

# **TITLE 2**

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## **Government and Administration**

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# Title 2 – Chapter 1

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## City Government; Elections

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

- (a) **Mayor-Council Government.** The City of Westby is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 62 and 66 of the Wisconsin Statutes, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The City of Westby operates under the Mayor-Council form of government under Chapter 62, Wis. Stats.
- (b) **Division of Responsibilities.**
- (1) **Legislative Branch.** The Common Council is the legislative branch of City Government. Its primary business is the passage of laws in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Common Council shall establish the salaries of all officers and employees of the City, and be charged with the official management of the City's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the City.
  - (2) **Executive Branch.** The Mayor shall be the chief executive officer. He/she shall take care that all City ordinances and state laws are observed and enforced and that all City officers, boards, committees and commissions discharge their duties. When present, the Mayor shall preside at the meetings of the Common Council. The Mayor shall from time to time give the Council such information and recommend such measures as he/she may deem advantageous to the City.

*State Law Reference: Wis. Const., Art. XI, Sec. 3.*

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

The Common Council shall annually designate a newspaper as the official newspaper of the City of Westby, Vernon County, Wisconsin, and all ordinances, notices and proceedings of the City required by law to be published shall be published herein, except where legal posting is utilized.

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

### Sec. 2-1-3 Elections; Voter Registration.

- (a) **Annual City Election.** The annual City election shall be held on the first Tuesday in April or at such other date as prescribed by state law.

- (b) **Hours.**
  - (1) **General Elections.** The polls at general elections in the City shall be opened at 7:00 a.m. and closed at 8:00 p.m.
  - (2) **Notice.** Notice of all elections, stating the prescribed polling hours, shall be given by publication in the official newspaper at least ten (10) days before the election.
- (c) **Voter Registration.** All electors for all elections shall be required to be registered. The City Clerk-Treasurer shall receive applications for registration at his/her office during regular office hours throughout the year, except that registration may also be completed at City polling places on election days upon presentation of proper identification and proof of residency.

**Sec. 2-1-4 Nomination Papers; Non-Partisan Primary for City Offices.**

- (a) **Candidates for Elective Office; Nomination Papers.**
  - (1) Nomination papers for elective offices shall be signed by not less than twenty (20) nor more than one hundred (100) electors of the City.
  - (2) Nomination papers for elective offices shall be circulated not sooner than the 1<sup>st</sup> day of December preceding the election, and shall be filed with the City Clerk-Treasurer not later than 5:00 p.m. the first Tuesday in January; or the next day if Tuesday is a holiday.
- (b) **Primary Elections.** Whenever three (3) or more candidates file nomination papers, candidates for elective City offices may be nominated by a non-partisan primary conducted pursuant to Sec. 8.05(4), Wis. Stats. Such candidate shall file with his/her nomination papers a declaration that he/she will qualify for the office to which he/she may be elected.

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

**Sec. 2-1-5 Election Officials.**

- (a) Pursuant to the Wisconsin Statutes, there is hereby established one (1) set of election officials to conduct all elections of the City which shall consist of seven (7) election inspectors. However, pursuant to Sec. 7.32, Wis. Stats., the City Clerk-Treasurer is authorized to reduce the number of election officials, provided that no such action may reduce the number of officials at a polling place to less than three (3). The Clerk-Treasurer shall determine in advance of each election whether the number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the City Clerk-Treasurer shall further redistribute duties among the remaining officials. Pursuant to Sec. 7.32, Wis. Stats., the City Clerk-Treasurer is hereby authorized to reduce the number of election officials for all elections to three (3) officials.
- (b) Because Ch. 7.30(1), Wis. Stats., allows for the creation of alternate or two (2) sets of election officials to work at different times on election day, the Common Council authorizes the selection of alternate and/or two (2) sets of election officials to staff the polls on election day. The City Clerk-Treasurer is hereby authorized to schedule election officials in shifts on any said election day. The City Clerk-Treasurer shall redistribute the duties of such election officials.

*State Law Reference: Secs. 7.30 and 7.32, Wis. Stats.*

**Sec. 2-1-6 Wards; Aldermanic Districts (revised October 18, 2021).**

- (a) **Aldermanic Districts Established.**
  - (1) *Aldermanic District 1.* shall be comprised of all the territory described as follows in Ward 1.
  - (2) *Aldermanic District 2* shall be comprised of all the territory described as follows in Ward 2
  - (3) *Aldermanic District 3* shall be comprised of all the territory described as follows in Ward 3.
- (b) **Wards Established.** The City shall be divided into three (3) wards numbered from One to Three, as follows:
  - (1) *First Ward.* The First Ward shall be designated and known as that part of the City of Westby, east of the point that U.S. Hwy. 14/61 enters the southern border of the City of Westby, then northeasterly to Locust Street, then east to Ash Street, then north to Spruce Street, then east to Grove Street, then north to Coon Prairie Ave, then east to Bekkedal Avenue, then north to Black River Avenue, commencing to the northern border of the City of Westby (Aldermanic District 1 and Vernon County Supervisory District 10).
  - (2) *Second Ward.* The Second Ward shall be designated and known as that part of the City of Westby, west of a line commencing northeasterly at a point where U.S. Hwy. 14/61 intersects with Second Street, then west to Market Street, then north to W. State Street, then west to the western border of the City of Westby at Saugstad Road. Then at the intersection of U.S. Hwy. 14/61 with Second Street, east to Bekkedal Avenue, then north to Black River Avenue commencing north to the northern border of the City of Westby north of Saugstad Road (Aldermanic District 2 and Vernon County Supervisory District 8).
  - (3) *Third Ward.* The Third Ward shall be designated and known as that part of the City of Westby, west of a line commencing at a point where U.S. Hwy. 14/61 enters the southern border of the City of Westby, then northeasterly on U.S. Hwy. 14/61 to Locust Street, then east to Ash Street, then north to Spruce Street, then east to Grove Street, then north to Coon Prairie Avenue, then east to Bekkedal Avenue, then north to Second Street, then west to Market Street, then north to W. State Street, then west on W. State Street to the western border of the City of Westby at Steingard Dr. (Aldermanic District 3 and Vernon County Supervisor District 9).
- (c) **Polling Place.** The Polling Place for voting purposes for all of the wards described in this Section is the Westby Community Center (located in the lower level of Bekkum Memorial Library) at 206 North Main Street, Westby, Wisconsin, until changed by the Common Council.
- (d) **Combining Wards.** In all elections hereafter conducted in the City of Westby, wards may be combined for all elections in which voters in the combined wards are eligible to vote for the same offices on a common ballot.

# Title 2 – Chapter 2

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## Mayor; Common Council

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

The Alderspersons of the City of Westby shall constitute the Common Council. The Common Council shall be vested with all the powers of the City not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.

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

### Sec. 2-2-2 Alderspersons.

- (a) There shall be six (6) Alderspersons elected to the Common Council, two (2) members from each aldermanic district.
- (b) One (1) Aldersperson shall be elected from each aldermanic district in even-numbered years and one (1) Aldersperson shall be elected from each aldermanic district in odd-numbered years. Each will serve a two (2) year term of office.
- (c) The provisions of Wisconsin Statutes with reference to primaries and municipal elections are hereby incorporated herein by reference and shall apply.

*State Law Reference: Sec. 62.09, Wis. Stats.*

### **Sec. 2-2-3 Mayor.**

- (a) **Election.** The Mayor shall be elected in odd-numbered years for a term of two (2) years.
- (b) **Duties.**
  - (1) The Mayor shall be the Chief Executive officer of the City. The Mayor shall take care that City ordinances and the State Statutes are observed and enforced.
  - (2) The Mayor shall, from time to time, provide the Common Council such information and recommend such measures as he/she may deem advantageous to the City. When present, he/she shall preside at the meetings of the Common Council.
  - (3) The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.
- (c) **Veto Power.** The Mayor shall have veto power as to all acts of the Common Council except such as to which it is expressly or by necessary implication is otherwise provided. All such acts of the Common Council shall be submitted to the Mayor by the City Clerk-Treasurer, and shall be enforced upon the Mayor's approval, evidenced by his/her signature, or upon the Mayor's failing to approve or disapprove the act within five (5) days, which fact shall be certified thereon by the City Clerk-Treasurer. If the Mayor disapproves, the Mayor shall file his/her veto objection with the City Clerk-Treasurer, who shall present such objection to the Common Council at its next regular meeting. A three-quarters (3/4) vote of all members of the Common Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.
- (d) **Mayoral Appointments.**
  - (1) Wherever in this Code of Ordinances the Mayor is required to appoint citizens to committees, commissions and/or boards, the Mayor shall give written notice by executive letter to the Common Council at least seven (7) days prior to the Council meeting at which such appointment shall be made. In the event the Common Council rejects a Mayor's appointment, the same name may not be submitted for the same job for a period of twelve (12) months after the refusal of such appointment.
  - (2) In the event a vacancy occurs in any committee, board or commission requiring the appointment of a citizen member and the Mayor does not nominate a successor thereof for a period of sixty (60) days after the vacancy occurs, the Common Council may then nominate an appointee to such position, subject to the approval of the Mayor.
  - (3) In the event the Council, by parliamentary practice, tables an appointment by the Mayor, such tabling action shall be effective for that meeting, but at the next regular meeting of the Common Council, such appointment shall be on the meeting agenda for further consideration, and the particular appointment involved may not be tabled a second time.

