

Title 2 Government and Administration

Chapter 01 City Government; Elections

Division 1 Authority

2.01.11 City Government

- A. **Mayor-Council Government.** The City of Onalaska is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chs. 62 and 66, Wis. Stats., laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The City of Onalaska operates under the Mayor-Council form of government under Ch. 62, Wis. Stats.
- B. **Division of Responsibilities.**
1. **Legislative Branch.** The Common Council is the legislative branch of City Government. Its primary business is the passage of laws in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Common Council shall fix the salaries of all officers and employees of the City, and be charged with the official management of the City's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the City.
 2. **Executive Branch.** The Mayor shall be the chief executive officer. They shall take care that all City ordinances and state laws are observed and enforced and that all City officers, boards, committees and commissions discharge their duties.

2.01.12 Official Newspaper

- A. The official newspaper of the City of Onalaska shall be the Coulee Courier.

2.01.13 Aldermanic District Boundaries

- A. **Number of Aldermanic Districts.** The City of Onalaska shall be divided into three (3) Aldermanic Districts.
- B. **Boundaries.** The Aldermanic Districts shall be numbered and bounded as shown on the City of Onalaska Aldermanic District and Ward Map on file in the office of the City Clerk. The Common Council shall modify the City of Onalaska Aldermanic District and Ward Map when required by Sec. 5.15(2), Wis. Stats.

2.01.14 Appointment of Election Officials

- A. There shall be a minimum of three (3) election inspectors for each polling place at each election. Additional election inspectors may be appointed to serve at any poll where election day registration makes it necessary. Pursuant to Sec. 7.30 Wis. Stats., the City Clerk or their designee may allow for the selection of two (2) or more sets of officials to work at different times on election day and permit the City Clerk or their designee to establish different working hours for different election officials assigned at the same polling place.

2.01.15 Elections

- A. **Annual City Election.** The annual City election shall be held on the first Tuesday in April or such day as otherwise set forth by the Wisconsin Legislature for the spring election.
- B. **Polling Hours.** The polls for all elections shall open at 7:00 a.m. and close at 8:00 p.m.
- C. **Polling Places.** The designated polling place for all Wards and Council Member Districts of the City of Onalaska shall be at City Hall, and such sites as designated by the Common Council.
- D. **Combining Wards.** Wards may be combined for voting purposes if the Electors in the combined wards vote for the same offices, per Sec. 5.15(6)(b), Wis. Stats.

2.01.16 Non-Partisan Primary for City Offices

- A. Whenever three (3) or more candidates file nomination papers, candidates for elective City offices shall be nominated by a non-partisan primary conducted pursuant to Sec. 8.11, Wis. Stats. Such candidate shall file with their nomination papers a declaration that they will qualify for the office to which they may be elected.

2.01.17 Severability

- A. Should any section, subsection, clause, or provision of this Title be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Title in whole or in any part thereof other than the part so declared to be invalid.

Chapter 02 City Administration

Division 1 Common Council and Committees

2.02.11 Common Council

- A. The Council Member(s) of the City shall constitute the Common Council. The Common Council shall be vested with all the powers of the City not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.
- B. The Common Council has the power to preserve order at its meetings, compel attendance of Council Members and may fine or expel for neglect of duty. The Common Council shall be judge of the election and qualification of its members.

2.02.12 Council Members

- A. **Election, Term, Number.** The City shall have six (6) Council Members in addition to the Mayor, who is a member of the Common Council by virtue of their office as Mayor. The six (6) Council Members shall constitute the Common Council. Two Council Member(s) shall be elected from each Council Aldermanic District. One (1) Council Member(s) from each of the three (3) Council Aldermanic Districts shall be elected at the annual City election in the even-numbered years, and one (1) each of said Council Members shall be elected at the City election in the odd-numbered years, all to hold office for a period of two (2) years.
- B. **Appointment as Mayor.** A Council Member shall be eligible for appointment as Mayor to fill an unexpired term.

2.02.13 President of the Council

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

2.02.14 Standing Committees; Action on Committee Reports

- A. **Standing Committees.** At the organizational meeting of the Common Council in each year following the annual election, the Mayor shall appoint three (3) Council Members to each of the following committees, subject to Council confirmation, the respecting general duties of which shall be as follows, and to make whatever recommendations to the Council as they deem appropriate or as may be directed by the Council:
 - 1. **Administrative Committee** (licenses, administrative regulations and functions, recreation, City Cemetery).
 - 2. **Finance and Personnel Committee** (personnel administration, compensation, bond programs, risk management, financial claims against the City).
 - 3. **Utilities Committee** (light, power, water, transportation, sewer).
 - 4. **Judiciary Committee** (ordinances, resolutions, legal claims against the City).
- B. **Committee Chairpersons.** The chairperson of each committee shall be designated by the Mayor. No Council Member shall serve more than two (2) consecutive years as a chairperson of a standing committee. Each member shall serve as appointed unless excused by a majority of the members of the Council. All Council Members shall serve on at least one (1) standing committee. The Mayor shall be an ex-officio member of each standing committee.
- C. **Committee of the Whole; Special Committees.**
 - 1. If any issue requires committee review by more than one (1) committee, this issue may be referred to the entire Common Council meeting as a "Committee of the Whole."
 - 2. The Mayor may declare the entire Council a Committee of the Whole for informal discussion at any meeting or for any other purpose, and shall ex-officio be chairman of the same.

3. The Mayor may, from time to time, appoint such special committee or committees as may deem advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them.

D. Reference and Reports.

1. The Mayor may refer new business coming before the Common Council to the appropriate committee, unless otherwise referred or disposed of by motion of the Council.
2. Formal committee recommendations will be placed on the agenda for Council action only if they are submitted to the City Clerk within the deadlines set forth by the Clerk's office and a minimum of thirty six (36) hours prior to the meeting at which action is requested.

- E. Cooperation of City Officers.** All City officers shall, upon request of the chairman of the committee, confer with the committee and supply to it such information as may be requested in connection with any matter pending before the committee.

2.02.15 Powers of the Common Council

- A. General.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, forfeiture, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- B. Construction of Powers.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.

2.02.16 Cooperation with Other Municipalities

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

2.02.17 Rules of the Common Council and its Sub-Committees

- A.** The Common Council and members of its sub-committees shall follow the "Rules of the Common Council and its Sub-Committees" as adopted by the Common Council and as may be amended from time to time.

2.02.18 Vacancy in the Office of the Common Council

- A.** In the event of a vacancy in the office of the Common Council such vacancy shall be filled pursuant to Sec. 17.23 Wis. Stats. Where the Common Council appoints a successor, the procedure for appointment of a successor shall be as follows:
1. The Mayor shall provide notice to the Common Council that a vacancy has occurred at the first meeting after the Mayor is informed or provided notice of the vacancy. At the time of the decision to fill a vacancy in the Common Council, the Common Council shall determine whether the appointed successor shall serve until the end of the current term or whether a special election shall occur pursuant to Secs. 8.50 and 17.23, Wis. Stats.
 2. Upon the Common Council voting to fill the vacancy by appointment, the Council may direct the medium used to publicize the vacancy. The Mayor will announce that resumes and letters of interest from individuals interested in filling the vacancy shall be accepted in the office of the City Clerk for twenty-one (21) days following the meeting ("Application Period").
 3. Following the 22nd day after the Mayor's announcement of the vacancy, the City Clerk shall make all resumes received from individuals interested in the vacancy available to the Common Council and the Mayor following the closure of the Application Period. The City Clerk will schedule joint Mayor and Common Council interviews with all eligible candidates in a timely fashion.
 4. The Mayor shall recommend an individual to fill the vacancy in the Common Council at the first Common Council meeting following the closure of the Application Period.
 5. The Common Council shall vote in a public ballot on the approval of the appointment of the individual recommended by the Mayor.
 6. If the Common Council does not approve the appointment of the individual recommended by the Mayor, the Mayor shall recommend an alternate candidate. This process shall continue until a successor is approved by majority vote.

2.02.19 Salary and Expenses

- A. **Salary.** Commencing on April 20, 2021, upon election alderpersons shall be compensated Six Thousand Dollars (\$6,000.00) per calendar year paid monthly while holding office. At the beginning of the each term thereafter, the compensation shall increase by the same percentage as approved by the Council for the full-time non-union positions for the preceding two years. The Common Council President, upon election, shall receive an additional salary of One Hundred Dollars (\$100.00) per month for the execution of their duties as Council President. At the beginning of each election as Common Council President thereafter, the compensation shall increase by the same percentage as approved by the Council for the full-time non-union positions for the preceding year. Commencing upon election in 2021 and 2022 depending on election year, alderpersons shall no longer receive the budgeted expense allotment.

