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SUBCHAPTER I: FORM OF GOVERNMENT AND CITY OFFICIALS

1.01 FORM OF GOVERNMENT. The City of St. Croix Falls operates under the Mayor-Council system of government.

1.02 ELECTED OFFICIALS. (1) **MAYOR.** The Mayor shall be elected in even-numbered years for a term of 2 years.

(2) **ALDERPERSONS.** The Council shall consist of 2 Alderpersons from each aldermanic district elected for staggered 2 year terms. One Alderperson shall be elected annually from each of the 2 aldermanic districts.

(3) **MUNICIPAL JUDGE.** The Municipal Judge shall be elected at large at the spring election in even-numbered years for a term of 2 years. See sec. 1.09(2) of this chapter.

1.03 APPOINTED OFFICIALS.

OFFICIAL	APPOINTED BY	TERM
(1) City Clerk (Ch. Ord. dated 3-8-99)	Mayor, confirmation by Council	Indefinite
(2) City Treasurer (Ch. Ord. dated 3-8-99)	Mayor, confirmation by Council	Indefinite
(3) City Administrator	Majority vote of Mayor and Council	Indefinite
(4) City Attorney	Mayor, confirmation by Council	Indefinite
(5) Chief of Police	Council	Indefinite
(6) Fire Chief	Council, upon recommendation of Fire Department members	1 year
(7) Assessor	Mayor, confirmation by Council	6 years
(8) Director of Public Works	Mayor, confirmation by Council	Indefinite
(9) Utility Superintendent	Mayor, confirmation by Council	Indefinite
(10) Building Inspector	Mayor, confirmation by Council	Indefinite
(11) Plumbing Inspector	Mayor, confirmation by Council	Indefinite
(12) Electrical Inspector	Mayor, confirmation by Council	Indefinite
(13) Zoning Administrator	Mayor, confirmation by Council	Indefinite
(14) Librarian	Library Board, confirmation by Council	Indefinite
(15) Weed Commissioner	Mayor	1 year

(16) Emergency Management Director Fire Chief shall serve as Emergency Indefinite
Management Director

(17) Deputy Emergency Management Police Chief shall serve as Deputy Indefinite
Director Emergency Management Director

1.04 GENERAL PROVISIONS RELATING TO CITY OFFICIALS. (1) SALARIES AND FRINGE BENEFITS. (a) The salaries and fringe benefits of City officers and employees shall, from time to time, be established by the Council in accordance with State law and the City Personnel Policy.

- (b) The Mayor and the members of the Council shall be paid a reasonable expense allowance without the requirement of actual itemization of expenses whenever in the performance of their duties they are required or reasonably requested or expected to attend, without limitation, and away from the City, conferences or educational seminars intended to enhance their knowledge or ability to serve in their elected capacity, meetings or gatherings where they appear to represent or advocate for or on behalf of the City in their official capacity, or hearings, depositions, court proceedings or similar functions in their capacity as elected officials representing the City.
 - (c) The expense allowance provided for in par. (b) above shall represent reimbursement for the reasonable expenses of attendance at functions described in such paragraph including, but not limited to, mileage, meals, parking and lodging occasioned by the need to represent the City. Neither this paragraph nor the par. (b) above shall apply to the usual and customary attendance of elected officials at meetings of the Council or committee meetings.
 - (d) The rate of reimbursement for the reasonable expenses of elected officials as provided for in this subsection shall be \$150 per full day of attendance at such function as herein described and at the rate of \$80 per half day of such attendance.
- (2) **POWERS AND DUTIES OF CITY OFFICIALS.** City officials mandated under §62.09, Wis. Stats., shall have the powers and duties prescribed by law and, except for the Mayor, shall perform such other duties as shall be required of them by the Council. Other City officials shall perform the duties prescribed by the Council.
- (3) **MULTI-OFFICES.** The Council may elect to appoint the same person to 2 or more compatible offices.
- (4) **PROBATIONARY PERIOD.** All appointed City officials and employees shall be subject to a 6-month probationary period, beginning with the first day of their employment, during which period they may be removed or terminated without cause by a 2/3 majority of the members of the appointing authority.
- (5) **OUTSIDE EMPLOYMENT.** No full time officer of the City shall engage in any other remunerative employment within or outside of the City, provided that the Council may approve such outside employment or activity if it finds that it does

not interfere or conflict with such officer's ability to perform his duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from office.

