

## Chapter 3

### Municipal Officers and Employees

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

- (a) **General Powers.** Officers shall have generally the powers and duties prescribed for like officers of cities, towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Mayor, shall perform such duties as shall be required of him by the Council. Officers whose powers and duties are not enumerated in Chapter 62 of the Wisconsin Statutes shall have such powers and duties as are prescribed by law for like officers or as are directed by the Council.
- (b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.

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- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to City officers.
- (d) **Legal Representation.** Whenever any City official in his official capacity proceeded against or obliged to proceed before any civil Court, Board, Committee or Commission, to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings, or the Council has ordered the proceedings discontinued, the Council may provide for payment to such official such sum as it sees fit, to reimburse him for the expenses reasonably incurred for costs and attorney's fees.
- (e) **Comptroller Eliminated.** As provided in Sec. 62.09(1)(b), Wis. Stats., the office of Comptroller is hereby eliminated. The duties of that office shall be performed by the Financial Services Director.

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

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

- (a) **Appointment Not to Be Governed by Statutes.** The City of Onalaska, pursuant to Sections 62.09 and 66.01 of the Wisconsin Statutes, hereby elects not to be governed by those portions of Chapter 62, Wis. Stats., which are in conflict with this Section. (Charter Ordinance.)
- (b) **Term.** The Clerk shall hold office for an indefinite term, subject to removal for cause by a two-thirds (2/3) vote of the Common Council.
- (c) **Duties.** The City Clerk shall be responsible for performing those duties required by Section 62.09(11) of the Wisconsin Statutes and those duties contained in the job description for the position adopted by the Common Council.
- (d) **Bond.** The City Clerk shall execute to the City a surety company fidelity bond in an amount determined by the Common Council.

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

### **Sec. 2-3-4 Deputy Financial Services Director/Deputy Treasurer.**

- (a) **Appointment.** The Financial Services Director/Treasurer may appoint a Deputy Financial Services Director/Deputy Treasurer subject to confirmation by a majority of all the members of the Common Council. The Deputy Financial Services Director/Deputy Treasurer shall act under the Financial Services Director/Treasurer and shall, during the temporary absence or disability of the Financial Services Director/Treasurer or during a vacancy in such office, perform the duties of Financial Services Director/Treasurer. The acts of the Deputy Financial Services Director/Deputy Treasurer shall be covered by official bond as the Common Council shall direct.

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- (2) **Duties.** The Deputy Financial Services Director/Deputy Treasurer shall be responsible for performing the duties contained in the job description for the position adopted by the Common Council.

### **Sec. 2-3-5 City Attorney.**

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

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

### **Sec. 2-3-6 Chief of Police.**

- (a) **Appointment.**
  - (1) The Chief of Police shall be appointed by the Police and Fire Commission and shall hold office during satisfactory performance, subject to suspension or removal by the Police and Fire Commission pursuant to law. The Chief shall be a City resident.
  - (2) The compensation to be paid the Chief of Police for his services, the hours of active duty, rest days, vacation periods and other involvement of his or her employment shall be such as may be determined by the Common Council from time to time.
- (b) **Duties.** The Chief of Police shall be responsible for performing the duties contained in State law and the job description for the position adopted by the Common Council.

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

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#### **Sec. 2-3-7 Fire Chief**

- (a) **Appointment.** The Fire Chief shall be appointed by the Police and Fire Commission and shall hold office during satisfactory performance, subject to suspension or removal by the Police and Fire Commission pursuant to law and the bylaws of the Department.
- (b) **Duties and Powers.**
- (1) The Chief shall have general supervision of the Fire Department personnel, apparatus and equipment. He, or his designee, shall be present at fires and command all firefighting operations. The Fire Chief may make such further rules, regulations and policies for the government of the Fire Department as he may deem necessary, provided such rules and regulations shall not be inconsistent with the laws of the State of Wisconsin or Department bylaws. The Fire Chief shall, by virtue of his office, hold the office of Fire Inspector or he may delegate a member of the Department to serve as the Fire Inspector.
  - (2) It shall be the duty of the Chief to preside at all meetings of the Department, to call special meetings, to preserve order and to decide all points of order that may arise.
  - (3) The Chief shall have the power to demote, suspend or expel any officer or member of the Department for neglect or refusal to perform his departmental duties, subject to review of such demotion, suspension or expulsion by the Police and Fire Commission.
  - (4) He shall enforce all fire prevention ordinances of the City and State laws and regulations pertaining to fire prevention, and shall keep citizens informed on fire prevention methods, and on the activities of the Department.
- (c) **Reports of Chief.** The Fire Chief shall report to the Common Council from time to time at his discretion or upon the request of said Common Council on matters concerning departmental matters and shall perform such other duties in conformance with his office as may from time to time be required of him by the Common Council.