Division 2 Mayor

2.02.21 Mayor

- A. **Election.** The Mayor shall be elected in even-numbered years for a term of four (4) years.
- B. **Duties.**
1. The Mayor shall be the Chief Executive officer of the City. They shall take care that City ordinances and the State Statutes are observed and enforced.
 2. The Mayor shall, from time to time, provide the Council such information and recommend such measures as they may deem advantageous to the City. When present, they shall preside at the meetings of the Council.
 3. The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.
 4. The Mayor shall vote in the event of a tie vote by the Common Council.
- C. **Signatory for Grants-In-Aid.** The Mayor is authorized without approval of the Common Council to execute applications to State or Federal agencies for financial grants-in-aid for lawful purposes. This shall be done on the condition that such applications shall not bind the City to an expenditure of funds and a report that such an application, including the reasons therefor, shall be made to the Common Council within thirty (30) days after execution by the Mayor. The Council, within thirty (30) days of the receipt of the report, may, upon majority vote of all members, cause the application to be withdrawn.
- D. **Veto Power.** The Mayor shall have the veto power as provided by State law as to acts of the Council. All Council acts shall be submitted to the Mayor by the City Clerk, and shall be in force upon their approval, evidenced by their signature, or upon their failing to approve and disapprove within five (5) days, which fact shall be certified thereon by the City Clerk. If the Mayor disapproves, they shall file their objection with the City Clerk, who shall present it to the Council at its next meeting. A two-thirds (2/3) vote of all the members of the Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.

2.02.22 Salary

- A. **Salary.** Commencing on April 16, 2024, the Mayor shall be compensated Twenty Three Thousand Dollars (\$23,000.00) per calendar year paid monthly while holding office. Commencing with each new term, the compensation shall increase by the same percentage as approved by the Council for the full-time non-union positions for the four years prior. Commencing on April 16, 2024 the Mayor shall no longer receive the budgeted expense allotment.

Division 3 Meetings

2.02.31 Meetings of the Common Council

- A. **Annual Organization Meeting.** Following a regular City election, the Common Council shall meet on the third Tuesday of April for the purpose of organization.
- B. **Regular Meetings.** Regular meeting of the Common Council shall be held on the second Tuesday of each calendar month, at the hour of 7:00 p.m. for each month of the year. Any regular meetings falling upon a legal holiday shall be held on the next following secular day, at the same hour and place, or as otherwise designated by majority vote of the Common Council. All meetings of the Council shall be held in the Onalaska City Hall when practicable, including special meetings, unless another location is designated by the Common Council at a previous meeting. Meetings may be held telephonically or via videoconference subject to open meetings law when necessitated by an emergency declared under Title 5 of the City Ordinances.

2.02.32 Special Meetings

- A. Special meetings may be called by the Mayor or by two (2) Council Members upon notice of the time and purpose thereof being delivered at least twenty-four (24) hours before the meeting to each member of the Council by written electronic notice delivered personally to each member or left at the member's usual abode at least twenty-four (24) hours before the meeting unless an affirmative waiver of notice has been received. Any special meeting attended by all Council Members shall be a regular meeting for the transaction of any business that may come before such meeting.
- B. The Mayor may call a special meeting, without notice, at a regularly convened Council meeting if all members are present. A special meeting may also be called if all members consent in writing to the holding of such a meeting. If written consent is obtained, it shall be filed with the City Clerk before the commencement of the meeting.
- C. Non-governmental parties requesting a special meeting of the Council shall pay a fee as set forth on the City of Onalaska Fee Schedule for such a meeting.

2.02.33 Open Meetings

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

2.02.34 Quorum

- A. Two-thirds (2/3) of all members of the Common Council shall constitute a quorum, but a lesser number may adjourn if two-thirds (2/3rds) is not present or compel the attendance of absent members. The Mayor shall not be counted in computing a quorum. No action shall be taken unless a quorum is present.
- B. The Council may, by a majority vote of those present, adjourn to a specific date and hour.
- C. When the Council is required to take action at a regularly scheduled or special Council meeting and cannot defer such action to the next regularly scheduled Council meeting, and it is known that the number of the Council members required to establish a quorum or take such action cannot be physically present at the meeting, any such absent member may be present at and participate in the meeting via teleconference or videoconference as if the member were present in person. When it appears to the City Clerk that the requisite number of Council members will not be physically present at a meeting where such action is required, the City Clerk shall notify those members who will not be present to ascertain whether they wish to be present via teleconference or videoconference. The City Clerk or their designee shall then make all necessary arrangements to enable member(s) who wish to be present via teleconference or videoconference to do so.

2.02.35 Presiding Officers

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

2.02.36 Order of Business

- A. **Order of Business.** At all regular meetings, the order of business shall be according to the tentative agenda prepared by the City Clerk and distributed to the Mayor and the members of Common Council no later than the Monday preceding the regular meeting. The Mayor, City Officers or any two Members of Council may elect to place something on the agenda. Any items being placed on the Agenda shall be submitted to the City Clerk in a timely fashion. Generally, the following order may be observed in the conduct of all meetings of the Council.
 1. Call to Order/Roll Call.
 2. Pledge of Allegiance.
 3. Public Input.
 4. Report from the Mayor.
 5. Consent Agenda.
 6. Recap of Items Pulled from the Consent Agenda.
 7. Business from committees, boards and commissions.
 8. Finance & Personnel Committee

9. Judiciary & Administrative Committees
 10. Board of Public Works
 11. Plan Commission
 12. Utilities Committee
 13. Parks, Recreation and Library Board
 14. Other sub-committees, boards and commissions which shall be listed in alphabetical order.
 15. Reports by City Administrator, City Clerk, City Attorney, Officers and Departments.
 16. Any Items for Closed Session.
 17. Any other business permitted by law.
 18. Adjournment.
- B. **Order to be Followed; Citizen Comments.** No business shall be taken up out of order unless by unanimous consent of all Council Members and in the absence of any debate whatsoever. The Mayor or presiding officer may impose a time limit on the length of time citizens may address the Council.
- C. **Roll Call; Procedure When Quorum Lacking.** As soon as the Council shall be called to order, the City Clerk shall proceed to call the names of the members, noting who are present and who are absent and record the same in the proceedings of the Council. If it shall appear that there is not a quorum present, the fact shall be entered on the record and the Council shall adjourn.

Division 4 Robert's Rules and Meeting Conduct

2.02.41 Conduct of Deliberations

- A. A roll call shall be used with all questions, upon request of a Council Member or as required by law.
- B. A voice vote shall be used with all motions not requiring a roll call.
- C. All aye and nay votes shall be recorded in the official minutes.
- D. Except as provided below, the Common Council shall in all other respects determine the rules of its procedure, which shall be governed by the current edition of Robert's Rules of Order, Revised, which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances;
 1. No Council Member shall address the Council until they have been recognized by the presiding officer. They shall thereupon address themselves to the presiding officer and confine their remarks to the question under discussion.
 2. When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
 3. No person other than a Council Member shall address the Council except under order of business, except that citizens may address the Council with the permission of the presiding officer as to matters which are being considered by the Council at the time.
 4. No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.
 5. The Mayor shall not vote except in the case of a tie. When the Mayor does vote in case of a tie, their vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure. A majority vote of all members of the Council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by ordinance or State Statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.
 6. Any member of the Council may demand a roll call vote. On confirmation of appointments and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the City or any fund thereof, the vote shall be by roll call. A member of the Council may not change their vote on any question after the result has been announced.
 7. When a question is under discussion, the following motions shall have precedence in the order listed:
 - a. To adjourn.
 - b. To recess.
 - c. To lay on the table.
 - d. To move the previous question.
 - e. To postpone to a day certain.
 - f. To refer to a committee.
 - g. To amend.
 - h. To postpone indefinitely.

2.02.42 Reconsideration and Rescission of Questions

- A. **Reconsideration.** It shall be in order for any member, if in the majority, to move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular adjourned meeting. A motion to reconsider being put and lost shall not be renewed. If the motion for reconsideration is brought at the succeeding Council meeting, it must appear on the agenda, due to open meeting law requirements.
- B. **Rescission.** A motion for rescission may be heard at the next succeeding regular meeting of the Council or the Sub-Committees which undertake the action proposed for rescission provided that such motion is on the Agenda for such meeting and specifies exactly what action the Council or Sub-Committee will be asked to take. A motion for rescission requires a two-thirds (2/3rds) vote. After the Council action in question has been published it cannot be rescinded.

2.02.43 Call for the Previous Question

- A. Any member desirous of terminating the debate may call the previous question when the question announced by the Mayor shall be "call the main question." If a majority of the members present vote in the affirmative, the main question shall be put to a vote without further debate, and its effect shall be to put an end to all debate and bring the Council to a direct vote, first upon the pending amendment and then upon the main question.

2.02.44 Amendment of Rules

- A. The rules of this Chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Council.

2.02.45 Suspension of Rules

- A. Any of the provisions of Divisions 3-5 of this Chapter, may be suspended temporarily by a recorded vote of two-thirds (2/3) of the Council members present at any meeting.