- (6) **REMOVAL FROM OFFICE.** All City officials, except the Police Chief, may be removed from office for cause by a 3/4 majority of the members-elect of the Council.

1.05 RECEIPT OF GIFTS AND GRATUITIES PROHIBITED. (1) No employe or official of the City shall receive or offer to receive, either directly or indirectly, any gift, gratuity or anything of value in excess of \$25 which he is not authorized to receive from any person if such person:

- (a) Has or is seeking to obtain contractual or other business or financial relationship with the City or the Council; or
 - (b) Conducts operations or activities which are regulated by the City or the Council; or
 - (c) Has interests which may be substantially affected by the City or the Council.
- (2) The receipt of any gift, gratuity or anything of value, as denoted above, is contrary to the public policy of the City.

1.06 DISCLOSURE OF INTEREST IN LEGISLATION. (1) Any member of the Council who has a financial interest or personal interest in any proposed legislation before the Council shall disclose on the records of the Council the nature and extent of such interest.

- (2) Any other City official or employe who has a financial or personal interest in any proposed legislative action of the Council and who participates in discussion with or gives an official opinion or recommendation to the Council shall disclose on the records of the Council the nature and extent of such interest.

1.07 QUALIFICATIONS AND DUTIES. (1) **CITY CLERK.** The City Clerk shall perform the duties prescribed by law for city clerks and such other duties required by the Council.

- (2) **CITY TREASURER.** The City Treasurer shall perform the duties prescribed by law for city treasurers and such other duties required by the Council.
- (3) **CITY ATTORNEY.** The City Attorney shall be duly admitted to practice in the courts of record in the State, shall conduct all the legal business in which the City is interested, and shall perform all duties required by city attorneys by State law.
- (4) **POLICE CHIEF.** See ch. 4 of this Code.
- (5) **FIRE CHIEF.** See ch. 5 of this Code.
- (6) **CITY ASSESSOR.** The City Assessor shall be certified by the Wisconsin Department of Revenue at the level required by law and shall be experienced and capable of performing the duties of the office.

- (7) **DIRECTOR OF PUBLIC WORKS.** The Director of Public Works shall have powers and duties, as follows:
- (a) The Director shall be subject to the direction of the Council, the Mayor and the Board of Public Works and shall be responsible for the administration and supervision of all maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, traffic control devices, storm sewers, culverts and drainage facilities, and all machinery, equipment and property used in any activity under the Director's control. He shall be available in an advisory and supervisory capacity to all departments of the City upon request.
 - (b) The Director shall have charge of such public services as the annual refuse collection and disposal, snow and ice removal, street cleaning and flushing and such other activities as may be assigned to him, from time to time, by the Council.
- (8) **OTHER OFFICERS.** Other officers shall respectively perform such duties as are prescribed by the Council.
- (9) **CITY ADMINISTRATOR.** In order to provide the City with a more efficient, effective and responsible government under a system of a part-time Mayor and Council operating as a City 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 (hereinafter referred to as "Administrator")
- (a) Appointment, Term of Office and Removal. The Administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the Mayor and Council. For the purposes of appointing or terminating the Administrator, the Mayor and each Council member shall cast one vote. The Administrator shall hold office for an indefinite term, subject to removal at any time by a majority vote of the Mayor and Council. This subsection, however, shall not preclude the Mayor and the Council from establishing other employment terms and conditions not inconsistent with the provision of this subsection or this Code.
 - (b) Residency. The Administrator shall become a resident of the City within one year following the date of appointment, unless this requirement is specifically waived or varied by the Mayor and Council ordinance or by contract authorized by the Mayor and Council, and entered into with the Administrator, covering the terms and conditions of residency.
 - (c) Functions and Duties. The Administrator, subject to the limitations defined in resolutions and ordinances of the City and Wisconsin State Statutes, shall be the chief administrative officer of the City, responsible only to the Mayor and the Council for the proper administration of the business affairs of the City, pursuant to the Statutes of the State, the ordinances of the City and the resolutions and directives of the Mayor and Council, with power and duties as follows:

GENERAL GOVERNMENT 1.07

1. General Duties.
 - a. Carry out directives of the Mayor and Council which require administrative implementation.,
 - b. Be responsible for the administration of all day-to-day operations of the City government including the monitoring of all City ordinances, resolutions, Council meeting minutes and State Statutes.
 - c. Establish, when necessary, administrative procedures to increase the effectiveness and efficiency of City government according to current practices in local government not inconsistent with directives of the Mayor and Council.
 - d. Serve as ex officio nonvoting member of all commissions and committees of the City, except as specified by the Mayor and Council or State Statutes.
 - e. Keep informed concerning current Federal, State, and County legislation and administrative rules affecting the City and submit appropriate reports and recommendations thereon to the Mayor and Council.
 - f. Keep informed concerning the availability of Federal, State and County funds for local programs. Assist department heads, Mayor and the Council in obtaining these funds under the direction of the Mayor and the Council.
 - g. Represent the City in matters involving legislative and inter-governmental affairs as authorized and directed as to that representation by the Mayor and Council.
 - h. 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.
 - i. 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.
 - j. Promote the economic well-being and growth of the City through public and private sector cooperation.
2. Responsibilities to the Mayor and the Council.
 - a. Attend all meetings of the Council, assisting the Mayor and Council as required in the performance of their duties.
 - b. In coordination with the Mayor, the Council and the City 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.
- c. Assist in the preparation of ordinances and resolutions as requested by the Mayor and Council, or as needed.
 - d. Keep the Mayor and the Council regularly informed about the activities of the Administrator's office by oral and written reports at regular and special meetings of the Council.
3. Personnel, a. Be responsible for the administrative direction and coordination of all employees of the City according to the established organization procedures.
- b. Recommend to the Mayor and the Council the appointment, promotion, and, when necessary for the good of the City, the suspension or termination of department heads.
 - c. In consultation with the appropriate department head, be responsible for the appointment, promotion, and, when necessary for the good of the City, the suspension or termination of employees below the department head level.
 - d. 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; develop and enforce high standards of performance by City employees; assure that City employees have proper working conditions; work closely with department heads to promptly resolve personnel problems or grievances.
 - e. Work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training schools, etc., provided that funds have been budgeted for these activities.
4. Budgeting and Purchasing. a. Be responsible for the preparation of the annual City budget, in accordance with guidelines as may be provided by the Mayor and the Council and in accordance with current professional accounting practices.
- (d) 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.
 - (e) Severability. The provisions of this subsection shall be deemed severable and it is expressly declared that the Council would have passed the other

provisions of this subsection irrespective of whether or not one or more provisions may be declared invalid; and if any provisions of this subsection or the application thereof to any person or circumstances is held invalid., the remainder of the subsection and the application of such provision to other persons or circumstances shall not be affected thereby.

1.08 RESIDENCY REQUIRED. (1) **PURPOSE AND MANDATE.** The Mayor and the Council find and the City 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, that certain essential City officials, after the effective date of this section, reside within the corporate limits of the City and that certain City employees be able to report to work within reasonable specified times.

- (2) **SCOPE AND APPLICATION.** (a) The residency portion of this section applies to the essential City officials, i.e., the City Clerk, the City Treasurer, the Chief of Police, the Fire Chief, the Director of Public Works and all City department heads and supervisory positions which may be created from time to time by the Council.
 - (b) This section shall not apply to an essential City official or other City official whose employment with 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 year or less, or for the purpose of a single or nonrecurring special project, study or service.
- (3) **RESIDENCY TRANSITION.** (a) A listed essential official or employee who resides outside the corporate limits of the City on the effective date of this section shall establish residency inside the corporate limits of the City immediately upon the change, sale, transfer or conveyance of the person's residence or the person's office, position or employment with the City shall be forthwith automatically terminated.
 - (b) 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 or the person's office, position or employment with the City shall be forthwith automatically terminated.
- (4) **VACANCY.** A vacancy occurring under this section shall be filled as provided in this Code for the original appointment of an essential City official or, as to all employees, according to existing City employment policy and practice.
- (5) **REPORTING TIME.** (a) Fire and full time police personnel shall reside so as to be able to respond to emergency situations by reporting to their principal work place within 15 minutes of a call to duty.
 - (b) All part time police officers on call shall be available to respond to their principal place of work within 15 minutes of a call to duty.

- (c) Department of Public Works personnel shall reside so as to be able to respond to emergency situations by reporting to their principal work place within 20 minutes of a call to duty.
- (6) **REPORTING TIME TRANSITION.** (a) Personnel to whom this section applies who reside outside the reporting time requirement 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 terminated.
 - (b) Personnel to whom this section applies who reside within the reporting time requirement 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 terminated.
- (7) **WAIVER.** The Council may, upon a showing of necessity and a vote of 3/4 of all its members, waive the requirements of this section.