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

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

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

*State Law Reference: Sec. 62.08(9)(e), Wis. Stats.*

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

- (a) **Standing Committees.** At the organizational meeting of the Common Council in each year following the annual election, the Mayor shall appoint three (3) Alderpersons to each of the following committees, subject to Council confirmation, which shall have such duties and responsibilities as prescribed by the Mayor and this Code of Ordinances, and to make whatever recommendations to the Council as they deem appropriate or as may be directed by the Council:
- (1) Streets, Sidewalks and Sanitation
  - (2) Finance, Public Property and Industrial Development
  - (3) Public Safety
  - (4) Electric, Water and Sewer
  - (5) Parks and Recreation, and Municipal Swimming Pool
  - (6) Library and Community Center
  - (7) Personnel (all members of the Council)
- (b) **Committee Appointments.**
- (1) Committee appointments shall be made pursuant to Section 2-2-3(d). The chairperson of each committee shall be designated by the Mayor. Each member shall serve as appointed unless excused by a majority of the members of the Council. All Alderpersons shall serve on at least one (1) standing committee. The Mayor shall be an ex officio member of each standing committee.
  - (2) The Mayor may declare the entire Council a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairman of the same.
  - (3) The Mayor may, from time to time, appoint such special committee or committees as may deem advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them.
- (c) **Reference and Reports.**
- (1) The Mayor shall refer new business coming before the Common Council to the appropriate committee, unless otherwise referred or disposed of by motion of the Council.
  - (2) The committee to which any matter is referred shall report its recommendation thereon in writing, at the first regular meeting after such reference, unless there is no objection by the Council to further time being taken. Action on the report of a committee shall be deferred until the next regular meeting by the request of three (3) Alderpersons present. Members dissenting from a report of a committee shall be so reported when they request it.
  - (3) The chairman of the committee shall report verbally to the Council at the meeting at which the report of the committee is to be made. Adoption of the committee report shall comprise final Council action on any ordinance, resolution or other matter recommended for adoption by the committee report.
  - (4) Formal committee recommendations will be placed on the agenda for Council action only if they are submitted to the City Clerk-Treasurer in written form by noon of the Friday prior to the meeting at which action is requested.
- (d) **Cooperation of City Officers.** All City officers shall, upon request of the chairman of the committee, confer with the committee and supply to it such information as may be requested in connection with any matter pending before the committee.

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

- (a) **General.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (b) **Acquisition and Disposal of Property.** The Common Council may acquire property, real or personal, within or without the City, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the City, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such City owned property, except dedicated, platted parks.
- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase or condemnation under Ch. 32, Wis. Stats., any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sec. 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **City Finances.** The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the City finances.
- (e) **Construction of Powers.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home 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.
- (f) **Vacancies.** Pursuant to Section 62.09(5), Wis. Stats., if any officer be incapacitated or absent for any cause, the Common Council may appoint some person to discharge his/her duties until he/she returns or such disability has ended.

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

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

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

*State Law Reference: Sec. 66.0301, Wis. Stats. Mayor; Common Council*

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

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

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

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

The Mayor and Alderpersons who make up the Common Council, whether operating under general or special law, may, by majority vote of all the members of the Common Council, determine that an annual salary or per diem compensation be paid the Mayor and Alderpersons.

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

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

- (a) **Annual Organization Meeting.** Following a regular City election, the Common Council shall meet on the third Tuesday of April for the purpose of organization.
- (b) **Meetings.** Regular meetings of the Common Council shall be held on the first (1st) and third (3rd) Tuesdays of each calendar month, at of 6:00 p.m. Any regular meeting falling on a legal holiday shall be rescheduled or cancelled by a majority vote of those present at the meeting immediately prior to the meeting falling on a legal holiday. All meetings of the Common Council, including special and adjourned meetings shall be held in the Westby City Hall.
- (c) **Minutes.** The City Clerk-Treasurer shall keep a record of all Council proceedings and cause the proceedings to be published and/or posted.
- (d) **Attendance; Excused Absences.**
  - (1) **Absences.** Members of the Common Council may be excused from attending a Council meeting by contacting the Mayor prior to the meeting and stating the reason for his/her inability to attend. If the member is unable to contact the Mayor, the member shall contact the Clerk-Treasurer, who shall convey the message to the Mayor. Following roll call, the Presiding Officer shall inform the Council of the member's excused absence. Council members who do not follow the above process will be considered unexcused and it shall be so noted in the minutes.
  - (2) **Late Arrivals.** Members of the Common Council who anticipate a late arrival to a Council meeting should contact the Mayor prior to the meeting and state the reason for the expected late arrival. If the member is unable to contact the Mayor, the member shall contact the Clerk-Treasurer, who shall convey the message to the Mayor. Council members who do not follow the above process and are not in attendance at the time of roll call will be considered as an unexcused tardy. Members who are not in attendance within one (1) hour of roll call, and have not followed the above process, will be considered as an unexcused absence. Arrival times of members will be noted in the minutes.

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

## **Sec. 2-2-11 Special Meetings. (adopted 01-15-2019)**

### **(a) Calling of Special Council Meetings; Notice to Alderpersons.**

- (1) Special meetings of the Common Council may be called by the Mayor by notifying members in a manner likely to give each Alderperson notice of the meeting and providing the notice a minimum of six (6) hours before the meeting. The City Clerk-Treasurer shall cause an affidavit of service of such notice to be filed in his/her office prior to the time fixed for such special meeting.
- (2) In addition to the above special meeting procedure, a special meeting of the Common Council may be called by a written request signed by two (2) Alderpersons, which written request for said special meeting provided to the Mayor and Alderpersons in a manner likely to give the Mayor and each Alderperson notice of the request. If a majority of the members of the Common council concur and notify the City Clerk Treasurer of the need for a special meeting, the Mayor and each Alderperson shall be provided with notice of the special meeting in a manner likely to give the Mayor and each Alderperson notice of the meeting and providing the notice a minimum of six (6) hours before the meeting.
- (3) Special meeting shall comply with the notice requirements of the Wisconsin Open Meetings Law.

### **(b) Non-Governmental Parties To Pay Fee For Special Meetings Of The Common Council.**

Non-governmental parties requesting a special meeting of the Common Council at a date outside of the Council's regular meeting schedule shall pay a fee equivalent to the Council's actual expenses for such special meeting.

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

## **Sec. 2-2-12 Open Meetings; Adjournment of Meetings.**

- (a) **Open Meeting Law Compliance.** All meetings of the Common Council and subunits thereof shall be open to the public as provided in Subchapter IV of Chapter 19, Secs. 19.81 through 19.89, Wis. Stats. Public notice of all such meetings shall be given as provided in Sec. 19.84, Wis. Stats.
- (b) **Adjournment of Meetings.** An adjournment to a closed session may be only for a permitted purpose as enumerated in Sec. 19.85, Wis. Stats., and must meet the other requirements of said Sec. 19.85, Wis. Stats.
- (c) **Meetings to Be Open.** During the holding of any open session in the regular meeting room or in the substituted meeting room, said room and said meeting shall at all times be open and remain open to all citizens.
- (d) **Legally Permitted Closed Meetings.**
  - (1) **Pursuant to Statute.** The provisions of this Code of Ordinances do not prohibit the Common Council or any committee thereof from having a closed meeting ("executive meeting") which is legally convened and/or legally held in a room in said building other than the official meeting room or in some other building in the City provided proper notice is given thereof pursuant to the Wisconsin Open Meeting Law.
  - (2) **Confidentiality.**
    - a. Common Council members shall keep confidential all written materials and verbal information provided to them during executive sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to members outside of executive sessions when the information is considered to be exempt from disclosure under the laws of the State of Wisconsin.