Division 5 Ordinances

2.02.51 Introduction of Business, Resolutions and Ordinances; Disposition of Communications

- A. **Ordinances to be in Writing.** All ordinances submitted to the Council shall be in writing and shall begin with a title introducing the same. Any written material introduced may be referred to the appropriate committee pursuant to Sec. 2.02.14. Any member of the Council may require the reading in full of any Ordinance or resolution at any time it is before the Council.
- B. **Subject and Numbering of Ordinances.** Each Ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- C. **Notice.**
 - 1. The Common Council may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.

2.02.52 Publication and Effect of Ordinances

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

Chapter 03 Municipal Officers and Employees

Division 1 General Provisions

2.03.11 General Provisions

- A. **General Powers.** Officers shall have the powers and duties prescribed for like officers of cities, towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Mayor, shall perform such duties as shall be required of them by the Council. Officers whose powers and duties are not enumerated in Ch. 62, Wis. Stats. shall have such powers and duties as are prescribed by law for like officers or as are directed by the Council.
- B. **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- C. **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to City officers.
- D. **Legal Representation.** Whenever any City official in their official capacity proceeded against or obliged to proceed before any Civil Court, Board, Committee or Commission, to defend or maintain their official position, or because of some act arising out of the performance of their official duties, and they have prevailed in such proceedings, or the Council has ordered the proceedings discontinued, the Council may provide for payment to such official such sum as it sees fit, to reimburse them for the expenses reasonably incurred for costs and attorney's fees.
- E. **Comptroller, Street Commissioner and Constable Eliminated.** As provided in Sec. 62.09(1)(b), Wis. Stats., the offices of Comptroller, Street Commissioner and Constable are hereby eliminated.

2.03.12 Eligibility for Office

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

2.03.13 Removal from Office

- A. **Elected Officials.** Elected officials may be removed by the Common Council as provided in Secs. 9.10, 17.12 and 17.16, Wis. Stats.
- B. **Appointed Officials.** Appointed officials may be removed as provided in Secs. 17.12, and 17.16, Wis. Stats.

2.03.14 Custody of Official Property

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

2.03.15 Oath of Office; Bonds/Insurance of Officers

- A. **Oath.** Every person elected or appointed to any statutory office shall take and file their official oath within ten (10) days after the notice of their election or appointment.
- B. **Bonds.** The City Clerk, and such other statutory officers as the laws of Wisconsin or the Common Council may direct, shall execute and file an official bond in such form as the Council may determine. The Council may at any time require new or additional bonds of any officer. All official bonds must be approved by the Mayor and, when so approved, then be filed within ten (10) days after the officer executing the same shall have been notified of this election or appointment. Official bonds shall be filed with the City and shall be recorded in a book kept for that purpose. Such bonds shall be paid for by the City. If the Council does not require any or all of these officials to execute and file an official bond, the council shall obtain a dishonesty insurance policy or other appropriate insurance policy that covers such officials, in an amount determined by the council, in lieu of the bond requirement.

2.03.16 Procedure-Making Authority

- A. **Authorization for Department Heads.** Heads of departments of the City including, without limitation by enumeration, the City Administrator, City Attorney, City Clerk, City Treasurer, Chief of Police, Director of Public Works, Fire Chief, Human Resources Director, Parks and Recreation Director, and Zoning Administrator, may make procedures, regulations or directives for the administration of their departments in line with the policies of the Council, but not for the conduct of the general public.
- B. **Approval of Rules.** Any proposed departmental procedures, regulation or directive other than those proposed by the Police or Fire Department, shall be referred to the City Administrator for review. The Police and Fire Departments shall report to the Mayor utilizing the subsequent process. The City Administrator or Mayor shall either approve the proposed rule, or return the proposed rule to the Department along with suggested revisions in a reasonable amount of time, not to exceed two (2) weeks. All rules shall be consistent with City Ordinances, resolutions and applicable City Personnel Rules, Policies and Regulations. Any rule or part thereof returned by the Mayor or City Administrator to the Department Head shall be deemed to be unacceptable and not in force.
- C. **Time of Taking Effect.** All proposed procedures, regulations or directives shall be effective at the direction of the Department Head, unless returned by the City Administrator or Mayor, or the Common Council acts by resolution to nullify such procedures. In emergency situations requiring immediate action, procedures may become effective immediately; but all procedures so enacted shall be reported to the City Administrator or Mayor within twenty-four (24) hours, with the reasons for the necessity for the immediate implementation. All emergency procedures are temporary in nature and must be formally presented to become permanent.

Division 2 Officers

2.03.21 Officers

- A. **Appointment by Council.** The City of Onalaska, pursuant to Sec. 62.09 and 66.01, Wis. Stats., hereby elects not to be governed by those portions of Ch. 62, Wis. Stats., which are in conflict with this Section. The following offices shall be filled by appointment by a majority vote of the Common Council for an indefinite term, subject to removal by a two-thirds (2/3rd) vote of the Common Council for incompetency, misconduct, inefficiency or failure to perform duties:
 - 1. Attorney
 - 2. City Clerk
 - 3. Engineer
 - 4. Financial Services Director
 - 5. Treasurer
 - 6. Public Works Director
 - 7. Director of Parks & Recreation
 - 8. Zoning Administrator
 - 9. Director of Inspections
- B. **Duties.** The holder of any City office may be assigned additional duties or appointed to additional offices as the Common Council may direct from time to time. Any reference in this Code of Ordinances to a particular office shall be construed to refer to the holder of that office regardless of whether that individual also has been assigned additional duties or also holds additional duties.
- C. **Compensation.** Compensation of each office shall be determined by the City's current wage scale.
- D. **Deputies.** City officers may appoint Deputies subject to confirmation by a majority of all the members of the Common Council. Deputies shall act under the respective City Officer and shall during the temporary absences or disability of the City Officer or during a vacancy in such office, perform the duties of said City Officer.
- E. **Other Officials.** The Mayor shall have the authority to appoint such other officials as are created from time to time by law or by the Common Council, whose appointments shall be confirmed by a majority vote of the Common Council and whose terms of office and compensation, if any, shall be prescribed by the Council.

2.03.22 Chief of Police

- A. **Appointment.**
 - 1. The Chief of Police shall be appointed by the Police and Fire Commission and shall hold the office, subject to suspension or removal by the Police and Fire Commission for cause. The Chief of Police shall within six (6) months after commencement of employment, or following any required probationary period, whichever is later, establish and maintain residence at a distance not greater than fifteen (15) miles from the nearest corporate boundary of the City.

2. The compensation to be paid the Chief of Police for their services, the hours of active duty, rest days, vacation periods and any such similar benefits shall be determined by the Common Council from time to time.
- B. **Duties.** The Chief of Police shall be responsible for performing the duties required under State law and the job description for the position of Chief of Police adopted by Common Council and as may be amended from time to time.

2.03.23 Fire Chief

A. **Appointment.**

1. The Fire Chief shall be appointed by the Police and Fire Commission and shall hold the office, subject to suspension or removal by the Police and Fire Commission for cause. The Fire Chief shall within six (6) months after commencement of employment, or following any required probationary period, whichever is later, establish and maintain residence at a distance not greater than fifteen (15) miles from the nearest corporate boundary of the City.
2. The compensation to be paid the Fire Chief for their services, the hours of active duty, rest days, vacation periods and any such similar benefits shall be determined by the Common Council from time to time.

- B. **Duties.** The Fire Chief shall be responsible for performing the duties required under State law and the job description for the position of Fire Chief adopted by Common Council and as may be amended from time to time.

2.03.24 Assessor

A. **Appointment.**

1. The City of Onalaska hereby elects not to be governed by those portions of Sec. 62.09(3)(b) Wis. Stats. relating to the method of selection of the City Assessor which are in conflict with this Section.
2. The City Assessor, or assessing firm, shall be appointed by the Mayor, subject to confirmation by the Council. The Assessor's term shall commence on the first day of the month succeeding their appointment. The City Assessor shall have an indefinite term of office, subject to removal for cause by a two-thirds (2/3rds) vote of the Common Council.
3. A corporation or an independent contractor may be appointed as Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats.
4. No Assessor shall be appointed unless said Assessor is certified by the Wisconsin Department of Revenue as qualified to perform the functions of the office of Assessor.

- B. **Duties.** The Assessor shall perform all duties required of such office as provided by law and such other duties as are requested to be executed by such person by the Common Council from time to time.