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

#### **Sec. 2-3-8 Assessor.**

- (a) **Appointment.**
- (1) The City of Onalaska hereby elects not to be governed by those portions of Section 62.09(3)(b) of the Wisconsin statutes relating to the method of selection of the City Assessor which are in conflict with this Section.

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- (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 May succeeding his appointment. The City Assessor shall have an indefinite term of office, subject to removal for cause by a two-thirds (2/3) 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.

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

(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 Section 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 Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats.

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- (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.

**Sec. 2-3-9 Director of Inspection; Deputy Directors.**

(a) **Organization.**

- (1) The Department of Inspection shall consist of a Director and such Deputy Inspectors as the Council shall provide. The Department shall provide all inspection services herein enumerated and such other inspection services as the Board of Public Works or the Council shall direct.
- (2) The Board of Public Works shall be responsible for carrying out the directive of the Common Council and the Department of Inspection is charged with the responsibility of implementing the directives of the Board of Public Works. The Board shall work through the Director of Inspection and said Director shall be responsible for the inspections by the various Deputies.

(b) **Director of Inspection.**

- (1) The Director shall have charge of the Department of Inspection and shall assign duties to the Deputy Inspectors and generally direct the work of the Department.
- (2) The Deputy Inspectors shall perform such duties as the Director shall require. In the event that there are special inspection requirements by operation of state law, the Director or one (1) of the Deputies shall satisfy such specific requirements.

(c) **Qualifications.**

- (1) The Director shall have a general knowledge and show proficiency in the fields of building construction, plumbing, heating installation, electrical installation and such other related subjects as directed by the Board of Public Works. A proficiency examination may be required by the Board of Public Works.
- (2) The Deputy Directors are to have proper state certification in their appropriate area(s) of responsibility. A proficiency examination may be required by the Board.

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- (d) **Appointment of Director and Deputies.** Each member of the Department of Inspection, including the Director, shall be appointed by the Board of Public Works after having demonstrated to the Board of Public Works suitable proficiency for the duties to be assigned to such member and shall hold office for an indefinite term, subject to removal for cause by the Board of Public Works or by the Council. All appointments of the Board of Public Works shall be confirmed by the Council.
- (e) **Supervision.** The Department shall operate under the supervision and direction of the Land Use Development Director.
- (f) **Jurisdiction of Department.** The Department of Inspection, under the direction of the Land Use Development Director, shall have control of the supervision and inspection of plumbing, drainage, and drain-laying and shall faithfully enforce all laws, ordinances and rules in relation thereto. It shall be the duty of the Department of Inspection to see that all construction, reconstruction or alteration of plumbing, drainage or plumbing, ventilation hereafter done in any building shall conform with the laws and ordinances and the rules and regulations laid down by the City or by the State Board of Health and Wisconsin Department of Industry, Labor and Human Relations (DIHLR), and that said work is done by qualified plumbers and drain-layers as provided by law in this Code, and to make all inspections required thereby and in the manner set forth. Said Department shall also perform such other appropriate duties as may be described by the Land Use Development Director or by ordinance or resolution of the Council. It shall also, when so ordered by the Land Use Development Director, inspect water services as to their depth below grade, manner of construction, material and workmanship, and as to the placement of the earth, and in any other respects or particulars designated by the Land Use Development Director, supervise public sewer work, all connections, and all excavations for the purpose of making or repairing the same. It shall enforce the City ordinances, the State Statutes when applicable, and the rules and regulations of the various State agencies pertaining to zoning, buildings, heating, ventilating or air conditioning, plumbing, and electrical work.
- (g) **Authority to Enter Premises.** The members of the Department of Inspection, or any of them, shall have the power and authority, at all reasonable times for any proper purpose, to enter upon any private or public premises and make inspections thereof, and to require any person or persons doing work for which permits are required to produce such permit. It shall be unlawful to resist or obstruct or in any manner interfere with any member of the inspection department lawfully performing his duties.

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- (h) **Preparation of Forms and Records.** The Department of Inspection shall prepare suitable forms for the applications and permits required and keep in its office a proper daily record of all the transactions of its office. The yearly report shall cover the period ending December 31st and shall be filed on or before January 10th next thereafter, and shall show the total amount of fees earned and a summary of the work of his office during said period.
- (i) **Scope Enumerated.** In all cases in the Code of Ordinances where reference is made to the Electrical Inspector, City Electrician, Building Inspector, Plumbing Inspector, Zoning Inspector, the Fire Inspector under the Heating, Ventilating and Air Conditioning Code and Sidewalk Inspector, such references are hereby amended and shall refer to the Director and various deputies in the Department of Inspection.