- b. If the Common Council, after executive session, has provided direction or consensus to City staff on proposed terms and conditions for any confidential or privileged issue, all contact with any other party shall be made by the designated City representative handling the issue. Members should consult with the Mayor and/or City Attorney prior to discussing such information with anyone other than other Common Council members, the City Attorney or designated City staff. Any Common Council member or City employee having any contact or discussion with any person other than those listed above on any such confidential or privileged issue shall make full disclosure to the Common Council in a timely manner.
- (e) **Photographs, Motion Pictures, Videotape-Permission Required for Artificial Illumination.** No photographs, motion pictures, or videotapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at Common Council meetings without the consent of the Presiding Officer.

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

### **Sec. 2-2-13 Quorum.**

- (a) Four (4) members or more of the Common Council shall constitute a quorum, but a lesser number may adjourn if a majority is not present or compel the attendance of absent members. The Mayor shall not be counted in computing a quorum. No action shall be taken unless a quorum is present.
- (b) The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour.

*State Law Reference: Sec. 62. 11 (3)(b), Wis. Stats.*

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

- (a) **Presiding Officer.** The Mayor shall preside over all meetings of the Common Council. In the absence of the Mayor, the President of the Council shall preside.
- (b) **Presiding Officer; Duties.** The Mayor, President of the Council, or the presiding officer, shall:
  - (1) Open the session at the time fixed for the meeting, or at the time to which adjournment may be had, by taking the chair and calling the members to order.
  - (2) Announce, at the conclusion of the roll call, the fact of the presence of a quorum, or not, as the case may be.
  - (3) Announce the business before the Council in the order in which it is to be acted upon.
  - (4) Receive and submit, in proper manner, all motions and propositions presented by members.
  - (5) Put to vote the questions which are regularly moved or which necessarily arise in the course of the proceedings, and announce the result.
  - (6) Restrain the members while engaged in debate within the rules of order.
  - (7) Enforce on all occasions the observance of order and decorum among the members.
  - (8) Inform the Council when necessary, or when referred to for that purpose, on any point of order or practice.
  - (9) Authenticate, by his/her signature, when necessary, all ordinances, resolutions, orders and proceedings of the meetings of the Council over which he/she presides.
  - (10) Preserve order and decorum; speak to points of order in preference to others, rising from

his/her seat for that purpose; and decide questions of order, subject to an appeal by any member.

- (11) Call a member to the chair, but such substitution shall not extend beyond an adjournment.
- (c) **Temporary Absence of Presiding Officer.** In the absence of the Mayor and President of the Council, one (1) of its members shall be elected to preside temporarily until the return of the Mayor or President.

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

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

- (a) **Order of Business.** At all regular meetings, the order of business shall be according to the tentative agenda prepared by the City Clerk-Treasurer. All matters to be considered at a regular or special Council meeting shall be submitted to the City Clerk-Treasurer at least by noon of the day prior to the meeting. All copies of the agenda shall be forwarded by the City Clerk-Treasurer to the representatives of the media that have requested meeting agendas under the Open Meeting Law as part of his/her notice of such public meeting, and to members of the Council. The following order may be observed in the conduct of all meetings of the Council:
- (1) Call to Order by presiding officer.
  - (2) Roll call.
  - (3) Reading, correction and approval of the minutes of the last preceding meeting or meetings.
  - (4) Approval of accounts and claims.
  - (5) Public appearances.
  - (6) Reports from Mayor, City officers and department heads.
  - (7) Reports of standing committees.
  - (8) Unfinished business remaining from preceding sessions in the order in which it was introduced.
  - (9) New business, including introduction of ordinances.
  - (10) Communications and miscellaneous business.
  - (11) Adjournment.
- (b) **Order to be Followed.** No business shall be taken up out of order unless by unanimous consent of all Alderpersons and in the absence of any debate whatsoever.
- (c) **Citizen Comments.**
- (1) The Mayor or presiding officer shall determine at what point in a meeting citizens will be called upon to speak and may impose a limit on the length of time a citizen may address the Council. A written form may be provided by the City Clerk-Treasurer on which citizens may register to speak at a Council meeting. The subject to be addressed and/or agenda item shall be indicated.
  - (2) If a speaker purports to speak for an organization, club or others so as to lead the Common Council to believe that a number of persons support a position, then such person shall state how that position was developed by the group.
- (d) **Submittal of Written Comments.** If comments are provided in writing, they may be submitted to the Common Council on matters which the Council is considering at its meeting. It is encouraged that such written comments be filed with the Clerk-Treasurer by noon of the Friday preceding the regular meeting. If written comments are given at the meeting, the presenter should provide copies for the Common Council and staff.

## **Sec. 2-2-16 Introduction of Business; Resolutions and Ordinances; Disposition of Communications.**

### **(a) Definitions-Ordinances, Resolutions and Motions.**

- (1) **Ordinance.** A legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Council action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty.
- (2) **Resolution.** An internal legislative act which is a formal statement of policy concerning matters of a special or temporary nature. Council action shall be taken by resolution where required by law and in those instances where an expression of policy more formal than a motion is desired.
- (3) **Motion.** A form of action taken by the Council to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.

### **(b) Ordinances.** All ordinances and resolutions shall be prepared as follows:

- (1) Each ordinance or resolution shall include a note stating the purpose thereof. All ordinances submitted to the Council shall be in writing and shall include at the outset a descriptive or brief statement of the subject matter and a title.
- (2) The sponsor of an ordinance or resolution may be the Mayor, one (1) or more Alderpersons, a department head or a committee, board, or commission.
- (3) No ordinance, resolution or by-law shall be considered unless presented in writing by an Alderperson or by a committee. Unless requested by an Alderperson before final vote is taken, no ordinance, resolution or by-law need be read in full.
- (4) On ordinances or resolutions that require special handing, the Clerk-Treasurer shall assure that an editorial note is prepared showing compliance with such special handing.
- (5) The Clerk-Treasurer may reject any ordinance or resolution from placement on the agenda which fails to comply with this Section.
- (6) Resolutions shall be in writing at the request of one Alderperson; such request shall be non-debatable. Resolutions may be referred to an appropriate standing committee for an advisory recommendation.

### **(c) 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.

### **(d) Notice.** 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.

### **(e) Effective Date.** Unless otherwise provided, all ordinances shall take effect and be in force from and after passage and publication and/or legal posting; and published copies thereof shall have appended the date of first publication and/or legal posting.

### **(f) Disposition of Petitions, Communication, Etc.** Every petition or other correspondence from citizens addressed to the Common Council or to the City Clerk-Treasurer or other City officer for reference to the Common Council, shall be delivered by such other City officer to the Mayor or to the presiding officer of the Council as soon as convenient after receipt of same, and in any event, prior to or at the opening of the next meeting of the Common Council following the receipt of same. Every such petition, or other writing, and every paper, communication or other proceeding which shall come before the Council for action, may be referred by the Mayor or presiding officer to the appropriate committee or commission, unless objected to by some member of the Council.

### **(g) Reference and Reports.** The presiding officer may refer new business coming to the Common

Council to an appropriate Council committee unless otherwise referred or acted upon by the Common Council. All referrals, unless otherwise provided for in the referral, shall be reported on at the next regular Common Council meeting. Common Council motions based upon committee or commission action is permissible only on items specifically on the agenda.

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

- (a) All general ordinances of the City and all regulations imposing any penalty shall be published in the official paper of the City once within fifteen (15) days of passage and shall be immediately recorded, with the affidavit of publication, by the City Clerk-Treasurer in a book kept for that purpose. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Common Council shall be prima facie proof of due passage, publication and recording thereof.
- (b) All ordinances shall take effect and be in force from and after passage and publication, unless otherwise provided and published copies thereof shall have appended the date of first publication.
- (c) The City Code of Ordinances shall be kept currently to date; and upon passage of any ordinance, the Clerk-Treasurer shall provide for incorporation of the same into the ordinance code.

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

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

- (a) **Roll Call.** When the presiding officer shall have called the members to order, the City Clerk-Treasurer shall proceed to call the roll in rotating order, noting who are present, and who are absent. If, after having gone through the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month. If they do not, the Council shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner as provided by the Wisconsin Statutes or Sections 2-2-11 and 2-2-12.
- (b) **Meeting Attendance.** All members of the Common Council shall attend all Council meetings, meetings of committees to which members have been appointed, and special or adjourned meetings when duly notified thereof. A member who does not appear in answer to his/her name when the roll is called at any regular meeting or any special or adjourned meeting when notified thereof shall be marked absent. Any member seeking to be excused from attending any regular or special meeting must notify the Mayor or City Clerk-Treasurer in advance of such meeting, explaining the reason for his/her absence and, upon complying with this requirement, such members shall be duly excused from attending said meeting. An Alderperson shall be physically present at the meeting in order to vote at such meeting.
- (c) **Recognition for Debate.**
  - (1) When a member is to speak in debate, or deliver any matter to the Council, he/she shall respectfully address himself/herself to the presiding officer, and confine his/her remarks to the question under debate, and avoid personalities.
  - (2) When two (2) or more members address the presiding officer at the same time, the presiding officer shall name the member who is to speak first.
- (b) **Roll Call Vote Procedure.** The ayes and nays shall be ordered upon any question at the request of any member of the Council, or the Mayor, and the City Clerk-Treasurer shall call the roll starting with the Alderperson according to seating order on the next call of the roll. At the same or any subsequent meeting, the Clerk-Treasurer shall start with the Alderperson whose name

appears next on said seating order, and each subsequent call of roll shall begin with the name of the Alderperson next in seating order.