1.09 MUNICIPAL COURT. (1) **AUTHORITY.** This section is adopted pursuant to the authority granted by §755.01, Wis. Stats.

- (2) **MUNICIPAL JUDGE.** There is hereby created the office of Municipal Judge of the Municipal Court for the City, said court to become operative and functioning on May 1, 1999.
 - (a) Election. The Municipal Judge shall be elected at large at the spring election in even-numbered years for a term of 2 years. In the event the office of the Municipal Judge shall become effective prior to the spring election in an even-numbered year, the office shall be filled by appointment by the Mayor with the approval of the Council, pending such election for a full 2 year term. A Judge's term shall commence on May 1 of the year of the Judge's election. The Judge shall be a resident of the City. A vacancy shall occur if a Judge ceases to be a resident.
 - (b) Salary. The Council shall contract for or fix the salary of the Judge which shall be in lieu of fees and costs, as provided by §755.04, Wis. Stats.
 - (c) Authority. A Municipal Judge may impose a forfeiture for contempt in an amount not to exceed \$50 or, upon nonpayment of the forfeiture, a penalty assessment under §165.87, Wis. Stats., a jail assessment under §302.46, Wis. Stats., and any applicable domestic assessment under §973.005(1), Wis. Stats., a jail sentence not to exceed 7 days.
- (3) **MUNICIPAL COURT PROCEDURE.** (a) The Municipal Court shall operate pursuant to the provisions of this section and State law including, without limitation because of enumeration, the applicable portions of Ch. 23, §345, 755 and Ch. 800, Wis. Stats.
 - (b) The Municipal Judge shall set the dates and times of court sessions at the location set by the Council.

- (4) JUVENILE OFFENSES. Pursuant to §938.17(2)(cm), Wis. Stats., the Court authority to impose alternate juvenile dispositions and sanctions are as follows:
- (a) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in §§938.343 and 938.344, Wis. Stats.
 - (b) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under §§938.343 or 938.344, Wis. Stats., the Municipal Court is authorized to impose any of the sanctions listed in §938.355(6)(d) , Wis. Stats.

1.10 to 1.15 (Reserved)

SUBCHAPTER II: BOARDS AND COMMISSIONS

1.16 PLAN COMMISSION. (1) **MEMBERSHIP.** The Plan Commission shall consist of the Mayor who shall be its Chairperson, one Alderperson and 6 citizen members. The Alderperson shall be appointed annually by the Mayor, subject to confirmation by the Council, and the citizen members shall be appointed by the Mayor, subject to confirmation by the Council, for staggered 3 year terms.

- (2) **POWERS AND DUTIES.** The Plan Commission shall have the powers and duties prescribed in §62.23, Wis. Stats., and such other powers and duties as shall be vested in the Commission, from time to time, by the Council.

1.17 BOARD OF ZONING APPEALS. (1) **MEMBERSHIP.** (a) The Board of Zoning Appeals shall consist of 5 members appointed by the Mayor, subject to confirmation by the Council, for staggered terms of 3 years.

- (b) Two alternate members shall be appointed by the Mayor and confirmed by the Council for a term of 3 years and shall act only when a regular member is absent or refuses to vote because of interest.
- (c) The Building Inspector shall attend meetings, upon request, to provide technical assistance as requested by the Board.

- (2) **OFFICERS.** (a) Chairperson. The Mayor shall designate the Chairperson of the Board.

- (b) Secretary . The City Clerk or his designee shall serve as Secretary to the Board.

- (3) **POWERS AND DUTIES.** The Board shall have the powers and duties prescribed in §62.23 (7)(e), Wis. Stats.

1.18 BOARD OF REVIEW. (1) **MEMBERSHIP.** The Board of Review shall consist of the Mayor, the City Clerk and the Alderpersons.

- (2) **COMPENSATION.** Each member of the Board who is not a full time employe or officer of the City shall be compensated at the rate of \$20 per day or portion thereof while in attendance at a meeting of the Board in the capacity of a member of the Board.

- (3) **POWERS AND DUTIES.** The Board shall have the powers and duties prescribed in §70.47, Wis. Stats.