- C. **Definition.** For purposes of this Section, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

D. **Confidentiality of Information.**

1. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Sec. 70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Sec. 70.47(7)(af), unless a court determines that it is inaccurate, is, per Sec. 70.47(7)(af), not subject to the right of inspection and copying under Sec. 19.35(1), Wis. Stats.
2. The several sections of the ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

2.03.25 Weed Commissioner

- A. The Weed Commissioner shall be appointed by the Mayor, subject to Council confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following their appointment. The

Weed Commissioner shall take the official oath, which oath shall be filed in the office of the City Clerk, and shall hold office for one (1) year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

2.03.26 City Administrator

- A. **Office and Purpose.** The office of City Administrator is created, to be an officer of the City, pursuant to Sec. 62.09(1)(a), Wis. Stats. The City Administrator shall be the chief operating officer of the City, shall administer City departments to implement the policies set by the Council, and be responsible for the efficient coordination of all City departments, boards and commissions. The Common Council may adopt a job description for the City Administrator and amend it from time to time, and the City Administrator shall substantially comply with the requirements of the job description. It is the intent that the City Administrator shall have the clear authority to coordinate and administer the day-to-day operations of municipal government as specified in this Section.
- B. **Appointment and Termination.** At any time there is a vacancy in the office of City Administrator, a nominee for the office shall be selected by a selection committee. The selection committee may delegate any duties of the selection process to City staff or working groups and may appoint nominating committees or interview panels as necessary. The selection committee shall negotiate the basic terms of the nominee's employment contract, and the final contract shall contain such additional provisions as are determined by the Common Council, City Attorney and Human Resources. The nominee and the proposed terms of the employment contract shall be presented to the Council, which shall then confirm or reject the nominee and the proposed terms of the nominee's employment contract. Confirmation shall be by simple majority vote. Upon confirmation by the Council, the Mayor shall execute the employment contract and the nominee shall assume the office. If the Common Council does not confirm either the nominee or the proposed terms of the employment contract, then the selection committee shall either begin searching for another nominee or attempt to re-negotiate the terms of the employment contract to which the Council objects, and shall continue until a nominee and a contract have been confirmed by the Council and an employment contract has been executed by the Mayor on behalf of the City. Selection and confirmation of the City Administrator shall be based solely on merit, including education, training, general fitness for office and experience in municipal administration.
- C. **Term.** The City Administrator shall hold office for an indefinite term, subject to removal at any time by a two-thirds (2/3rds) vote of the Council.
- D. **Contract.** The City Administrator's employment contract shall be in writing and shall specify that employment is at-will.
- E. **Organizational Level.** The City Administrator, as chief operating officer, is delegated the Mayor's executive authority to administer independently the operations of certain City departments, as defined below, and is therefore subordinate to, and performs duties at the request of, the Common Council. The City Administrator is superior to, and has direct authority over, the heads of the City departments which are under the City Administrator's direction.
- F. **Specific Duties.** The City Administrator shall perform the following duties, in addition to the duties attendant to the office and as specified in the City Administrator's job description:
 - 1. Administer the operations of, and have direct authority over the heads of the following City departments: Assessor; Finance; Information Technology; Planning; Parks and Recreation; Public Works; and all other City departments and offices the oversight of which is not given to other City officials.
 - 2. Coordinate the operations of, and facilitate the cooperation of all City departments, commissions and boards to maximize the efficiency of implementation of policies set by the Council, regardless of whether the City Administrator has direct authority over the departments, commissions or boards.
- G. **Annual Review.** The City Administrator shall undergo an annual performance review consistent with the review cycle for all exempt employees. The review shall be conducted by the Common Council President and Finance & Personnel Chair; if they are one and the same, then another Council member, other than the Council President shall be chosen by the Council President. The Mayor and Human Resources Director will serve as advisors during the review. The Council President shall request input from the remaining Council members for the review committee one (1) month prior to the review being completed. The Council President shall prepare a report to the Council of the results of the review, identify specific goals to address performance deficiencies, and recommend other appropriate actions to be taken, including salary adjustments.
- H. **Acting City Administrator.** The City Administrator may designate a City officer to act as City Administrator in the City Administrator's absence from office for reasons of illness, vacation, business or any other reason for a period of more than three (3) days. The City Administrator may appoint a Deputy City Administrator subject to confirmation by a majority of all the members of the Common Council. The Deputy Administrator shall act under the City Administrator and shall during the temporary absences or

disability of the City Administrator or during a vacancy in such office, perform the duties of City Administrator.

Division 3 Joint Municipal Court

2.03.31 Joint Municipal Court

- A. **Established.** Pursuant to Ch. 755 Wis. Stats., there is hereby created and established a municipal court designated "Joint Municipal Court" for the City of Onalaska, Town of Campbell, Town of Holland, Town of Shelby, Village of Bangor, Village of Holmen, Village of Rockland and the Village of West Salem, (hereinafter referred to individually as "Member Municipality" and collectively as "Member Municipalities").
- B. **Municipal Court Committee.** There is hereby created a Municipal Court Committee. The Municipal Court Committee shall be comprised of one representative of each member municipality who shall be appointed by the Mayor, President or Chair of the member municipality, subject to confirmation by the respective governing body, and in addition, one (1) member who shall be a Police Chief of a member municipality. The Chief's position shall be replaced on a yearly basis by means of rotation among the chiefs. Chiefs will rotate as follows: Onalaska, Campbell, Shelby, Bangor, Holmen, and West Salem. In the event a Member Municipality not listed above has a Police Chief, they shall be added to the rotation. In order to assure participation and continuity of representation, each member municipality may appoint an alternate representative who shall act on committee matters in the absence of the representative. The term for each municipal member representative, other than Chief, shall be for two (2) years.
- C. **Creation and Qualification of the Position of Municipal Judge.** Pursuant to Ch. 755, Wis. Stats., the office of Municipal Judge is hereby created. Eligibility for the office of Municipal Judge shall be as follows: To be eligible for the office of Municipal Judge a person must be a qualified elector of a Member Municipality.
- D. **Election and Term of Municipal Judge.** The position of the municipal judge shall be by election. The municipal judge shall be elected at large at the spring election, for a four (4) year term, commencing on May 1st succeeding their election. Electors of the Member Municipalities shall be eligible to vote for the municipal judge of the Joint Municipal Court.
- E. **Creation of the Position of Clerk of the Municipal Court.** Pursuant to Ch. 755, Wis. Stats., the office of the Clerk of the Joint Municipal Court is hereby created. Said Clerk shall take the position upon hire by the City of Onalaska and written appointment by the municipal judge. One member of the Joint Municipal Court Committee, selected by the Chair, shall participate in the interviews for the hiring of the Municipal Court Clerk. Training and compensation of said clerk shall be as determined by the City of Onalaska after consideration of any recommendation by the Municipal Court Committee.
- F. **Salary of Municipal Judge.** The municipal judge shall receive a fixed salary and municipal judge's training pursuant to Sec. 755.18, Wis. Stats., the salary to be determined by the City of Onalaska after consideration of the recommendation of the Municipal Court Committee, subject to Sec. 755.04, Wis. Stats., which shall be in lieu of fees and costs. The salary may be increased for a new term prior to the beginning of the term of the judge or for the second year of the term of the judge, but shall not be decreased during the term of the judge. The salary shall be paid in monthly installments. No salary shall be paid to the municipal judge for any time during their term for which they have not executed and filed the official bond and oath as required by this Section.
- G. **Bond and Oath of Municipal Judge.** The municipal judge shall, after election to fill a vacancy, take and file the official oath as prescribed in Sec. 755.03, Wis. Stats., with the City Clerk of the City of Onalaska. In lieu of an official bond, the Member Municipalities shall collectively maintain the Municipal Court Judge on a dishonesty insurance policy or other appropriate insurance policy that covers the judge and a copy of the policy shall be provided yearly to the Joint Municipal Court Committee.
- H. **Oath of Municipal Court Clerk.** The Municipal Court Clerk shall, before entering upon the duties of the office take and file the official oath as prescribed in Sec. 19.01 Wis. Stats., with the City Clerk of the City of Onalaska. The City of Onalaska shall provide a copy of the sworn oath to the other Member Municipalities.
- I. **Jurisdiction of Municipal Judge.** The municipal judge shall have jurisdiction as provided in Article VII, Secs. 755.045 and 755.05, Wis. Stats., and as otherwise provided by state law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement and seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.
- J. **Joint Municipal Court.**
 - 1. **Location.** The Joint Municipal Court's location shall be the City of Onalaska City Hall. The time(s) of the municipal court shall be determined by the municipal judge and the Municipal Court Committee.
 - 2. **Vacancies.** If the municipal judge is temporarily absent, sick or disabled, the provisions of Sec. 800.06(1), Wis. Stats., shall apply, and if the municipal judge becomes incompetent, unable or fails to

act, or in the event of a vacancy, the provisions of Sec. 800.06(2), Wis. Stats., shall apply. Any substitute municipal judge designated or assigned hereunder shall be compensated as authorized by Sec. 800.065(3), Wis. Stats.