- (c) **Reconsideration.** When a motion has been decided, it shall be in order for any member who voted in the majority, to move a reconsideration thereof, at the same or next succeeding meeting and the Mayor shall call for a roll call of the Alderpersons. If a majority of the members present shall be in favor of a reconsideration, the subject shall be before the Council for further action.
- (f) **Motions With Preference.** During any meeting of the Common Council certain motions will have preference. In order of precedence they are;
  - (1) ***Motion to Adjourn.*** This motion can be made at any time and has first precedence. This is a non-debatable motion.
  - (2) ***Motion to Lay on the Table.*** This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.
  - (3) ***Motion to Call Previous Question.*** This motion may be made at any time after the debate or discussion commences related to an action item, business item, motion or question that is properly before the Common Council. This motion is a non-debatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. The motion, if adopted, brings the Common Council to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.
  - (4) ***Motion to Postpone to a Date Certain.*** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Common Council. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion must establish a date and time certain when the debate and discussion before the Common Council will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Common Council.
  - (5) ***Motion to a Committee.*** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Common Council. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion, if adopted, forwards the action item, business item, motion or question to a committee for further review and discussion. The committee must be a committee of the Common Council.
  - (6) ***Motion to Amend or Divide the Question.*** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Common Council. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to divide.
  - (7) ***Motion to Postpone Indefinitely.*** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Common Council. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question.
  - (8) ***Motion to Introduce a Matter Related to the Action Item, Business Item, Motion or Question.*** This motion may be made at any time after the debate and discussion commences on the action item, business item, motion or question properly before the Common Council. This motion is debatable. This motion, if adopted, expands or adds to

the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.

- (g) **Public Directory Votes.** No member of the Common Council shall request, at a meeting of the Common Council, a vote from the general public unless the proposed vote of the general public is so noted by the presiding officer of the meeting as strictly an advisory vote to the Council. Any vote taken by the general public at a meeting of the Common Council shall be considered by the Council only as an advisory vote and shall not be considered as a directory vote.
- (h) **Rules of Parliamentary Procedure.** The rules of parliamentary practice in *Robert's Rules of Order, (Revised 1951)*, which is hereby incorporated by reference, shall govern the proceedings of the Council in all cases to which they are applicable and in which they are not inconsistent with these rules or with the laws of the State of Wisconsin.
- (i) **Compelling Votes; Abstentions.** No member may be compelled to vote. When a member abstains from voting, the effect is the same as if the member voted on the prevailing side. The "prevailing side" is defined as the votes accumulated which resulted in carrying or defeating a question. In case of a tie vote (not including the abstention), the abstaining vote is considered a "naye." In case of a vote requiring approval by more than a simple majority, an abstaining vote is considered an "aye." (See also Section 2-5-7 on conflicts of interest).
- (j) **Majority Vote.**
  - (1) Unless a larger number is required by statute, ordinance or bylaw, a majority vote of those present at a legally constituted meeting is necessary to carry a question.
  - (2) In the case of a tie vote on any motion, the motion shall be considered lost.
- (k) **Staff Input.** During regular or special meetings of the Common Council, the presiding officer may call for a staff report on business items as the agenda is considered and before a motion is entertained by the presiding officer. Once a motion is pending, debate is limited to Common Council members; additional staff input will be limited to providing clarification on issues if requested by a Common Council member.
- (l) **Reconsideration of Questions.** 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.
- (m) **Call for the Previous Question.** Any member desirous of terminating the debate may call the previous question when the question announced by the Mayor shall be "call the main question." If 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.
- (n) **Amendment of Rules.** The rules of this Section shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Council.
- (o) **Suspension of Rules.** Any of the provisions of this Section may be suspended temporarily by a recorded vote of two-thirds (2/3) of the Council members present at any meeting.

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

### **Sec. 2-2-19 Procedure at Public Hearings.**

The following procedures shall be followed at public hearings, and may also be followed when citizen input is necessary during regular items of business before the Common Council:

- (a) The presiding officer shall generally call on those persons who wish to speak on the matter, or call initially on those persons who wish to speak for the proposition. Each person wishing to

Speak for the proposition shall give his or her name and address.

- (b) Each person speaking or initially on the matter or specifically behalf of the proposition shall be limited in time to five (5) minutes.
- (c) The presiding officer shall then call on those persons who wish to oppose the proposition if the presiding officer has first asked for only those favoring the proposition to speak.
- (d) Each such person speaking in opposition to the proposition shall give his or her name and address and shall also be limited to five (5) minutes.
- (e) Any person wishing to speak in rebuttal to any statements made may, with the permission of the presiding officer, do so, provided, however, such rebuttal statement shall be limited to three (3) minutes by any one (1) individual.
- (f) When the presiding officer in his/her discretion is satisfied that the proposition has been heard, he/she shall announce the fact that the hearing is concluded.

## Title 2 – Chapter 3

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### Municipal Officers and Employees

2-3-1	General provisions
2-3-2	Appointed Officials
2-3-3	City Clerk-Treasurer
2-3-4	Deputy Clerk-Treasurer
2-3-5	Director of Public Works
2-3-6	City Attorney
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2-3-11	Health Officer
2-3-12	Weed Commissioner
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2-3-14	Removal from Office
2-3-15	Custody of Official Property
2-3-16	Oath of Office; bonds of Officers

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

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

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

**Sec. 2-3-2 Appointed Officials.**

(a) **Appointed Officials.** The following shall be appointed officials:

	<u>Official</u>	<u>How Appointed</u>	<u>Term</u>
(1)	Attorney	Mayor, subject to confirmation by Council	1 year
(2)	Clerk-Treasurer	Mayor, subject to confirmation by Council	Indefinite
(3)	Chief of Police	Mayor, subject to confirmation by Council	Indefinite
(4)	Director of Public Works (street commissioner, weed commissioner)	Mayor, subject to confirmation by Council	Indefinite
(5)	Building Inspector	Mayor, subject to confirmation by Council	Indefinite

(b) **Time for Taking Office.** The regular term of all appointed officials shall commence with their appointment at the first regular meeting of the Common Council in May of each year; except officials appointed for indefinite terms, who shall take office upon appointment and qualification.

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

(a) **Office of Clerk and Treasurer Combined.** Pursuant to Sec. 62.09(3)(c), Wis. Stats., the offices of the City Clerk and City Treasurer have been combined by charter ordinance enacted pursuant to Sec. 66.01, Wis. Stats. Any references in this Code to the City Clerk or the City Treasurer shall be construed to mean the Clerk-Treasurer.

(b) **Duties as Clerk.** In his/her capacity as City Clerk, the City Clerk-Treasurer shall be responsible for performing those duties required by Sec. 62.09(9) of the Wisconsin Statutes and for the following additional duties:

- (1) Perform all election duties as required by Wisconsin Statute and keep and maintain all election records and all property used in conjunction with holding of elections;
- (2) Publish all legal notices unless otherwise provided; file and preserve all contracts, bonds, oaths of office and other documents not required to be filed elsewhere;
- (3) Issue all licenses required by ordinance or statute, except as otherwise provided;
- (4) Attend meetings, take minutes and maintain files for the Common Council, and such other official boards and commissions as may be directed;
- (5) Maintain a file on all City records, ordinances, resolutions and vouchers;
- (6) Type and distribute reports for the Council and for federal and state agencies;
- (7) Audit and obtain approval on claims charged against City;
- (8) Assist the City Assessor in maintaining property assessment records;
- (9) Administer oaths and affirmations;
- (10) Issue licenses to various vendors in City;
- (11) Develop and implement improved internal control and financial reporting procedures as necessary or as requested;