- (4) **ALTERNATE APPOINTMENTS.** The Council shall have the power each year, pursuant to §§70.47(6m)(c) and 70.46(1), Wis. Stats., to appoint as many alternates as may, in its judgment, be necessary to serve on the Board of Review in the event a standing Board member is removed or is unable to serve for any reason to insure that not less than 3 members of the Board shall be in attendance when the Board makes any final determination as to an objection to a property assessment.

- (5) **CONFIDENTIALITY OF INCOME RECORDS.** (a) Income and expense information provided the City Assessor pursuant to §73.03(2a), Wis. Stats., unless a court of law determines that it is inaccurate, is not subject to the right of inspection and copying under §19.35(1), Wis. Stats.
 - (b) The information provided to the Assessor shall be held in confidence by the Assessor, except that it may be used by the Assessor, the Board of Review and other persons using the information in the discharge of their duties imposed by law or their office or by court order.

1.19 POLICE COMMITTEE. (1) **MEMBERSHIP.** The Police Committee shall consist of 3 members, none of whom shall be officers or employes of the City, appointed by the Mayor, subject to confirmation by the Council, for staggered 3 year terms.

- (2) **POWERS AND DUTIES.** The Police Committee shall have the power and duty to discipline the Police Chief and City police officers who are not probationary in accordance with §62.13(4), Wis. Stats.

1.20 LIBRARY BOARD. (1) **MEMBERSHIP.** The Library Board shall consist of 5 members which shall include the St. Croix Falls School District Administrator or his representative; one Alderperson appointed by the Mayor, subject to confirmation by the Council, for a one year term; and 3 citizen members appointed by the Mayor, subject to confirmation by the council, for staggered 3 year terms.

- (2) **POWERS AND DUTIES.** The Library Board shall have the powers and duties prescribed in §43.58, Wis. Stats. The Board shall consult with the Council for the purpose of coordinating library personnel policies with general City personnel policies.

1.21 (Reserved)

1.22 ADMINISTRATIVE REVIEW APPEALS BOARD. (1) **MEMBERSHIP.** The Administrative Review Appeals Board shall consist of the Mayor, an Alderperson and one citizen member. The Alderperson member shall be appointed annually by the Mayor, subject to confirmation by the Council. The citizen member shall be appointed by the Mayor, subject to confirmation by the Council, for a 5 year term.

- (2) **POWERS AND DUTIES.** See ch. 6 of this Code.

1.23 BOARD OF PUBLIC WORKS. (1) **MEMBERSHIP.** The Public Works Committee shall constitute the Board of Public Works. The City Attorney and the Director of Public Works shall be ex officio members.

- (2) **POWERS AND DUTIES.** The Board shall have the powers and duties prescribed in §62.14, Wis. Stats., and such other powers and duties assigned by the Council.

1.24 ST. CROIX FALLS SEWER AND WATER COMMISSION. (1) **MEMBERSHIP.** The Council shall constitute the St. Croix Falls Sewer and Water Commission.

- (2) **POWERS AND DUTIES.** The Commission shall be responsible for managing the Sewer and Water Utilities in accordance with the provisions of §66.0805, Wis. Stats., and ch. 13 of this Code.

1.25 (Reserved)

1.26 EMERGENCY MANAGEMENT. (1) **DECLARATION OF POLICY.** (a) To prepare the City with an effective course of action to be utilized in coping with emergencies resulting in any enemy action and natural or man-made disasters, an Emergency Management Service Organization is created to comply with the program of the State as set forth in §166.01, Wis. Stats.

- (b) The Emergency Management Service Organization shall take action in accordance with the Emergency Management Service plan only after the declaration of an emergency and the issuance of official disaster warnings. Such state of emergency shall continue until terminated by the issuing authority, provided that any such declaration not issued by the Governor may be terminated at the discretion of the Mayor or members of the emergency operating center.
- (c) It is further declared to be the purpose of this section and the policy of the City that all emergency management functions of the City be coordinated to the existing services and facilities of the City and with comparable functions of the Federal, State and County governments and other political subdivisions and of various private agencies to the end that the most effective preparation and use may be made of man power, resources and facilities for dealing with any disasters that may occur.
- (2) **DEFINITIONS.** The definition of terms used in this section shall be as set forth in §166.02, Wis. Stats.
- (3) **HEAD OF EMERGENCY MANAGEMENT SERVICES.** The Mayor is hereby appointed head of Emergency Management Services.
- (4) **DECLARATION OF DISASTER.** (a) Whenever, in the judgment of the Mayor, a natural disaster or emergency exists, he may so declare and order that the City Hall or other designated facility shall become the emergency operations center of the City for coordinating the delivery of emergency services, as set forth in the City's emergency operations plan.
- (b) The disaster operations chain of command shall consist of the following:
1. The Mayor
 2. The President of the Council
 3. The Emergency Management Director
- (c) The Mayor, as head of Emergency Management Services, shall be the chief executive officer of the emergency operations. He shall issue such orders and directions to the other members and shall assist them in delivering emergency services that they may be able to provide using the resources of the various departments and facilities under their control.