3. The municipal judge shall satisfy all continuing education requirements for municipal judges.
 4. Upon the proper and timely written request for substitution of the municipal judge, the provisions of Sec. 800.05, Wis. Stats., shall apply.
 5. The procedures of the Joint Municipal Court shall be in accord with the applicable Wisconsin Statutes, this Chapter and the Joint Municipal Court Agreement entered into between the Member Municipalities. The Joint Municipal Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In non-traffic matters, each Member Municipality shall draft a bond schedule, which shall become effective upon approval by the Member Municipality's governing body. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.
- K. **Fees and Costs.**
1. The municipal judge may impose punishment and sentences as provided by Ch. 800 and 938 Wis. Stats., and as provided in the ordinances of the Member Municipalities that are parties to the agreement. The Treasurer of the City of Onalaska and the Municipal Court Clerk certifies the monthly accounting with the State of Wisconsin. Such reports are available by request to each Member Municipality.
 2. The municipal judge shall collect a fee for Court Costs on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons or the action is tried as a contested matter. For the purposes of this section, the "Court Costs" for matters adjudicated by the Coulee Region Joint Municipal Court shall be at the maximum rate allowed pursuant to Sec. 814.65, Wis. Stats., or its successor or replacement.
- L. **Withdrawal from Joint Municipal Court.** Any member municipality may withdraw from this Agreement by giving notice in writing to the Municipal Court Committee no later than September 30th of any year. Upon giving such notice, the member municipality's participation in the joint municipal court shall terminate on December 31st of said year.
- M. **Statutes Adopted by Reference.** Chs. 755 and 800, Wis. Stats. as may be amended, are hereby adopted by reference.
- N. **Contempt of Court.** The municipal judge, after affording an opportunity to the person accused to be heard in defense, may impose as sanction authorized under Sec. 800.12, Wis. Stats., and may impose a forfeiture therefore not to exceed Two Hundred Dollars (\$200.00) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

Chapter 04 Boards and Commissions

Division 1 General Provisions for Boards

2.04.11 Board of Review

- A. **Composition.** The Board of Review shall consist of the Mayor, City Clerk, and three (3) Council Members appointed by the Mayor. The Board of Review members, except members who are full-time employees or officers of the City of Onalaska, shall receive such compensation as shall be fixed by the Common Council.
- B. **Duties.** The duties and functions of the Board of Review shall be as prescribed in Secs. 70.46 and 70.47, Wis. Stats.
- C. **Board's Duty.** The Board shall carefully examine the assessment roll and correct all apparent errors in description or computation. It shall add all omitted property but shall not raise or lower the assessment of any property except after hearing, as provided by the Statutes.
- D. **Confidentiality.** Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Sec. 70.47(7)(af), Wis. Stats. or any successor statute thereto, then, such income and expense information may be revealed to and used by such persons: in the discharging duties imposed by law; in the discharge of duties imposed by office (including but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Sec. 70.47(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is, per Sec. 70.47(7)(af), Wis. Stats. confidential and not a public record and therefore is not subject to the right of inspection and copying under Sec. 19.35(1), Wis. Stats.
- E. **Severability.** The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or

unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

2.04.12 Board of Public Works

- A. The Board of Public Works shall consist of the Director of Public Works, the Mayor, the Financial Services Director, and two (2) Council Members along with an alternate Council Member. The two (2) Council Members shall be annually appointed by the Mayor, subject to confirmation by the Council at the organizational meeting. The alternate Council Member shall serve when either of the regular Council Members are absent or must withdraw on grounds of conflict of interest. The Board of Public Works shall perform those duties prescribed in this Code of Ordinances and Sec. 62.14, Wis. Stats.

2.04.13 Board of Zoning Appeals

- A. **Establishment.** A Board of Zoning Appeals shall be appointed as specified in Sec. 62.23(7)(e), Wis. Stats. The Board of Zoning Appeals shall consist of five (5) members, appointed by the Mayor, subject to confirmation by the Common Council. The member of the Common Council who serves on the Plan Commission shall serve as an alternate member. The Mayor shall designate one (1) of the members chairperson.
- B. **Powers.** The Board of Zoning Appeals shall have the following powers:
1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the City's Unified Development Code and Building Code.
 2. To hear and decide special exceptions to the terms of City Unified Development Code, Floodplain Regulations, and Building Code upon which the Board of Zoning Appeals is required to pass.
 3. To authorize, upon appeal in specific cases, such variance from the terms of the City's Unified Development Code as described in Section 13.05.23.
 4. The Board of Zoning Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made regarding the premises. The concurring vote of four (4) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the City's Unified Development Code and Building Codes.
- C. **Meetings and Rules.** All meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Section or with applicable Wisconsin Statutes.

2.04.14 Parks, Recreation & Library Board

- A. **Appointments.** The Parks, Recreation & Library Board shall consist of seven (7) members including six (6) citizens from the City of Onalaska and one (1) Council Member. The members of this Board shall be appointed for terms of three (3) years, except that the Council Member shall be annually appointed by the Mayor subject to confirmation by the Council. Any Board member may be reappointed and may serve an unlimited number of consecutive terms. In addition to the members set forth above, a student recommended by the Onalaska High School administration may be appointed to the Board in an advisory, non-voting capacity for a term of one (1) year.
- B. **Compensation; Oaths.** No compensation shall be paid for service on the Board. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., to be filed with the City Clerk.
- C. **Powers and Duties.** The Board shall have all the powers conferred by law under Sec. 27.08, Wis. Stats. and Sec. 43.54, Wis. Stats. and shall be charged with all the duties so required such as recommend, oversee work, and oversee funds of all parks, park and recreational facilities, playgrounds, and recreational activities as part of properties within the City. The Parks, Recreation & Library Board is specifically empowered and directed:
1. To govern, manage, control, improve and care for all public parks located within, or partly within and partly without, the corporate limits of the City and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote these purposes.
 2. To acquire in the name of the City for park purposes by gift, purchase, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right

or privilege, provided gifts to the City of money or other property, real or personal, either absolutely or in trust, for park purposes shall be accepted only after they have been recommended by the Board to the Common Council and approved by said Common Council by resolution.

3. With prior Council approval, to buy or lease lands in the name of the City for park purposes within or without the City and, with the approval of the Common Council, to sell or exchange property no longer required for its purpose.
 4. To serve as liaison between the City and the County library system library board.
 5. To have the powers necessary and convenient for the effective and efficient management, control, supervision and operation of the City park system, park and recreation facilities and recreation programs, subject to budgetary approval by the Common Council.
 6. To coordinate library related activities of the City and the County library system and ensure the City's responsibility for the operation and maintenance of the library is carried out in the manner which best serves the interest of the residents of the area.
 7. To have jurisdiction of the parks and playgrounds throughout the City and assume full responsibility for the equipping, developing and maintaining the physical facilities of the park system.
 8. To establish such rules and regulations to promote the quiet, orderly and suitable use of the City parks and playgrounds as the Board shall deem necessary.
 9. And such other and further duties as may be necessary for the proper carrying out of the purposes of said Board.
- D. **Public Recreation Program.** The Parks, Recreation & Library Board shall determine the recreational needs and shall have jurisdiction over the public recreation program of the City.
- E. **Record.** The Parks, Recreation & Library Board shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the office of the City Clerk.
- F. **Finance.**
1. **Budget.** The Board shall assist in preparing an annual budget for submission to the Common Council, which budget shall reflect the Board's recommendations as to maintenance or acquisition of City parks, open spaces, park and related facilities, recreation programs and equipment, summer or seasonal employees, etc. Said annual budget request shall contain estimates as to revenues to be derived from recreation programs or activities as well as estimated expenditures for operating the parks and recreation system.
 2. **Deposits.** All revenues and income from the operation of Park and Recreation Programs shall be deposited with the City Treasurer.
 3. **Monetary Contributions.** All monies donated to the City specifically for park or recreation use shall be deposited in City accounts as a non-lapsing fund or reserve for such specific use.

2.04.15 Community Development Authority

- A. **Findings and Declaration of Necessity.** The Common Council hereby finds and declares that a need for blight elimination, community development, housing programs and projects exist in the City and that a community development authority functioning within the City constitutes an effective and efficient means for carrying out such programs and projects. The necessity in the public interest for the provisions of this Section is also declared as a matter of legislative determination.
- B. **Creation of Community Development Authority; Status as Public Body.** Pursuant to Sec. 66.1335 Wis. Stats. (entitled "Housing and Community Development Authorities"), there is hereby created a community development authority, which shall be known as the "Community Development Authority of the City of Onalaska." The Community Development Authority (the "CDA") is deemed a public body and a body corporate and politic, exercising necessary public powers, and having all the powers, duties and functions conferred on redevelopment authorities, community development authorities, housing authorities and housing authorities for elderly persons by applicable law.
- C. **Composition of Governing Body; Powers Vested in Commissioners; Compensation.** The CDA shall consist of seven (7) resident persons having sufficient ability and experience in the field of urban renewal, community development, and housing, who shall serve as the governing body (the "Commissioners") of the CDA. In addition to the members set forth above, a student recommended by the Onalaska High School administration may be appointed to the Commission in an advisory, non-voting capacity for a term of one (1) year. The powers of the CDA shall be vested in, and exercised by, the Commissioners in office from time to time.
- D. **Compensation; Oaths.** No compensation shall be paid for service on the CDA. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the City Clerk.
- E. **Appointment, Confirmation and Term of Commissioners; Vacancies.** The Commissioners of the CDA shall be appointed by the Mayor and confirmed by the Common Council as follows:
1. Two (2) of the Commissioners shall be members of the Common Council, one (1) of which shall be a member of the Finance and Personnel Committee and the other shall not be a member of the Finance and Personnel Committee. Each of the Common Council Commissioners shall serve with full

voting rights. The remaining five (5) Commissioners of the CDA shall be selected with preference to the following qualifications: (1) background in finance, banking, accounting, financial investments or any combination thereof, (2) legal, paralegal or real estate law background or any combination thereof, (3) background in either real estate, real estate development, commercial and residential construction or property management or any combination thereof, (4) background in the Onalaska business community and Onalaska community organizations and (5) background in either manufacturing, business start-ups or other related background.