- (12) Develop and implement improved internal control and financial reporting procedures as necessary or as directed;
  - (13) File financial and other reports with various state agencies;
  - (14) File insurance claims on behalf of the City;
  - (15) Locate suppliers of goods or services and obtain quotes;
  - (16) Advertise for bids, receive them and summarize the results;
  - (17) Identify and evaluate ideas to achieve more efficient and effective operation;
  - (18) Coordinate, supervise and conduct elections;
  - (19) Confer with Mayor, department heads and Common Council committees about projects and problems;
  - (20) Maintain personnel files;
  - (21) Perform such other duties as may be directed by Common Council.
- (c) **Duties as Treasurer.** In his/her capacity as City Treasurer, the City Clerk-Treasurer shall be responsible for performing those duties required by Sec. 62.09(11) of the Wisconsin Statutes and for the following additional duties:
- (1) Prepare the tax roll and tax notices required by the State of Wisconsin.
  - (2) Prepare financial and bank statements;
  - (3) Maintain fiscal records for the City and serve as City Comptroller;
  - (4) Make reports to the State on assessments;
  - (5) Prepare and send invoices for services provided by municipal utilities.
  - (6) Perform record keeping, billing, collections, banking, investments, accounting and financial reporting of all City operations, including utilities;
  - (7) Collect all taxes for the City and other taxing bodies;
  - (8) Invest idle funds for maximum interest earnings;
  - (9) Prepare monthly financial report;
  - (10) Maintain payroll records and prepare payroll checks from approved employee time sheets;
  - (11) Prepare check vouchers for payment of approved claims for signature;
  - (12) Coordinate the preparation and compilation of the annual City budget;
  - (13) Make property tax settlements with the County Treasurer and turn over to school district and other taxing units their proportionate share of property tax collections;
  - (14) Issue purchase orders;
- (d) **Duties Prescribed By Law or Council.** The Clerk-Treasurer shall perform such other duties as are prescribed by State Statutes and by order of the Council. The Clerk-Treasurer generally shall perform, under direction of the Mayor or other presiding officer of the Council, all duties pertaining to his/her office as Clerk-Treasurer, and shall be responsible for all the official acts of assistants.
- (e) **Bond.** The City Clerk-Treasurer shall execute to the City a surety company fidelity bond in an amount determined by the Common Council.

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

### **Sec. 2-3-4 Deputy Clerk-Treasurer.**

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

of the Deputy Clerk-Treasurer.

### **Sec. 2-3-5 Director of Public Works.**

- (a) **Selection.** The Director of Public Works shall be appointed pursuant to Section 2-3-2. Selection shall be made solely on merit upon the basis of general qualifications and fitness for performing the duties of the position.
- (b) **Powers and Duties.** Subject to the direction of the Mayor and Common Council, the Director of Public Works shall have the following duties:
  - (1) **General.**
    - a. Plans, directs and manages all public works (streets, storm sewers, sidewalks, curb and gutter), and utility services (water supply distribution, sanitary sewer collection, wastewater treatment and electric distribution system).
    - b. Supervises and coordinates all maintenance work and construction or reconstruction projects involving the public works and utility.
    - c. Prepares specifications and bid documents for truck and equipment purchases, re-roofing, insulation and similar types of projects.
    - d. Prepares recommendations for annual and long-range projects.
    - e. Visits the various operations on an as-needed basis.
  - (2) **Utilities Administrator.**
    - a. Has responsibility for the overall management and control of the operation of the electric, water and sewer systems.
    - b. Makes recommendations to the respective commission in matters of finance and accounting, engineering, personnel and general operations.
    - c. Develops and recommends short and long range plans for utility service.
    - d. Reviews financial data to assure that the utilities are being operated in an efficient manner.
    - e. Represents the water and electric utilities before the Public Service Commission in matters prescribed by law.
    - f. Periodically reviews office procedures, accounting and storeroom control.
  - (3) **Public Works Director.**
    - a. Has responsibility for overall management and control of the Street Department.
    - b. Advises the Mayor and Common Council on various public works projects or problems and makes recommendations.
    - c. Makes recommendations relating to all street, storm sewer and sidewalk projects.
    - d. Plan, direct and inspect the repair and maintenance of streets, curbs and gutters, sidewalks, street lights, street trees;
    - e. Supervise plowing of snow and all phases of snow and ice control on City streets, alleys, sidewalks and public parking lots;
    - f. Supervise the operation of the municipal garage and the repair and maintenance of City-owned vehicles and equipment;
    - g. Schedule the daily and weekly jobs of the Public Works Department employees and make necessary modifications due to emergencies;
    - h. Plan for the maintenance and repair of all City vehicles, machinery and equipment and is responsible for related records;
    - i. Repair and maintain all official City sign use and traffic control markings, to be one in compliance with the State Traffic Code and local ordinances.
    - j. Perform such other duties as may be directed by the Common Council.

### **Sec. 2-3-6 City Attorney.**

- (a) **Selection.** The City Attorney shall be appointed pursuant to Section 2-3-2.
- (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, and shall serve as legal advisor to the Mayor, Common Council and officers of the City.
  - (2) He/she shall, when requested by City officers, give written legal opinions, which shall be filed with the City.
  - (3) He/she shall draft ordinances, bonds and other instruments as may be required by City officials.
  - (4) He/she may appoint an assistant, who shall have power to perform his/her duties and for whose acts he/she 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. 2-3-7 Chief of Police.**

- (a) **Appointment.**
  - (1) The Chief of Police shall be appointed pursuant to Section 2-3-2 and shall hold office during satisfactory performance, subject to suspension or removal pursuant to law.
  - (2) The compensation to be paid the Chief of Police for his/her services, the hour of active duty, rest days, vacation periods and other involvement of his or her employment shall be such as may be determined by the Common Council from time to time.
- (b) **General Duties.** The Chief of Police shall:
  - (1) Have command of the Police Department of the City under direction of the Mayor;
  - (2) Have general administration and control of the Department;
  - (3) Be responsible for the Department's government, efficiency and general good conduct;
  - (4) Perform all duties prescribed to him/her by laws of the State and ordinances of the City.
  - (5) Develop Department policies and procedures;
  - (6) Maintain Department ethics and discipline;
  - (7) Delegate special assignments or duties to police officers, and monitor to see that responsibilities are carried out;
  - (8) Perform all the duties of a police officer during a portion of every regular shift;
  - (9) Identify and evaluate ideas to achieve more efficient and effective operation;
  - (10) Prepare Department budget requests and maintains expenditures within approved budgetary levels;
  - (11) Authorize overtime work for police officers, with supporting justification provided to the Mayor and Common Council, or committee thereof;
  - (12) Participate in the recruitment, testing and selection of new personnel;
  - (13) Supervise and participate in the advanced and continuing training of police officers and non-sworn Department employees;
  - (14) Cooperate with county, state and federal officials, and other municipal law enforcement agencies;
  - (15) Make special reports to the Common Council on request; and advise and cooperate with other City departments in matters of public safety;

- (16) Submit monthly and annual reports to the Mayor;
- (17) Perform other miscellaneous duties as assigned.

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

### **Sec. 2-3-8 Fire Chief.**

- (a) **Appointment.** The Fire Chief shall be appointed by the Westby-Christiana Fire District Commission, after receiving a recommendation from the members of the Westby-Christiana Community Fire Department..
- (b) **Duties and Powers.**
  - (1) The Chief shall have general supervision of the Fire Department personnel, apparatus and equipment. The Fire Chief, or his/her designee, shall be present at fires and command all fire-fighting operations. The Fire Chief may make such further rules, regulations and policies for the government of the Fire Department as he/she 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/her office, hold the office of Fire Inspector or he/she may delegate a member of the Department to serve as the Fire Inspector.
  - (2) He/she 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 Fire District Commission from time to time at his/her discretion or upon the request of said Fire District Commission on matters concerning departmental matters and shall perform such other duties in conformance with his/her office as may from time to time be required of him/her by the Fire District Commission.

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

### **Sec. 2-3-9 Assessor.**

- (a) **Appointment.**
  - (1) The City of Westby 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. (Charter Ordinance).
  - (2) The City Assessor, or assessing firm, shall be appointed by the Common Council for a term of office as determined by contract.
  - (3) A corporation or an independent contractor may be appointed as Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats.
  - (4) No Assessor shall be appointed unless said Assessor is certified by the Wisconsin Department of Revenue as qualified to perform the functions of the office of Assessor.
- (b) **Duties.** The Assessor shall perform all duties required of such office as provided by law and such other duties as are requested to be executed by such person by the Common Council from time to time.

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

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

## **Sec. 2-3-10 Building Inspector; Plumbing Inspector; Heating, Ventilating and Air Conditioning Inspector; Electrical Inspector.**

(a) **Appointment.**

- (1) Inspectors shall be appointed pursuant to Section 2-3-2. The City may select the services of an inspection firm or independent contractor.
- (2) Each inspector shall:
  - a. Possess such executive ability as is requisite for the performance of his/her duties and shall have a thorough knowledge of the standard materials and methods used in the installation of equipment in his/her area of responsibility;
  - b. Be well versed in approved methods of construction for safety to persons and property, the Statutes of the State of Wisconsin relating to work in his/her area of responsibility, and any orders, rules and regulations issued by authority thereof;
  - c. Have sufficient experience in the installation of equipment to enable him/her to understand and apply the appropriate codes adopted by the City of Westby.
  - d. Be certified in his/her area of inspection responsibilities.