### **Sec. 2-3-10 Public Works Director.**

- (a) **Appointment.** The Director of Public Works shall be appointed by the Mayor, subject to confirmation by the Council. The Director of Public Works shall have indefinite terms of office, subject to removal for cause by a two-thirds (2/3) vote of the Common Council.
- (b) **Duties.** The Director of Public Works shall be responsible for performing the duties contained in their respective job descriptions for the positions adopted by the Common Council.

### **Sec. 2-3-11 Director of Parks and Recreation.**

- (a) **Appointment.** The Director of Parks and Recreation shall be responsible for planning, organizing, supervising, and controlling all Municipal Parks and Recreation programs and operations. He shall be appointed by the Mayor, subject to confirmation by majority vote of the Common Council, for an indefinite term of office.
- (b) **Major Duties and Responsibilities.** The Director of Parks and Recreation shall:
  - (1) Coordinate the various programs and personnel of the City's Parks and Recreation programs;
  - (2) Supervise directly or through subordinates the staff assigned to the Department;

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- (3) Be responsible for planning, organizing, developing, executing and evaluating a year-round comprehensive recreation program;
- (4) Be responsible for long range and master plans for park and recreation activity including plans for acquisition of park property as required;
- (5) Assist in recruitment and hiring of all full-time, part-time, and seasonal personnel required for the work;
- (6) Prepare and submit an annual budget and control for conformance to the final budget as authorized;
- (7) Coordinate park and recreation programs and facilities with schools and other community recreation and beautification programs; and
- (8) Perform such other duties as directed by the Common Council.

### **Sec. 2-3-12 Weed Commissioner.**

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

*State Law Reference: Sec. 66.0517, Wis. Stats.*

### **Sec. 2-3-13 Joint Municipal Court**

- (a) **Established**, Pursuant to Chapter 755 Wisconsin Statutes, there is hereby created and established a municipal court designated "Joint Municipal Court" for the City of Onalaska, the Town of Campbell, the Town of Shelby, the Village of Bangor, Village of Holmen, and the Village of West Salem, (hereinafter collectively referred to as "Joint Municipal Court.")

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- (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 member who shall be a police chief of a member municipality. The initial member Chief shall be the Chief of Police of Onalaska. 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 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. Provided, however, that in order to insure some continuity on the Municipal Court Committee, the initial term for the representative from the City of Onalaska, the Town of Campbell, and the Village of Bangor shall be for a term of one (1) year. Thereafter, the term for the representative from the City of Onalaska, the Town of Campbell, and the Village of Bangor shall be for a term of two (2) years.
- (c) **Creation and Qualification of the Position of Municipal Judge.** Pursuant to Chapter 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 in the City of Onalaska, the Town of Campbell, the Town of Shelby, the Village of Bangor, the Village of Holmen, or the Village of West Salem.
- (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 commencing in 2004 at the spring election, for a four (4) year term, commencing on May 1<sup>st</sup> succeeding his or her election. Electors of the City of Onalaska, the Town of Campbell, the Town of Shelby, the Village of Bangor, the Village of Holmen, , and the Village of West Salem 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 Chapter 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 after consideration of any recommendation from the Municipal Court Committee and written appointment by the municipal judge. 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) **Duties of Municipal Court Clerk.** The clerk shall:
- (1) File and review citations and complaints, assuring their correctness;
  - (2) Reply to departmental mail concerning routine matters as prescribed by the municipal judge;

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- (3) Assign docket numbers to citations and complaints, type the docket sheets and gather all material pertinent to cases;
  - (4) Determine and schedule court dates and facilities subject to subsection (k)(1) of this section;
  - (5) Arrange for juvenile cases to be heard away from regular court;
  - (6) Communicate with law officers, attorneys and defendants regarding court proceedings;
  - (7) Balance dockets at the conclusion of court proceedings;
  - (8) Prepare and mail warrants and summons;
  - (9) Prepare monthly report of financial activities;
  - (10) Assist in the collection of traffic bonds;
  - (11) Prepare necessary communications for jury trials and transfers to circuit court;
  - (12) Perform such other duties as may be required by the municipal judge and Municipal Court Committee.
- (g) **Salary of Municipal Judge.** The municipal judge shall receive a fixed salary and municipal judge's training pursuant to Section 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 his or her term for which he or she has not executed and filed the official bond and oath as required by subsection (h) of this section.
- (h) **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 clerk of circuit court for La Crosse County, and at the same time shall execute and file an official bond in the amount determined by the governing bodies of the member municipalities.
- (i) **Bond and 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 and at the same time, shall execute and file an official bond in the amount determined by the governing bodies of the member municipalities. The City of Onalaska clerk shall provide file copies to the other municipal members.
- (j) **Jurisdiction of Municipal Judge.** The municipal judge shall have jurisdiction as provided by the Statutes and Laws of the State of Wisconsin and pursuant to Section 755.045, Wis. Stats.