- (5) EMERGENCY MANAGEMENT COMMITTEE. The Emergency Management Committee shall be the Public Safety Committee.
- (6) DUTIES OF EMERGENCY MANAGEMENT COMMITTEE. The Emergency Management Committee shall be an advisory and planning group advising the Mayor and the Council on all matters pertaining to emergency management.
- (7) EMERGENCY MANAGEMENT DIRECTOR. (a) Appointment. See sec. 1.03(15) and (16) of this chapter.
 - (b) Duties and Authority. 1. Nonemergency Period. The Director shall direct emergency management training programs and exercises, coordinate all activities for emergency management within the City and maintain liaison and cooperate with the Polk County Emergency Management Director. The Director also shall perform all administrative duties necessary for the rendering of reports and procurement of Federal matching funds. The Emergency Management Committee, under the Director's supervision, shall prepare a comprehensive general plan for the emergency management of the City and shall present such plan to the Council for its approval, and shall perform such other duties as may be assigned by the Council.
 - 2. Emergency Period. The Director shall act as advisor or chief of staff to the Mayor. In his absence, the Director shall assume the Mayor's emergency duties and responsibilities.
- (8) UTILIZATION OF EXISTING SERVICES AND FACILITIES, POLICY. In preparing and executing the Emergency Management program, the services, equipment, supplies and facilities of the existing departments and agencies of the City shall be utilized to the maximum extend practicable and the officer and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities as are requested of them.
- (9) COOPERATION. The City may cooperate, pursuant to §66.0301, Wis. Stats., to furnish services, combine offices and finance emergency management services with other municipalities and Polk County upon appropriate resolution of the Council.
- (10) SUCCESSION TO LOCAL OFFICES. The Council, by resolution, may provide for the continuity of government in the event of and throughout the duration of a state of emergency resulting from emergency action by providing a method by which temporary emergency appointments to public office are made, except as limited by express constitutional provisions. Such ordinance or resolution shall define the scope of the powers and duties which may be exercised and shall provide for the termination of appointments so made, pursuant to §166.07, Wis. Stats.
- (11) EMERGENCY REGULATIONS. Whenever necessary to meet an emergency for which adequate regulations have not been adopted by the Council, the Mayor may, by proclamation, promulgate and enforce such orders, rules and regulations relating to the conduct of persons and the use of property as shall be necessary to protect the public peace, health and safety. Any such emergency order, rules and

regulations shall expire within 48 yours of the issuance of the same unless extended by the Council, in accordance with §66.325, Wis. Stats.

- (12) STATE LAW ADOPTED BY REFERENCE. Chapter 166, Wis. Stats., is hereby adopted by reference.
- (13) PENALTY. It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the Emergency Management Organization in the enforcement of any order, rule, regulation or plan issued pursuant to this section or to do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this section. For a violation of any of the provisions of this section, he shall forfeit not more than \$200.

1.27 to 1.35 (Reserved)

SUBCHAPTER III: ELECTIONS AND POLITICAL BOUNDARIES

1.36 CITY CLERK'S ELECTION DUTIES. As provided in §7.15, Wis. Stats., the City Clerk shall have charge of and supervise all elections held in the City.

1.37 ELECTION OFFICIALS. Election officials for each polling place shall be appointed pursuant to §§7.30, 7.31 and 7.32, Wis. Stats.

1.38 NOMINATION OF ELECTED CITY OFFICIALS. All candidates for elective City office shall file nomination papers pursuant to §8.10, Wis. Stats.