(b) **Authority to Enter Premises; Appeals.**

- (1) In the discharge of their respective duties, each Inspector under this Section or his/her authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his/her authorized agent while in the performance of his/her duties; and any person so interfering shall be in violation of this Section and subject to a penalty as provided by Section 1-1-7.
- (2) If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public for inspection purposes has been denied, the Inspector shall obtain a special inspection warrant under Sec. 66.0119, Wis. Stats.
- (3) Any person feeling himself/herself aggrieved by any order or ruling of an Inspector may, within twenty (20) days thereafter, appeal from such order or ruling to the Board of Appeals, as established in the Zoning Code, such an appeal to be in writing.

(c) **Duties and Authority.** The Building Inspector shall have such responsibilities as are prescribed in this Section and Title 15 of this Code of Ordinances.

(d) **Stop Work Orders and Revocations.** The Building Inspector may order construction, installation, alteration or repair work stopped when such work is being done in violation of this Code of Ordinances. Work so stopped shall not be resumed, except with written permission of the Inspector, provided if the stop work order is an oral one it shall be followed by a written order within a reasonable period of time.

- (e) **Conflict of Interest.** No Inspector shall inspect any construction work in the City in which the Inspector has a personal or financial interest either direct or indirect.
- (f) **Records.** The Building Inspector shall keep a record of all applications for permits and regularly number each permit in the order of issuance. The Building Inspector shall keep a record of all inspections made and a record of all fees collected by them showing the date of his/her receipt and transfer to the City Clerk-Treasurer.

**Sec. 2-3-11 Health Officer.**

- (a) **Selection.** A Health Officer may be appointed by the Mayor, subject to Council confirmation. Such Health Officer shall be a physician, or in lieu thereof, a person with training and experience in public health administration which shall meet training and experience requirements established by the State Department of Health and Social Services. If the Health Officer is not a physician, the Common Council shall arrange for and provide in addition such services of a physician as may be necessary on either a part-time or full-time basis and provide reasonable compensation therefor.
- (b) **Vacancy.** If a vacancy in the position of Health Officer occurs, the Mayor shall immediately fill the position.
- (c) **Responsibilities.**
  - (1) The Health Officer shall provide such additional rules and regulations as are necessary for the preservation of health, to prevent the spread of communicable diseases, and to cause the removal of all objects detrimental to health and to enforce the health laws. All proposed rules and regulations shall be reported to the Common Council by the Health Officer, and if the Council approves the same by a vote of a majority of its members, they shall have the force and effect of ordinances, including penalty for violation.
  - (2) The Health Officer shall from time to time recommend to the Common Council such sanitary measures, to be executed by the City as seem necessary, and shall discharge such other duties as may be imposed upon the Council by ordinance or resolution.

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

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

*State Law Reference: Secs. 66.0407 and 66.0517, Wis. Stats.*

**Sec. 2-3-13 Eligibility for Office.**

- (a) No person shall be elected by the people to a City office who is not, at the time of his/her 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/she 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. 2-3-14 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 Sec. 17.12(1)(c) and 17.16, Wis. Stats.

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

### **Sec. 2-3-15 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. 2-3-16 Oath of Office; Bonds of Officers.**

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

# Title 2 – Chapter 4

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## Boards, Commissions and Committees

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

(a) **How Constituted.**

- (1) **Membership.** The Board of Review shall consist of the Mayor, the City Clerk-Treasurer and three (3) Alderpersons annually appointed by the Mayor, subject to Council confirmation, at the annual organizational meeting.
- (2) **Alternate Members.** Pursuant to Secs. 70.47(6m)(c) and 70.46(1), Wis. Stats., the Common Council hereby provides for the appointment of alternates to serve on the Board of Review in the event a standing board member of the Board of Review is removed pursuant to Sec. 70.47(a), Wis. Stats., or recused pursuant to Sec. 70.47(b), Wis. Stats. The Common Council shall establish and maintain a public list of names and persons eligible and appointed by the Common Council to serve as alternative members of the Board of Review. The list shall be arranged and maintained by the Clerk-Treasurer in a priority order of probable and likely service as an alternative. The Clerk-Treasurer shall notify any named member who has been lawfully removed under Sec. 60.47(6m)(a) or (b), Wis. Stats., and shall notify the alternate person of his/her appointment to replace a named member of the Board of Review. The alternate, once noticed, if he/she approves the appointment, and he/she would not violate Sec. 19.59, Wis. Stats., shall then take the oath of office and act as a member of the Board of Review under Sec. 60.47(6m)(c), Wis. Stats.
- (3) **Training Requirement.** No Board of Review may be constituted unless it includes at least one (1) voting member who, within two (2) years of the Board's first meeting, has attended a training session under Sec. 73.03(55), Wis. Stats., and unless that member is the municipality's chief executive officer or that officer's designee. The City Clerk-Treasurer shall provide an affidavit to the Wisconsin Department of Revenue stating whether the requirement under this Section has been fulfilled.

- (b) **Compensation.** The members of the Board of Review shall receive a salary as determined by the Common Council for each day or fraction thereof, that the Board is in session for the purpose of hearing and considering testimony or in meeting their report and determination.

- (c) **Objections to Valuations to Be Written.** No person shall be permitted to appear and make objection before the Board to the amount of valuation of any property unless objection thereto shall first have been made in writing and filed with the Clerk of the Board prior to the adjournment of public hearing by the Board.
- (d) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46, 70.47 and 70.48, Wis. Stats. 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.
- (e) **Meetings.** In accordance with Sec. 70.47(3)b, Wis. Stats., the Common Council do hereby exercise their right to designate hours for the annual Board of Review proceedings other than those set forth in Sec. 70.47(3)a, and shall designate the hours of the annual Board of Review. The Board of Review may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.

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

### **Sec. 2-4-2 Library Board.**

- (a) **Membership and Terms.** Pursuant to Sec. 43.54, Wis. Stats., the Library Board shall consist of five (5) members appointed by the Mayor, subject to confirmation by the Council, to serve three (3) year terms. One (1) member shall be a school district administrator or his/her representative, and not more than one (1) member of the Council shall serve on the Library Board at anyone (1) time. Up to two (2) members may be residents of towns adjacent to the City.
- (b) **Duties and Powers.**
  - (1) The Library Board shall have the duties and powers as prescribed by Chapter 43, and more particularly set forth in Sec. 43.58 of the Wisconsin Statutes. The Library Board shall appoint the Librarian and other library employees.
  - (2) The Library Board shall submit annually to the Council an itemized budget of the estimated expenses of the library for the following year.

*State Law Reference: Sections 43.54 and 43.58, Wis. Stats.*

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

- (a) **Composition.** The Common Council shall serve as the City of Westby Board of Health. The Council shall make a recommendation to the Mayor on appointing a competent and proper person who shall be, whenever the same is applicable, a reputable physician, who shall be the Health Officer of the City and who shall, during his/her term of office, be an ex officio officer of the Board.
- (b) **Responsibilities.**
  - (1) The Board of Health shall take such measures as shall be most effectual for the preservation of the public health. It shall be the duty of the Board of Health of the City of Westby to assume the general administration of health and sanitation laws and regulations in the City and to attend to the administration and enforcement of the health laws of the State and the rules and regulations prescribed by the State Board of Health and the ordinances of the City.
  - (2) The Board shall take such measures and make such rules and regulations as shall be necessary and effectual for the preservation and promotion of the public health in the City

of Westby. All orders and regulations of the Board shall be published in the official newspaper and, after publication, shall have the force and effect of ordinances, including penalty for violation.

*State Law Reference: Sec. 141.015, Wis. Stats.*

#### **Sec. 2-4-4 Board of Appeals.**

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed as specified in Sec. 62.23(7)(e) of the Wisconsin Statutes. The Zoning Board of Appeals shall consist of five (5) members, and two (2) alternate members, appointed by the Mayor, subject to confirmation by the Common Council for a term of three (3) years. The members shall be compensated as determined by the Council and shall be removable by the Common Council for cause upon written charges and upon public hearing. The Mayor shall designate one of the members chairman.
- (b) **Powers.** The Zoning Board of Appeals shall have the following powers:
- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the City's zoning or building code ordinances.
  - (2) To hear and decide special exceptions to the terms of City zoning and floodplain zoning or building code regulations upon which the Board of Appeals is required to pass.
  - (3) To authorize, upon appeal in specific cases, such variance from the terms of the City's zoning or building code regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district.
  - (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the zoning code, for such purposes which are reasonably necessary for public convenience and welfare.
  - (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made regarding the premises. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the City's zoning ordinances. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless a zoning permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.
- (c) **Meetings and Rules.** All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the City Clerk-Treasurer and shall be a public

record. The Board shall adopt its own rules of procedure not in conflict with this Section or with applicable Wisconsin Statutes.