2. All Commissioners who are not members of the Common Council shall be appointed for terms of four (4) years. A Commissioner who is not a member of the Common Council shall hold office until their successor has been appointed and qualified, unless such Commissioner's term is vacated earlier because of their change of residence, removal, resignation, incapacity or death.
 3. Vacancies occurring during any term shall be filled for the unexpired portion of the term and new appointments or reappointments of Commissioners shall be made, in the same manner in which the original appointments were made.
 4. The Mayor of the City of Onalaska shall be a non-voting ex-officio member of the Community Development Authority.
- F. **Evidence of Appointment.** The records maintained in the office of the City Clerk reflecting that the City Clerk administered the oath of appointment of the Commissioner. Such record shall be conclusive evidence of the due and proper appointment of the Commissioner if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon their office.
- G. **Removal of Commissioners.** A Commissioner may be removed from office by the Mayor by incompetency, inefficiency, neglect of duty or misconduct in office, but such Commissioner shall be removed only after they shall have been given a copy of the charges at least ten (10) days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any Commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the City Clerk. To the extent applicable, the provisions of Sec. 17.16, Wis. Stats., relating to removal for cause shall apply to any such removal.
- H. **Meetings; Quorum; Bylaws.** All meetings of the CDA shall be held in compliance with the provisions of Subch. IV of Ch. 19, Wis. Stats. and this Code of Ordinances. Four (4) Commissioners shall constitute a quorum of the CDA for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the CDA upon the affirmative vote of a majority of the Commissioners present at any meeting of the CDA at which a quorum is present. No vacancy in the membership of the CDA shall impair the right of a quorum to exercise the powers and perform the functions of the CDA. The CDA may adopt and from time to time amend or repeal such bylaws and other rules and regulations not inconsistent with applicable law as it deems necessary in the performance of its functions.
- I. **Selection of Officers, Agents and Employees.**
1. The CDA shall annually elect a Chairperson and Vice Chairperson from among the Commissioners. Vacancies occurring in the office of Chairperson or Vice Chairperson shall be filled from among the Commissioners for the unexpired portion of the term.
 2. The CDA may employ technical experts and such other officers, agents and employees, permanent and temporary, as it may require from time to time in the performance of its duties and functions, within the limits of the funds available for such purpose. The CDA may delegate to one (1) or more of its agents or employees such powers or duties as may deem proper.
 3. The employees of the CDA shall be selected and serve under the provisions of the City's civil service system and shall be subject to pertinent civil service and personnel policies established for City employees with equivalent duties and responsibilities unless the CDA:
 - a. Adopts and approves hiring, personnel and employment policies;
 - b. Resolves to apply and maintain hiring, personnel and employment policies; and
 - c. The CDA provides sixty (60) days' notice of the adoption of the policies and resolutions set forth above.
 4. The CDA may call upon the City Attorney for such legal services as it may require, and may also retain specialists to render legal services as required by the CDA from time to time. The CDA may also contract with the City or any other agency or entity, public or private, for the provision of any necessary staff services associated with or required by the CDA in the performance of its duties or functions which could be performed by the staff of the CDA.
- J. **City Assistance to CDA.**
1. The CDA is authorized to call upon any department, board, commission or agency of the City for assistance and cooperation in the performance of CDA's duties and functions. All City departments, boards, commissions and agencies are hereby authorized and directed to cooperate with, and furnish assistance to, the CDA in the performance of the CDA's duties and functions to the extent that such cooperation does not interfere with or disrupt the priorities and work programs of the City agency.

2. In the event that any department or commission or agency shall have good cause for failing to comply with the request of the CDA for assistance, the matter shall be referred to the Mayor's office and, if deemed necessary, to the Common Council for adjudication.
 3. In addition, the CDA may contract with the City of Onalaska for performance of such services as may be required by the authority in the performance of its functions. In the event assistance is provided by the department, board, commission or agency of the City, whether by contract or not, the CDA shall agree to compensate the City of Onalaska for all services rendered to the authority.
- K. **Interested Commissioners or Employees.** No Commissioner or employee of the CDA shall acquire any direct or indirect interest in any project or in any property included or planned to be included in any such project, nor shall they have any direct or indirect interest in any contract or proposed contract for insurance, materials or services to be furnished or used in any such project. If any Commissioner or employee of the CDA owns or controls a direct or indirect interest in any property included or planned to be included in any such project, they shall immediately disclose the same in writing to the CDA and such disclosure shall be entered upon the minutes of the CDA, and such Commissioner or employee shall not participate in any action by the CDA relating to such property. Failure to so disclose such interest shall constitute misconduct in office.
- L. **Powers and Duties of CDA.**
1. The CDA shall have all powers, duties and functions set out in Secs. 66.1201, 66.1213 and 66.1333 Wis. Stats. for housing and redevelopment authorities and as to all housing projects initiated by the CDA it shall proceed under Secs. 66.1201 or 66.1213, Wis. Stats. as applicable and as to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs, it shall proceed under Secs. 66.1301 to 66.1327, 66.1333, 66.1337 or 66.1105, Wis. Stats., as determined appropriate by the Common Council on a project by project basis.
 2. The CDA may, upon the direction of the Common Council, act as agent of the City in planning and carrying out community development programs and activities funded under the Federal Housing and Community Development Act of 1974, as amended, and any or all community development programs and activities initiated by the CDA and approved by the Mayor and Common Council shall be undertaken and carried out pursuant to such Act and other applicable law.
 3. The CDA may, upon the direction of the Common Council, act as agent of the City in performing any or all acts, except the development of the general plan of the City, which may otherwise be performed by the Plan Commission under Secs. 66.1301 to 66.1327, 66.1333, 66.1337 or 66.1105 Wis. Stats.
 4. In addition to the foregoing powers, duties and functions, the CDA shall have such other powers, duties and functions related to community development as are conferred on it by the Common Council from time to time.
- M. **Annual Budget.** An annual budget shall be established by the CDA, which budget shall be subject to approval of the Finance and Personnel Committee and the Common Council.
- N. **Annual Report.** The CDA shall coordinate with City Staff to include a summary of their yearly activities in the annual Planning Department report.
- O. **Evidence of Authority.** A certified copy of this Section shall be filed with the City Clerk and shall be prima facie evidence of the CDA's right to transact business, and such ordinance shall not be subject to challenge because of any technicality. In any suit, action or proceeding commenced against the CDA, a certified copy of such ordinance shall be deemed conclusive evidence that the CDA is established and authorized to transact business and exercise its powers hereunder and pursuant to Sec. 66.1335, Wis. Stats.
- P. **Construction.** All powers, duties and functions of a community development authority, as set forth in Sec. 66.1335, Wis. Stats., are deemed to have been granted to the CDA as though set forth in this Section, except as to those powers, duties and functions which are subject to further authorization and direction of the Common Council, as set forth herein.
- Q. **Committees.** The CDA shall create related committees and boards on an as needed basis to assist in the implementation of the powers and duties of the CDA as set forth above including but not limited to those powers conferred to a redevelopment authority as set forth in Sec. 66.1335, Wis. Stats. and such other duties, powers and functions related to community development as are conferred on it by the Common Council.

Division 2 **General Provisions for Commissions**

2.04.21 **Police and Fire Commission**

- A. The Board of Police and Fire Commissioners shall consist of five (5) citizens who are residents of the City, three (3) of whom shall constitute a quorum. The Mayor shall annually appoint at the organizational meeting one (1) member for a term of five (5) years, subject to confirmation by the Council. No appointment shall be made which will result in more than three (3) members of the board belonging to the same political party. The Commission shall keep a record of its proceedings. The Board of Police and Fire

Commissioners shall have the power and authority prescribed by Sec. 62.13, Wis. Stats., and this Code of Ordinances.