1.39 POLLING HOURS. The polls of the City shall open at 7:00 A.M. and shall close at 8:00 P.M. for all elections.

1.40 POLLING PLACE. The polling place for all electors of the City shall be the City Hall at 710 State Highway 35 South.

1.41 CITY BOUNDARIES. The boundaries of the City are set forth on the Official Map of the City and the legal description of said boundaries are on file in the office of the City Clerk.

1.42 WARD BOUNDARIES. Pursuant to §5.15, Wis. Stats., the City is divided into 3 wards, as shown on the Official Map kept by the City Clerk.

1.43 ALDERMANIC DISTRICTS. The City is divided into 2 Aldermanic Districts comprised from the 3 wards as described in sec. 1.42 of this subchapter, as follows:

- (1) FIRST ALDERMANIC DISTRICT. First Ward.
- (2) SECOND ALDERMANIC DISTRICT. Second Ward and Third Ward.

1.44 ELECTION MAPS ON FILE. The Ward Map and Aldermanic District Map shall be kept on file in the office of the City Clerk.

1.45 to 1.50 (Reserved)

SUBCHAPTER IV: PUBLIC RECORDS

1.51 PUBLIC RECORDS, ACCESS TO. (1) **DEFINITIONS.** As used in this subchapter:

- (a) “Authority” means any City entity having custody of a City record including 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 a formally constituted subunit of the foregoing.
 - (b) “Custodian” means that officer, department head, division head or employe of the City designated under sub. (3) below or otherwise responsible by law to keep and preserve any City records or file, deposit or keep such records in his office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.
 - (c) “Record” means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. “Record” includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. “Record” does not include 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; materials which are purely the personal property of the custodian and have no relation to his office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.
- (2) **DUTY TO MAINTAIN RECORDS.** (a) Except as provided under sec. 1.52 of this subchapter, each officer and employe of the City shall safely keep and preserve all records received from his predecessor or other persons and required by law to be filed, deposited or kept in his office or which are in the lawful possession or control of the officer or employe or his deputies, or to the possession or control of which he may be lawfully entitled as such officer or employe.
- (b) Upon the expiration of an officer’s term of office or an employe’s term of employment, or whenever the office or position of employment becomes vacant, each such officer or employe shall deliver to his successor all records then in his custody and the successor shall receipt therefor to the officer or employe, who shall file said receipt with the City Clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk, on behalf of the successor, to be delivered to such successor upon the latter’s receipt.

- (3) **LEGAL CUSTODIANS.** (a) Each elected official is the legal custodian of his records and the records of his office, but the official may designate an employe of his staff to act as the legal custodian.
- (b) Unless otherwise prohibited by law, the City Clerk or the Clerk's designee shall act as legal custodian for the Council and for any committee, commission, board or other authority created by ordinance or resolution of the Council. This shall not include the Police and Fire Departments, the City Library and the Building Inspector whose custodians shall be the Police Chief, the Fire Chief, the City Librarian and the Building Inspector, respectively.
- (c) For every authority not specified in pars. (a) or (b) above, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employe of his staff to act as the legal custodian.
- (d) Each legal custodian shall name a person to act as legal custodian in his absence or the absence of his designee. This subsection shall not apply to the Council.
- (e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Ch. 19, Subch. II, Wis. Stats., and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.
- (4) **PROCEDURAL INFORMATION.** Pursuant to §19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at his office, 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. Each authority shall also prominently display at his office, for the guidance of the public, a copy of this section. This subsection does not apply to members of the Council.
- (5) **PUBLIC ACCESS TO RECORDS; FEES.** (a) Except as provided in sub. (7) below, any person has a right to inspect a record and to make or receive a copy of any record as provided in §19.35(1), Wis. Stats.
- (b) The public may obtain information, access to, or copies of public records by making a request for such records at the office of the City Clerk from 8:30 to 11:30 A.M. and from 1:30 P.M. to 4:30 P.M. Monday through Friday when the office is open for business.
- (c) Public records requests may be made orally or in writing and shall be made upon at 48 hours notice of intent to inspect or copy a record.
- (d) A requester shall be permitted to use facilities comparable to those available to City employes to inspect, copy or abstract a record. This subsection does not authorize or require the purchase or lease of equipment nor does it require the provision of a separate room for inspection, copying or abstracting of records.

