wis. Stats. § 43.30, public library circulation records are exempt from inspection under this article.
 - (c) In responding to a request for inspection or copying of a record not specifically exempt from disclosure, the legal custodian, after conferring with the city attorney, may deny the request, in whole or in part, only if the custodian determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include but are not limited to the following:
 - (1) Records obtained under official pledges of confidentiality that were necessary and given in order to obtain the information contained in them.
 - (2) Records of current deliberations after a quasi-judicial hearing.
 - (3) Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance or discipline of any city officer or employee, or the investigation of charges against a city officer or employee, unless such officer or employee consents to such disclosure.
 - (4) Records concerning current strategy for crime detection or prevention.
 - (5) Records of current deliberations or negotiations on the purchase of city property, investing of city funds or other city business whenever competitive or bargaining reasons require nondisclosure.

- (6) Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
- (7) Communications between legal counsel for the city and any officer, agent or employee of the city, when advice is being rendered concerning strategy with respect to current litigation in which the city or any of its officers, agents or employees is or is likely to become involved, or communications that are privileged under Wis. Stats. § 905.03.

(d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the city attorney prior to releasing any such record and shall follow the guidance of the city attorney when separating out the exempt material. If in the judgment of the custodian and the city attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

Sec. 2-317. Destruction.

(a) City officers may destroy the following non-utility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the bureau of municipal audit or an auditor licensed under Wis. Stats. § 442.01 et seq., but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the state public records board pursuant to Wis. Stats. § 16.61(3)(e), and then after such shorter period:

- (1) Bank statements, deposit books, slips and stubs.
- (2) Bonds and coupons after maturity.
- (3) Canceled checks, duplicates and check stubs.
- (4) License and permit applications, stubs and duplicates.
- (5) Official bonds.
- (6) Payrolls and other time and employment records of personnel included under the state retirement plan.
- (7) Receipt forms.
- (8) Special assessment records.
- (9) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

(b) City officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the bureau of municipal audit or an auditor licensed under Wis. Stats. § 442.01 et seq., subject to state public service commission regulations, but not less than seven years after

the record was effective unless a shorter period has been fixed by the state public records board pursuant to Wis. Stats. § 16.61(3)(e), and then after such a shorter period, except that sewer and water stubs, receipts of current billings and customers' ledgers may be destroyed after two years:

- (1) Contracts.
- (2) Excavation permits.
- (3) Inspection records.
- (4) Water stubs.
- (5) Sewer rental charge stubs.
- (6) Receipts of current billings.
- (7) Customers' ledgers.

(c) City officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the state public records board pursuant to Wis. Stats. § 16.61(3)(e), and then after such a shorter period:

- (1) Assessment rolls and related records, including board of review minutes.
- (2) Contracts and related papers.
- (3) Correspondence and communications.
- (4) Financial reports other than annual financial reports.
- (5) Insurance policies.
- (6) Oaths of office.
- (7) Reports of boards, commissions, committees and officials duplicated in the council minutes.
- (8) Petitions.
- (9) Election notices.
- (10) Canceled registration cards.

(d) Unless notice is waived by the state historical society, at least 60 days' notice shall be given the state historical society prior to the destruction of any record as provided by Wis. Stats. § 19.21(4)(a).

(e) Any tape recordings of a governmental meeting of the city may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

Sec. 2-318. Preservation through microfilm.

Any city officer or the director of any department or division of city government may, subject to the approval of the city council, keep and preserve public records in such officer's possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Wis. Stats. § 16.61(7)(a) and (b), and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of sections 2-314--2-316.

Sec. 2-319. Fee for clerk/treasurer search and report of tax and special assessments.

A fee as determined by the common council from time to time will be charged to any person requesting a written report from the Evansville clerk/treasurer of the status of real estate taxes and special assessments for any real estate parcel in the city. The fee shall be paid before the report is issued.

(Ord. No. 2000-22, § 1(3.10), 1-9-2001)

Sec. 2-320. Fees for open records requests.

(1) *Fee for locating records needed for open records request.* As permitted by § 19.35, Wis. Stats., as may be amended from time to time, there will be charged to the requester a fee to locate a record at the rate of the hourly wage of the lowest paid city employee in the department in which the record is customarily located. The city clerk/treasurer shall maintain a chart of the hourly rate of the lowest paid city employee in each department. This fee shall be charged to the requester only if the custodian of the record first determines the actual, necessary, and direct cost of location exceeds \$50.00. The record requester shall prepay the record location fee to the custodian of the record.

(2) *Fee for photocopy of document for open records request.* As permitted by § 19.35, Wis. Stats., as may be amended from time to time, there will be charged to the record requester the actual, necessary, and direct cost of making a photocopy of any document shall be part of the fee schedule and set by resolution. The record requester shall pay the photocopy cost to the custodian of the record, and shall prepay the cost if the photocopy cost exceeds \$5.00.

(3) *Fee for copy of other than paper document.* As permitted by § 19.35, Wis. Stats., as may be amended from time to time, there will be charged to the record requester the actual, necessary, and direct cost of making a copy of any photograph, chart, computer printout, or other document other than an existing paper document. The custodian of the record shall determine the cost of making the copy and advise the record requester prior to incurring the expense. The record requester shall pay the copy cost to the custodian of the record, and shall prepay the cost if the cost exceeds \$5.00.

(4) *Fee for mailing and shipping records.* As permitted by § 19.35, Wis. Stats., as may be amended from time to time, there will be charged to the record requester the actual, necessary, and direct cost of mailing or shipping the records request at the rate established for the U.S. Mail or the shipper selected by the record requester. The record requester shall pay the mail and shipping fee to the custodian of the record, and shall prepay if the mailing or shipping cost exceeds \$5.00.

(5) *Waiver of fees.* The custodian of the record may waive or reduce for a record requester any of the above stated fees, if in the opinion of the custodian of the record such waiver or reduction is in the public interest.

(Ord. No. 2001-1, § 1(3.11), 2-13-2001, Ord. 2014-13, Ord 2016-23)