2.04.22 Plan Commission

- A. **Composition.** The Plan Commission shall consist of seven (7) members as follows: the Mayor, one (1) Council Member, Director of Public Works, and four (4) citizens.
- B. **Appointment.** The Common Council member shall be appointed by the Mayor each April and confirmed by the Common Council for a period of one (1) year and the four (4) citizen members shall be appointed by the Mayor for a term of three (3) years.
- C. **Organization of Commission.** The Mayor shall appoint a presiding officer each year, which can be the Mayor or any member of Plan Commission and the Commission shall select by election a vice-chairman, secretary and such other officers as may in their judgement be necessary.
- D. **Record.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the office of the City Clerk. Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.
- E. **Duties.**
 1. **The Master Plan.**
 - a. The Plan Commission may make, adopt and, as necessary, amend, extend or add to the master plan, subject to Common Council confirmation, for the physical development of the City including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the City. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.
 - b. The Plan Commission may adopt the master plan as a whole by a single resolution, or as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Common Council. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the Mayor and the City Clerk, and a copy of the plan or part thereof shall be certified to the Common Council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Common Council in the performance of their duties.
 2. **Mandatory Referrals to Commission.** The Common Council or officer of the City having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: the location, acceptance, extension, alteration, vacation, abandonment, sale, acquisition of land for or lease of land for any street, alley or other public ways (along with other appropriate City boards or commissions), park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Ch. 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within thirty (30) days, or such longer period as may be stipulated by the Common Council, the Council or other public body or officer may take final action without it.
 3. **Miscellaneous Powers.** The Plan Commission exercises final review and approval of site development plans and requests for conditional use permits and has the authority to make those decisions which the City of Onalaska Unified Development Code (Title 13) has given the Plan Commission the authority to make. The Plan Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend

to the Common Council programs for public improvements. All public officials shall, upon request, furnish to the Plan Commission, within a reasonable time, such available information as it may require for its work. The Plan Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.

- F. **Vacancies.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
- G. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the office of the City Clerk.

2.04.23 Room Tax Commission

- A. **Membership and Organization.** The Room Tax Commission shall consist of five (5) members who shall be selected as follows: One (1) member of the Common Council; one (1) member shall be a representative of the Wisconsin hotel and motel industry; three (3) members shall be citizens residing in the City of Onalaska. All members shall be appointed by the Mayor subject to Common Council approval. Strong consideration shall be given to citizens members who are business owners or have experience in tourism and hospitality industries. All members of the Commission shall serve for a one (1) year term from the date of appointment. Any vacancies occurring on the Room Tax Commission shall be filled by appointment by the Mayor, subject to confirmation by the Common Council. Any person so appointed shall serve the balance of the term of the person causing the vacancy. The Commission shall choose a Chairperson, Vice-Chairperson and such other officers as it deems appropriate.
- B. **Meetings.** Meetings may be held under call of the Chairperson of the Commission or if requested in writing by three (3) members of the Commission filed with the City Clerk in which event, the City Clerk shall notify all members of the coming meeting. At least twenty-four (24) hours' notice shall be allowed under this procedure. The City Clerk shall give written notice of each meeting to the Mayor and to all members of the Room Tax Commission. Three (3) members shall constitute a quorum. Such regular meetings shall be open to the public.
- C. **Powers.** The Room Tax Commission shall require for all organizations, whether private or governmental, who receive funds hereunder, an annual accounting of the application of all room tax funds designated for tourism development and tourism promotion ("Tourism Funds"). The Room Tax Commission shall designate the use of all Tourism Funds of the City of Onalaska.
- D. **Statutory Authority.** The Room Tax Commission shall be the entity in which room tax is allocated for the City of Onalaska pursuant to Sec. 66.0615, Wis. Stats., as may be amended.
- E. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., to be filed with the office of the City Clerk.
- F. **Annual Budget.** An annual budget shall be established by the Room Tax Commission in conjunction with the Financial Services Director, which budget shall be subject to approval of the Finance and Personnel Committee and the Common Council.

2.04.24 Historic Preservation Commission

- A. **Composition and Appointment.** A Historic Preservation Commission is hereby created, consisting of up to eight (8) members but no less than seven (7) members. The membership shall consist of one (1) Council Member; and up to seven (7) citizen members. Where possible, preference shall be given to have three (3) of the citizen members have one (1) or more of the following backgrounds: real estate, property development or construction, attorney, architecture, land use or planning, history or local historian. In addition, the Common Council may appoint an ex-officio member of the Ho Chunk Nation or other Native American Nation having cultural history in Onalaska. The ex-officio member shall serve a three (3) year term. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Mayor shall appoint the Commissioners subject to confirmation by the Common Council.
- B. **Appointment, Confirmation and Term of Commissioners; Vacancies.** The Commissioners of the Historic Preservation Commission shall be appointed by the Mayor and confirmed by the Common Council for three year terms.
 - 1. A Commissioner shall hold office until their successor has been appointed and qualified, unless such Commissioner's term is vacated earlier because of their change of residence, removal, resignation, incapacity or death.
 - 2. Vacancies occurring during any term shall be filled for the unexpired portion of the term, and new appointments or reappointments of Commissioners shall be made, in the same manner in which the original appointments were made.

- C. **Powers and Duties of Historic Preservation Commission.** The Commission shall have the power, subject to the procedures set forth Section 13.02.45, to designate structures and historic sites and to recommend designation of Historic Districts within the City limits.
- D. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., said oath to be filed with the office of the City Clerk.

2.04.25 Municipal Harbor Commission

- A. **Creation.** Pursuant to a resolution by the City of Onalaska Common Council, there shall be a Municipal Harbor Commission (the "MHC") pursuant to Sec. 30.37, Wis. Stats.
- B. **Composition of Governing Body.** The MHC shall consist of seven (7) resident persons who shall serve as the governing body (the "Commissioners") of the MHC.
- C. **Appointment, Confirmation and Term of Commissioners; Vacancies.** The Commissioners of the MHC shall be appointed by the Mayor and confirmed by the Common Council, as follows:
 - 1. The appointments of the seven (7) Commissioners shall be made for terms of three (3) years. A Commissioner shall hold office until their successor has been appointed and qualified, unless such Commissioner's term is vacated earlier because of their change of residence, removal, resignation, incapacity or death.
 - 2. Vacancies occurring during any term shall be filled for the unexpired portion of the term, and new appointments or reappointments of Commissioners shall be made, in the same manner in which the original appointments were made.
- D. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the office of the City Clerk.
- E. **Filing of Certificate of Appointment.** A certificate of the appointment or reappointment of any Commissioner shall be filed with the office of the City Clerk. Such certificate shall be conclusive evidence of the due and proper appointment of the Commissioner if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon their office.
- F. **Meetings; Quorum; Bylaws.** All meetings of the MHC shall be held in compliance with the provisions of Subch. IV of Ch. 19, Wis. Stats. and this Code of Ordinances. Four (4) Commissioners shall constitute a quorum of the MHC for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the MHC upon the affirmative vote of a majority of the Commissioners present at any meeting of the MHC at which a quorum is present. No vacancy in the membership of the MHC shall impair the right of a quorum to exercise the powers and perform the functions of the MHC. The MHC may adopt and from time to time amend or repeal such bylaws and other rules and regulations not inconsistent with applicable law as it deems necessary in the performance of its functions.
- G. **Selection of Officers, Agents and Employees.**
 - 1. The MHC shall elect a Chairperson and Vice-Chairperson from among the Commissioners. Vacancies occurring in the office of Chairperson or Vice-Chairperson shall be filled from among the Commissioners for the unexpired portion of the term.
 - 2. The MHC may employ technical experts and such other officers, agents and employees, permanent and temporary, as it may require from time to time in the performance of its duties and functions, within the limits of the funds available for such purpose. The MHC may delegate to one (1) or more of its agents or employees such powers or duties as may deem proper.
 - 3. The MHC may call upon the City Attorney for such legal services as it may require, and may also retain specialists to render legal services as required by the MHC from time to time. The MHC may also contract with the City or any other agency or entity, public or private, for the provision of any necessary staff services associated with or required by the MHC in the performance of its duties or functions which could be performed by the staff of the MHC
- H. **Duties and Powers.** The purpose of the MHC is to provide for the development and operation of harbors and the preservation of navigable waterways within the City of Onalaska. The City of Onalaska Municipal Harbor Commission has the powers and shall perform all duties set forth in Secs. 30.37 and 30.38, Wis. Stats., which are hereby incorporated by reference.
- I. **Relationship to Other Municipal Board and Commissions.** The MHC shall make recommendations to the Onalaska Common Council. The MHC shall function independently from the Onalaska Common Council except when incurring debt, obtaining real property, selling real property or taking any action requiring Common Council approve pursuant to Sec. 30.38, Wis. Stats.