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#### **(k) Procedures of Joint Municipal Court.**

- (1) 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) The procedure for the Joint Municipal Court shall be as provided in this section and state law, including, but not by way of limitation, Chapters 60, 61, 62, 66, 755 and 800 of the Wisconsin Statutes as may be amended. The jurisdiction of the municipal judge is limited to misdemeanors. This includes traffic offenses and municipal ordinance violations. The Joint Municipal Court is authorized to impose forfeitures, court costs, state penalty assessments and miscellaneous fees related to the cost of prosecution. The municipal judge shall have jurisdiction as is provided in Sec. 755.045, Wis. Stats.
  - (3) If the municipal judge is temporarily absent, sick or disabled, the provisions of Sec. 800.06(1), Wis. Stats., shall apply, and if the municipal judge becomes incompetent, unable or fails to act, or in the event of a vacancy, the provisions of Sec. 800.06(2), Wis. Stats., shall apply. Any substitute municipal judge designated or assigned hereunder shall be compensated as authorized by the Municipal Court Committee. 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 ordinance 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 municipal member shall draft a bond schedule, which shall become effective upon approval by the municipal member's governing body. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.
  - (6) The municipal attorney for each member municipality shall serve as the prosecutor for that member municipality's cases in Joint Municipal Court.
- (l) Fees and Costs**
- (1) Bonds for appearance, partial payments and other funds collected by the Joint Municipal Court shall be treated as escrow funds and deposited with the municipal court clerk.

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- (2) The clerk of the municipal court clerk shall collect all forfeitures and costs in any actions or proceedings and deposit the same in the account established for such purpose not later than the seventh (7<sup>th</sup>) business day succeeding receipt thereof. At the time of payment, said clerk shall report to the City of Onalaska financial services director the title of the action, the offense for which the forfeiture was imposed, and the total amount of the forfeiture, fees, penalty assessments and costs, if any. Said financial services director shall disburse the forfeitures to the appropriate municipal member, disburse the fees as provided in Sec. 814.65 Wis. Stats., and disburse any penalty assessments pursuant to Sec. 66.0114(1) (bm), Wis. Stats.
- (3) 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 Wis. Stat. Sec. 814.65, or its successor or replacement.
- (4) The clerk of the Joint Municipal Court shall provide a monthly accounting to each member municipality of the amounts collected and disbursed for each member municipality.
- (m) **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 30<sup>th</sup> of any year. Upon giving such notice, the member municipality's participation in the joint municipal court shall terminate on December 31<sup>st</sup> of said year.
- (n) **Statutes Adopted by Reference.** Chapters 755 and 800, Wis. Stats. as may be amended, are hereby adopted by reference.
- (o) **Contempt of Court.**
  - (1) The municipal judge may punish for contempt of the Joint Municipal Court persons guilty of any of the following acts. "Contempt of court" means intentional:
    - a. Misconduct in the presence of the court which interferes with the court proceeding or with the administration of justice, or which impairs the respect due the court;
    - b. Disobedience, resistance or obstruction of the authority, process or order of the court (including refusal to pay a court-imposed forfeiture);
    - c. Refusal as a witness to appear, be sworn or answer a question; or
    - d. Refusal to produce a record, document or other object.
  - (2) The municipal judge may, upon finding any person guilty of contempt of court, order such person to forfeit not more than Two Hundred Dollars (\$200.00). In default of payment of the forfeiture and the penalty assessment imposed by state statute, the person found guilty of contempt may be imprisoned in the county jail not to exceed seven (7) days.

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#### **Sec. 2-3-14 City Administrator**

(a) **Office and Purpose.** The office of City Administrator is created, to be an officer of the City, pursuant to Wis. Stats. §62.09(1)(a). 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 shall 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, composed of the Common Council and the Mayor. 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 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 and municipal land use, development, planning and zoning.

(c) **Term.** The City Administrator shall hold office for an indefinite term, subject to removal at any time by a two-thirds 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 Mayor and the City 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. The City Administrator implements policies set by the Common Council, and therefore shall not follow directives which are contrary to such policies.