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

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

*Cross-Reference: Sections 13-1-260 through 123-1-264, Appeals and Variances*

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

- (a) **Title.** This Section is entitled the "City of Westby Plan Commission Ordinance."
- (b) **Purpose.** The purpose of this Section is to establish a City of Westby Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the City of Westby and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.
- (c) **Composition.** The Plan Commission shall consist of the Mayor, who shall be the presiding officer, one (1) Alderperson and five (5) citizens.
- (d) **Appointment.**
  - (1) **Election/Appointment of Alderperson Members.** At its annual meeting in April of each year the Common Council shall, by a two-thirds (2/3) majority vote of its members, elect one (1) of its number as a member of the City Plan Commission for a period of one (1) year from and after the first day of May next ensuing. If the Mayor declines to serve, an additional Alderperson shall be appointed.
  - (2) **Appointment and Terms of Citizen Members.** The five (5) citizen members shall be appointed by the Mayor, subject to Council confirmation, on the third Tuesday of April in each year to hold office for a staggered term of three (3) years commencing with the third Tuesday of April.
- (e) **Quorum.** 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 Plan Commission.
- (f) **Vacancies.** A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.
- (g) **Compensation; Expenses.** The Common Council may set a per diem allowance per meeting for citizen and Alderperson members of the Plan Commission, as allowed under Sec. 66.0501(2), Wis. Stats. In addition, the Common Council may reimburse reasonable costs and expenses.
- (h) **Experts; Staff.** The Plan Commission, under Sec. 62.23(1), Wis. Stats., may recommend to the Common Council the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.
- (i) **Rules; Records.** The Plan Commission, under Sec. 62.213(2), Wis. Stats., may adopt rules for the transaction of its business, subject to City ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under Secs. 19.21 through 19.39, Wis. Stats., and copies shall be filed with the City Clerk-Treasurer.
- (j) **Chairperson and Officers.**
  - (1) **Chairperson.** The Plan Commission chairperson shall be the Mayor. The chairperson shall, subject to City ordinances and Plan Commission rules:
    - a. Provide leadership to the Plan Commission;

- b. Set Plan Commission meeting and hearing dates;
  - c. Provide notice of Plan Commission meetings and hearings and set their agendas, personally or by his/her designee;
  - d. Preside as Plan Commission meetings and hearings; and
  - e. Ensure that the laws are followed.
- (2) ***Vice-Chairperson.*** The Plan Commission may elect, by open vote under Sec. 19.88(1), Wis. Stats., a vice-chairperson to act in the place of the chairperson when the chairperson is absent or incapacitated for any cause.
- (3) ***Secretary.*** The Plan Commission shall elect, by open vote under Sec. 19.88(1), Wis. Stats., one of its members to serve as secretary, or, with the approval of the Common Council, designate the City Clerk-Treasurer or other City
- (k) **Commission Members As Local Public Officials.** All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office (Sec. 19.01, Wis. Stats.), in accordance with, but not limited to, the provisions of the Wisconsin Statutes on Public Records (Secs. 19.21 through 19.39, Wis. Stats.); Code of Ethics for Local Government Officials (Secs. 19.42, 19.58 and 19.59, Wis. Stats.); Open Meetings (Secs. 19.81 and 19.89, Wis. Stats.); Misconduct in Office (Sec. 946.12, Wis. Stats.); and Private Interests in Public Contracts (Sec. 946.13, Wis. Stats.). Plan Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.
- (l) **General and Miscellaneous Powers.** The Plan Commission, under Sec. 62.23(4), Wis. Stats., shall have the power:
- (1) Necessary to enable it to perform its functions and promote City planning.
  - (2) To make reports and recommendations relating to the planning and development of the City to the Common Council, other public bodies, citizens, public utilities and organizations.
  - (3) To recommend to the Common Council programs for public improvements and the financing of such improvements.
  - (4) To receive from public officials, within a reasonable time, requested available information required for the Plan Commission to do its work.
  - (5) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under Sec. 66.0119, Wis. Stats., or other court-issued warrant.
- (m) **City Comprehensive Planning; General Authority and Requirements.**
- (1) ***Comprehensive Plan.*** The Plan Commission shall make and adopt a Comprehensive Plan under Secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in Sec. 66.1001(2), Wis. Stats., and follows the procedures in Sec. 66.1001(4), Wis. Stats. The Plan Commission shall make and adopt the Comprehensive Plan within the time period directed by the Common Council, but not later than a time sufficient to allow the Common Council to review and plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the City Comprehensive Plan is in effect by the date on which any City program or action affecting land use must be consistent with the City Comprehensive Plan under Sec. 66.1001(3), Wis. Stats.
- (2) ***Preparation.*** In this Subsection, the requirement to "make" the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the City by the Plan

Commission, City staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

- (n) **Procedure for Plan Commission Adoption and Recommendation of a City Comprehensive Plan or Amendment.** The Plan Commission, in order to ensure that the requirements of Sec. 66.1001(4), Wis. Stats. are met, shall proceed as follows:
- (1) **Public Participation Verification.** Prior to beginning work on a Comprehensive Plan, the Plan Commission shall verify that the Common Council has adopted written procedures designed to foster public participation in every stage of preparation of the Comprehensive Plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a Comprehensive Plan and shall provide an opportunity for written comments to be submitted by members of the public to the Common Council and for the Common Council to respond to such written comments.
  - (2) **Resolution.** The Plan Commission, under Sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed Comprehensive Plan or amendment to the Common Council by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the Comprehensive Plan. The resolution adopting a Comprehensive Plan shall further recite that the requirements of the comprehensive planning law have been met, under Sec. 66.1001, Wis. Stats., namely that:
    - a. The Common Council adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the Comprehensive Plan;
    - b. The plan contains the nine (9) specified elements and meets the requirements of those elements;
    - c. The (specified) maps and (specified) other descriptive materials relate to the plan;
    - d. The plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and
    - e. The Plan Commission clerk or secretary is directed to send a copy of the Comprehensive Plan adopted by the Plan Commission to the governmental units specified in Sec. 66.1001(4), Wis. Stats., and Subsection (c) herein.
  - (3) **Transmittal.** One copy of the Comprehensive Plan or amendment adopted by the Plan Commission for recommendation to the Common Council shall be sent to:
    - a. Every governmental body that is located in whole or in part within the boundaries of the City, including any school district, sanitary district, public inland lake protection and rehabilitation district or other special district.
    - b. The clerk of every city, village, town, county and regional planning commission that is adjacent to the City.
    - c. The Wisconsin Land Council.
    - d. The Wisconsin Department of Administration.
    - e. The regional planning commission in which the City is located.
    - f. The public library that serves the area in which the City is located.
- (o) **Plan Implementation and Administration.**
- (1) **Ordinance Development.** If directed by resolution or motion of the Common Council, the Plan Commission shall prepare the following for Common Council review and action:
    - a. Zoning - A proposed City zoning ordinance under Section 62.23(7), Wis. Stats. (if

not under county zoning), a City construction site erosion control and stormwater management zoning ordinance, a City exclusive agricultural zoning ordinance under Subchapter V of Ch. 91, Wis. Stats., and any other zoning ordinance within the City's authority.

- b. Official Map - A proposed official map ordinance under Sec. 62.23(6), Wis. Stats.
- c. Subdivisions - A proposed City subdivision or other land division ordinance under Sec. 236.45, Wis. Stats.
- d. Other - Any other ordinance specified by the Common Council (Note: e.g., historic preservation, design review site plan review).

(2) **Ordinance Amendment.** The Plan Commission, on its own motion, or at the direction of the Common Council by its resolution or motion, may prepare proposed amendments to the City's ordinances relating to comprehensive planning and land use.

(3) **Non-Regulatory Programs.** The Plan Commission, on its own motion, or at the direction of the Common Council by resolution or motion, may propose non-regulatory programs to implement the Comprehensive Plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvements planning.

(4) **Consistency.** Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under City ordinances or programs that implement the City's Comprehensive Plan under Secs. 62.23 and 66.1001, Wis. Stats., shall be consistent with that plan as of January 1, 2010. If any such Plan Commission action would not be consistent with the Comprehensive Plan, the Plan Commission shall use this as information to consider in updating the Comprehensive Plan.