- (e) The authority 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. A cost per page of photocopying, as determined by the City Clerk, including any required costs to notify the person who is the subject of the record that is being requested, shall be charged. Said cost shall not exceed the actual, necessary and direct costs to the authority of reproduction, and such charges shall be prominently displayed and made available for inspection by the authority at his office.
 2. If the form of a written record does not permit copying, the actual and necessary costs 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 audio or video tapes 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 therefor exceeds \$50, in which case the actual cost shall be determined by the authority and billed to the requester.
 6. The authority shall estimate the cost of all applicable fees and shall require prepayment if such estimate exceeds \$5.
 7. The authority may provide copies of a record without charge or at a reduced charge where he determines that waiver or reduction of the fee is in the public interest.
 8. 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.
- (6) **ACCESS PROCEDURES.** (a) A request to inspect or copy a record shall be made to the authority. 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 §19.37, Wis. Stats. Except as provided below, 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 sub. (5)(f)6. above. 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 therefor. When the legal custodian has doubts as to whether the requested records are exempt from disclosure, in whole or in part, he shall have 3 working days to confer with the City Attorney prior to making a determination. If the legal custodian, after conferring with the 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 his request in a manner which would permit reasonable compliance.
 - (c) A request for a record may be denied as provided in sub. (7) below. 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 5 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 §19.37(1), Wis. Stats., or upon application to the Attorney General or a district attorney.
- (7) LIMITATIONS ON RIGHT TO ACCESS. (a) As provided by §19.36, Wis. Stats., the following records are exempt from inspection under this section:
- 1. Records specifically exempted from disclosure by State or Federal law or authorized to be exempted from disclosure by State law.
 - 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 aids 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 common law trade secret.
- (b) As provided by §43.30, Wis. Stats., public library circulation records are exempt from inspection under this section.
 - (c) In responding to a request for inspection or copying of a record which is 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 he 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 which 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 employe, or the investigation of charges against a City officer or employe, unless such officer or employe 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 employe 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 employes is, or is likely, to become involved, or communications which are privileged under §905.03, Wis. Stats.
- (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.

1.52 PUBLIC RECORDS, DESTRUCTION OF. (1) FINANCIAL RECORDS. City officers may destroy the following nonutility records of which they are the legal custodian and which are considered obsolete after completion of an audit by State auditors or an auditor licensed under Ch. 442, Wis. Stats., but not less than 7 years after payment or receipt of any sum involved in the particular transaction unless a shorter period has been fixed or will, in the future, be fixed by the committee on public records, pursuant to §16.62(3)(e), Wis. Stats., and then after such shorter period:

- (a) Bank statements, deposit books, slips and stubs.
- (b) Bonds and coupons after maturity.

- (c) Cancelled checks, duplicates and check stubs.
 - (d) License and permit applications, stubs and duplicates.
 - (e) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
 - (f) Receipt forms.
 - (g) Special assessment records.
 - (h) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
- (2) **UTILITY RECORDS.** 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 Ch. 442, Wis. Stats., subject to State Public Service Commission regulations, but not less than 7 years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to §16.61(3)(e), Wis. Stats., and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed after 2 years:
- (a) Water and sewer stubs and receipts of current billings.
 - (b) Customers' ledgers.
 - (c) Vouchers and supporting documents pertaining to charges not included in plant accounts.
 - (d) Other utility records after 7 years with the written approval of the State Public Service Commission.
- (3) **OTHER RECORDS.** Any City officer may destroy the following records of which he is the legal custodian and which are considered obsolete, but not less than 7 years after the record was effective, unless another period has been set by Statute, or by the State Public Records Board pursuant to §16.61(3)(e), Wis. Stats., and then after such a shorter period:
- (a) Assessment rolls and related records, including Board of Review minutes.
 - (b) Contracts and papers relating thereto.
 - (c) Correspondence and communications.
 - (d) Financial reports other than annual financial reports.
 - (e) Insurance policies.
 - (f) Oaths of office.
 - (g) Reports of boards, commissions, committees and officials duplicated in the Council minutes.
 - (h) Resolutions and petitions.
 - (i) Voter record cards.
- (4) **NOTICE REQUIRED.** 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 in §19.21(4)(a), Wis. Stats.
- (5) **TAPE RECORDINGS.** Any tape recording 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.

- (6) **LIMITATION.** This section shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or State administrative regulations.
- (7) **PRESERVATION THROUGH MICROFILM.** Any City officer or the head of any department or division of City government may keep and preserve public records in his possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in §16.61(7)(a) and (b), Wis. Stats., 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 this Code.