Division 3 Meetings; Public Notices; and Residency Requirements

2.04.31 General Provisions Regarding Meetings and Public Notices

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

2.04.32 Residency Required for Service on Boards or Commissions

- A. No person not a resident of and not residing in the City of Onalaska shall be appointed in a voting capacity to any City board or commission. Any board or commission member who moves from the City shall immediately be removed from such board or commission. This residency requirement shall not apply to any City of Onalaska employees who hold a seat on any City board or commission as a result of their employment with the City or any individual who sits on a board or commission as a result of their seat with a third-party organization or as representative of a particular industry in Onalaska.

Chapter 05 Ethical Standards

Division 1 Administration

2.05.11 Declaration of Policy

It is declared that high ethical standards among City officers and employees are essential to the conduct of good representative government and that a code of ethics for the guidance of public officers and employees will help them avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of the City in their public officers and employees. The purpose of this Chapter is to establish guidelines for ethical standards of conduct for all such City officers and employees by setting forth those acts or actions that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence and integrity of City officers and employees and their official actions.

2.05.12 Statutory Standards of Conduct

- A. The provisions of the following Sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Chapter and shall apply to all public officers and public employees whenever applicable, to wit:
 - 1. Sec. 946.10. Bribery of Public Officers and Employees.
 - 2. Sec. 946.11. Special Privileges from Public Utilities.
 - 3. Sec. 946.12. Misconduct in Public Office.
 - 4. Sec. 946.13. Private Interest in Public Contract Prohibited.

2.05.13 Definitions

- A. **Anything of value.** Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the city, fees, and expenses which are permitted and reported under Sec. 19.56 Wis. Stats., political contributions which are reported under Ch. 11, Wis. Stats., or hospitality extended for a purpose unrelated to state business by a person other than an organization.
- B. **Associated.** When used with reference to an organization, includes any organization in which a person or a member of their immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least ten percent (10%) of the outstanding equity.
- C. **Gift.** The payment or receipt of anything of value without valuable consideration.
- D. **Organization.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust.
- E. **Public Officer.** Those persons serving in statutory elected or appointed offices provided for in Ch. 62, Wis. Stats., and all members appointed to boards, committees and commissions established or appointed by the Mayor, Chairperson and/or Common Council, whether paid or unpaid.

- F. **Public Employee.** Any person excluded from the definition of a public officer who is employed by the City.

Division 2 General Provisions

2.05.21 Specific Conflicts of Interest

- A. **Use of Public Property.** No public officer or employee shall use or permit the use of City vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of such officer or employee in the conduct of official business, as authorized by the Common Council or authorized board, commission or committee.
- B. **Conflicts of Interest.** Except as provided herein, no public officer or public employee shall engage in any business transaction with the City, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties or will tend to impair their independence or judgment or action in the performance of their official duties.
- C. **Disclosure of Interest.** Any public officer or employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into or bidding on any transaction with the City, or as part of their official duties will be making an official decision or recommendation significantly affecting a business competitor, client or regular customer, shall disclose such interest to the membership of the Common Council (or committee, board or commission thereof, as appropriate) to be recorded in the minutes of that body. Upon such disclosure, it is advised that the public officer or employee abstain from voting on the matter and from participating in the discussion of the matter.
- D. **Representing Private Interests before the Common Council or City Agencies.** No public officer or employee, including persons or firms engaged to provide professional services to the City, shall represent, for compensation, private interests before the Common Council or any City board, commission or committee without disclosure of the private business relationship and explicit consent of the Common Council.
- E. **Disclosure of Confidential Information.** No public officer or employee shall, without proper authorization of the Common Council, disclose confidential information concerning the property, government or affairs of the City, nor shall they use such information to advance the financial or other private interest of themselves or others.
- F. **Gifts and Favors.** No public officer or employee shall accept anything of value whether in the form of a gift, service loan or promise from any person, who, to their knowledge, has a direct financial interest in any transaction or official business with the City, which may tend to impair their independence of judgment or action in the performance of their official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value, such as a meal, up to Twenty-Five Dollars (\$25.00) in value, and that is not intended to influence the official or employee.
- G. **Disclosure of Interest in Legislation.** To the extent that a member of the Common Council or any public officer or employee of the City of Onalaska, whether paid or unpaid, participates in the discussion of or gives official opinion to the Council on any legislation before the Council, they shall publicly disclose the nature and extent of any direct or indirect financial or other private interest they have in such legislation.

2.05.22 Nepotism

- A. **Public Officers.**
1. A public officer may not use their public office to obtain employment of the officer's spouse or a dependent relative (Sec. 19.5(2); 19.59(1)(a), Wis. Stats.). However, if the officer is not involved in the hiring, promotion or conditions of employment, a qualified spouse or dependent may be hired or promoted.
 2. The State Board of Ethics recommends that officers do not advocate for or hire or promote, or exercise jurisdiction, supervision or direction over someone the officer is related to as a parent, grandparent, child, grandchild, sibling, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, nephew, or spouse.
- B. **Public Employees.**
1. The City of Onalaska permits members of the same family to work for the City. The City will not, however, consider or accept employment applications from individuals whose employment would result in a supervisor/subordinate relationship or a possible conflict of interest.
 2. Relatives are defined as: parent, spouse, child, sibling, grandparent, grandchild, aunt, uncle, cousin, in-law or step-relative, or any person with whom the employee has a close personal relationship, such as a domestic partner, romantic partner, or co-habitant.

3. If a conflict develops during the course of employment, Human Resources will evaluate the situation on a case by case basis. If needed, supervision may be shifted to another supervisor to eliminate the conflict and/or one (1) employee may have to transfer to another department or resign.

2.05.23 Confidentiality of Public Officers or Employees

- A. Confidential information is, at the time of a proposed disclosure, information where the City's interests in its confidentiality or in the City's effective functioning outweigh an interest in free speech to disclose same. Confidential information includes but is not limited to information where the disclosure is prohibited by common law, or state or federal law or statute unless the release of same is ordered pursuant to a lawful order of a court or the informed consent of the subject, as applicable; and, information that is subject to the exemptions of a governmental body to meet in open session under Sec. 19.85, Wis. Stats., unless release is authorized by the legal custodian or other proper legal authorization is given. For purposes of this Section information shall include knowledge imparted orally, recordings, and written documents or records marked confidential.
- B. No officer or employee may intentionally use or intentionally disclose confidential information concerning the property, government or affairs of the City gained in the course of or by reason of their official position or activities, nor shall such officer or employee use such information to advance the financial or other private interests of such officer or employee or others.

2.05.24 Advisory Opinions

- A. Any individual, either personally or on behalf of an organization or governmental body, may request of the office of the City Attorney, an advisory opinion regarding the propriety of any matter to which the person is or may become a party. Any appointing officer, with the consent of a prospective appointee, may request of the City Attorney an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The City Attorney shall review a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests therefore shall be in writing. It is prima facie evidence of intent to comply with this Section when a person refers a matter to the City Attorney and abides by the advisory opinion, if the material facts are as stated in the opinion request. Except as provided below, the City Attorney may not make public the identity of an individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion.
- B. The City Attorney replying to a request for an advisory opinion may make the opinion public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested and may make public a summary of an advisory opinion issued under this subsection after making sufficient alterations in the summary to prevent disclosing the identities of individuals involved in the opinion. A person who makes or proposes to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person waives the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the office of the City Attorney in connection with the request for an advisory opinion.

Division 3 Enforcement

2.05.31 Sanctions

- A. A determination that a public official or public employee's actions constitute improper conduct under the provisions of this Section may constitute a cause for removal from office, termination of employment, suspension, reprimand, removal from committee assignment, sanctioning, censuring or other appropriate disciplinary action as permitted by law subject to any collective bargaining agreements or meet and confer resolution. As an alternative or in addition to the sanctions imposed herein, any person violating the provisions of this section shall be subject to a non-reimbursable forfeiture of no less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each violation.

2.05.32 Enforcement and Collective Bargaining Agreements

- A. Any person having concerns or complaints related to these Ethical Standards can bring their concern or complaint to the office of the Human Resources Department. Upon receipt of a concern or complaint, the Human Resources Director, the City Administrator and/or the Mayor and the applicable Department Head or in the case of a concern or complaint with respect to a committee or committee member, the applicable Committee Chairman, shall meet to investigate and make a determination with respect to the concern or complaint and if necessary determine the appropriate level of disciplinary action. In the event that an employee, covered under a collective bargaining agreement, is allegedly involved in a violation of these Ethical Standards, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this Ethical Standards Chapter.

Chapter 06 Review of Administrative Determinations

Division 1 Authority

2.06.11 Adoption by Reference

- A. The provisions of Wis. Stats. §§ 68.01—68.03, 68.05—68.14, commonly known as the "Municipal Administrative Procedure" laws, which govern the review of administrative determinations by a municipality, or its governing body, boards, commissions, officers or employees, are hereby adopted by reference and made applicable to the review of administrative determinations by the city, or its governing body, boards, commissions, officers or employees, except as such are in conflict or inconsistent with the provisions of this chapter and as are inapplicable by their nature.