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(f) **Specific Duties.** The City Administrator shall perform the following duties, in addition to the general 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; Cemetery; Finance; Information Technology; 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.
- (3) Prepare a plan of administration, including an organization chart, which defines the duties and authority of all City positions.
- (4) Stay informed about the availability of federal, state and county funds for local programs; and assist department heads and the Council in obtaining such funds.
- (5) Act as the City's public information officer, to keep the news media informed about the City's operations, and to ensure that open meeting rules and regulations are followed.
- (6) Serve as the Director of Emergency Management and be responsible for the coordination and administration of all operations within the City during an emergency.
- (7) Attend all Council meetings and report all material administrative activities and the City's fiscal position.
- (8) In coordination with the Mayor, the Council, and the City Clerk, ensures that agenda are prepared for all City meetings in compliance with state law.
- (9) Recommend to the Council the appointment, promotion, suspension or termination of department directors and managers, except as otherwise provided by law.
- (10) Assist the Human Resource Director with labor contract negotiations and collective bargaining.
- (11) Appoint interim department directors and managers when vacancies exist. Appointments to vacancies in positions for which the City Administrator does not have original appointment power shall be made by the City Administrator, subject to the Mayor's approval.
- (12) Prepare the annual City executive budget for presentation to, and approval by, the Mayor and Council.
- (13) Administer the adopted budget.

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- (14) Perform planning and zoning administrative duties, provide review of development plans and documents, act as staff liaison for the City of Onalaska Plan Commission and perform the duties contained in the Land Use and Development Director job description as adopted by the Common Council.
- (15) Acts as the Director of Inspections and performs the duties of such job as set forth in 2-3-9 of the City of Onalaska Code of Ordinances.

(g) **Annual Review.** The City Administrator shall undergo an annual performance review. The review shall be conducted by a committee composed of the Mayor, Common Council President and Human Resources Director. The committee 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 days.

### **Sec. 2-3-15 Eligibility for Office.**

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

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

### **Sec. 2-3-16 Removal from Office.**

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

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

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**Sec. 2-3-17 Custody of Official Property.**

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

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

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

- (a) **Oath.** Every person elected or appointed to any statutory office shall take and file his official oath within ten (10) days after the notice of his 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 Clerk and shall be recorded by him in a book kept by him for that purpose. Such bonds shall be paid for by the City.

**Sec. 2-3-19 Rule-Making Authority.**

- (a) **Authorization for Department Heads.** Heads of departments of the City including, without limitation by enumeration, the Chief of Police, Parks and Recreation Director, Fire Chief, Director of Public Works, Land Use Development Director, Financial Services Director, and Human Resources Manager, may make rules, regulations or directives for the administration of their departments, but not for the conduct of the general public.

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- (b) **Approval of Rules.** Any proposed departmental rules, regulation or directive other than those proposed by the Police or Fire Department, shall be referred to the Mayor for review. Within fifteen (15) days of formal presentation to the Mayor, the Mayor shall either approve the proposed rule, or return the proposed rule to the Department along with suggested revisions. All rules shall be consistent with City Ordinances, resolutions and applicable City Personnel Rules, Policies and Regulations. Any rule or part thereof
- (c) **Time of Taking Effect.** All proposed rules, regulations or directives shall be effective thirty (30) calendar days after presentation to the Mayor, unless returned by the Mayor, or the Common Council acts by resolution to nullify such rule. In emergency situations requiring immediate action, rules may become effective immediately; but all rules so enacted shall be reported to the Mayor within twenty-four- (24) hours, with the reasons for the necessity for the immediate implementation. All emergency rules are temporary in nature and must be formally presented as required in subsection (b) to become permanent rules.

**Sec. 2-3-20 Repealed.**

**Sec. 2-3-21 Financial Services Director/Treasurer.**

- (a) **Appointment Not to Be Governed by Statutes.** The City of Onalaska, pursuant to Sec. 62.09, Wis. Stats., 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 Financial Services Director/Treasurer which are in conflict with this Section.
- (b) **Appointment.** The Financial Services Director/Treasurer shall be appointed by the Mayor, subject to confirmation by the Council. The Financial Services Director/Treasurer shall have an indefinite term of office, subject to removal for cause by a two-thirds (2/3) vote of the Common Council.
- (c) **Duties.** The Financial Services Director/Treasurer shall be responsible for performing the duties set forth in Sec. 62.09(9), Wis. Stats., as well as those duties contained in the job description for the position adopted by the Common Council.

**Sec. 2-3-22 Repealed**