(p) **Referrals to the Plan Commission.**

(1) **Required Referrals Under Sec. 62.23(5), Wis. Stats.** The following shall be referred to the Plan Commission for advisory report:

- a. The location and architectural design of any public building.
- b. The location of any statue or other memorial.
- c. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:
  - 1. Street, alley or other public way;
  - 2. Park or playground;
  - 3. Airport;
  - 4. Area for parking vehicles; or
  - 5. Other memorial or public grounds.
- d. The location, extension, abandonment or authorization for any publicly or privately owned public utility.
- e. All plats under the City's jurisdiction under Ch. 236, Wis. Stats., including divisions under a City subdivision or other land division ordinance adopted under Sec. 236.45, Wis. Stats.
- f. The location, character and extent or acquisition, lease or sale of lands for:
  - 1. Public or semi-public housing;
  - 2. Slum clearance;
  - 3. Relief of congestion; or
  - 4. Vacation camps for children.

- g. The amendment or repeal of any ordinance adopted under Sec. 62.23, Wis. Stats., including ordinances relating to the Plan Commission, City master plan, City Comprehensive Plan under Sec. 66.1001, Wis. Stats., City official map and/or City zoning.
- (2) ***Required Referrals Under Sections of the Wisconsin Statutes Other Than Sec. 62.23(5), Wis. Stats.*** The following shall be referred to the Plan Commission for report:
- a. An application for initial licensure of a child welfare agency or group home under Sec. 48.68(3), Wis. Stats.
  - b. An application for initial licensure of a community-based residential facility under Sec. 50.03(4), Wis. Stats.
  - c. Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the City, as a pedestrian mall under Sec. 66.0905, Wis. Stats.
  - d. Matters relating to the establishment or termination of an architectural conservancy district under Sec. 66.1007, Wis. Stats.
  - e. Matter's relating to the establishment of a reinvestment neighborhood required to be referred under Sec. 66.1107, Wis. Stats.
  - f. Matters relating to the establishment or termination of a business improvement district required to be referred under Sec. 66.1109, Wis. Stats.
  - g. A proposed housing project under Sec. 66.1211(3), Wis. Stats.
  - h. Matters relating to urban redevelopment and renewal in the City required to be referred under Subch. XIII of Ch. 66, Wis. Stats.
  - i. The adoption or amendment of a City subdivision or other land division ordinance under Sec. 236.45(4), Wis. Stats.
  - j. Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
- (3) ***Required Referrals Under This Section.*** In addition to referrals required by the Wisconsin Statutes, the following matters may be referred to the Plan Commission for report:
- a. Proposed regulations or amendments relating to historic preservation under Sec. 60.64, Wis. Stats.
  - b. A proposed driveway access ordinance or amendment.
  - c. A proposed City official map ordinance under Sec. 62.23(6), Wis. Stats., or any other proposed City ordinance under Sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the Plan Commission.
  - d. A proposed zoning ordinance or amendment adopted under Section 62.23(7), Wis. Stats., a construction site erosion control and stormwater management zoning ordinance under Sec. 627(6), Wis. Stats., a City exclusive agricultural zoning ordinance under Subchapter V of Ch. 91, Wis. Stats.
  - e. A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under Sec. 62.23(7a), Wis. Stats.
  - f. A proposed boundary change pursuant to an approved cooperative plan agreement under Sec. 66.0307, Wis. Stats., or a proposed boundary agreement under Sec. 66.0225, Wis. Stats., or other authority.
  - g. A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under Sec. 66.0307(7m), Wis. Stats.
  - h. Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the City for review or adoption.

- i. Any proposed contract, for the provision of information, or the preparation of a Comprehensive Plan, an element of a plan or an implementation measure, between the City and the regional planning commission, under Sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
  - j. A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under Sec. 66.0435, Wis. Stats.
  - k. A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under Sec. 66.1009, Wis. Stats.
  - l. A proposed airport zoning ordinance under Sec. 114.136(2), Wis. Stats.
  - m. A proposal to create environmental remediation tax incremental financing in the City under Sec. 66.1106, Wis. Stats.
  - n. A proposed county agricultural preservation plan or amendment, under Subchapter IV of Ch. 91, Wis. Stats., referred by the county to the City, or proposed City agricultural preservation plan or amendment.
  - o. Any other matter required by any City ordinance or Common Council resolution or motion to be referred to the Plan Commission.
- (4) **Discretionary Referrals.** The Common Council, or other City officer or body with final approval authority or referral authorization under the City ordinances, may refer any of the following to the Plan Commission for report:
- a. A proposed intergovernmental cooperation agreement, under Sec. 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under Sec. 66.0305, Wis. Stats.
  - b. Any other matter deemed advisable for referral to the Plan Commission for report.
- (5) **Referral Period.** No final action may be taken by the Common Council or any other officer or body with final authority on a matter referred to the Plan Commission until the Plan Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Common Council, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the City's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Common Council to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

#### **Sec. 2-4-6 Norseland Nursing Home Management Committee.**

- (a) This Section is created for the purpose of establishing a management committee under the direction and control of the Westby Common Council to oversee and supervise the operations of the Norseland Nursing Home of Westby, Wisconsin.
- (b) The Norseland Nursing Home Management Committee shall be composed of five (5) adult residents of the City of Westby appointed to five (5) year terms, except that the original members of the committee shall be appointed to terms of 1, 2, 3, 4 and 5 years respectively. The Committee members shall be appointed by the Mayor, subject to confirmation of the Common Council.
- (c) The Committee shall also include as an ex-officio non-voting member appointed by the Mayor of the City of Westby.
- (d) The Committee should meet at least bi-monthly on the second Tuesday of alternate months.
- (e) Committee members shall receive no compensation for their service other than those reasonable and necessary expenditures as may, from time to time, be required by their duties.

- (f) The Committee shall have authority to see that the management agreement executed on January 21, 1974 by and between Continental Manors, Inc. and the City of Westby is faithfully executed. It is to report on at least an annual basis to the Common Council on the progress of the Norseland Home. It is to investigate all complaints which shall come to it regarding any phase of the operations of the Nursing Home. It is also to consult with the administrator of the Nursing Home regarding such areas and problems as he/she or it deem necessary. It is to investigate and approve the admissions policies of the home and to see that the rates charged are fair and reasonable. It is to take care that responsible, trained personnel are employed by the nursing home, and it is to do such other things as the Common Council may deem necessary.
- (g) The organizational meeting for the election of officers shall be held in May. The committee shall annual elect its officers at the May meeting.

## **Sec. 2-4-7 Housing Authority.**

- (a) **Appointment, Qualifications and Tenure of Commissioners.**
  - (1) The Mayor shall, with the confirmation of the Council, appoint five (5) persons who are citizens of the City as Commissioners of the Housing Authority. No Commissioner may be connected in any official capacity with any political party nor shall more than two (2) be officers of the City of Westby.
  - (2) The Commissioners who are first appointed shall be designated by the Mayor to serve for terms of one (1), two (2), three (3), four (4) and five (5) years respectively, from the date of their appointment. Thereafter, the term of office shall be five (5) years. A Commissioner shall hold office until his/her successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term in the same manner as other appointments. Three (3) Commissioners shall constitute a quorum. The Mayor shall file with the City Clerk-Treasurer a certificate of the appointment or reappointment of any Commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such Commissioner if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon his/her office. A Commissioner shall receive no compensation for his/her services, but he/she shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his/her duties.
- (b) **Selection of Officers.** When the office of the first chairman of the Authority becomes vacant, the Authority shall select a chairman from among its members. The Authority shall select from among its members a vice-chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The Authority may call upon the City Attorney or chief law officer of the City for such legal services as it may require. The Authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.
- (c) **Quorum.** Three (3) members shall constitute a quorum.
- (d) **Certificate of Appointment.** The Mayor shall file with the City Clerk-Treasurer a certificate of the appointment or reappointment of any member of the Authority, and such certificate shall be conclusive evidence of the due and proper appointment of such member if such member has been confirmed as herein provided and has taken and filed the official oath before entering office.
- (e) **Compensation.** No member of the Authority shall receive any compensation for his/her services; but he/she shall be entitled to the necessary expenses, including travel expenses, incurred in the discharge of his/her duties.

- (f) **Duties.** See Sec. 66.395, Wis. Stats.

*State Law Reference: Sec. 66.1201, Wis. Stats.*

### **Sec. 2-4-8 Community Development Authority.**

- (a) **Policy Statement.** It is the policy of the Community Development Authority (CDA) to protect and promote the health, safety, morals and general welfare of the public by the prevention and elimination of substandard and deteriorated areas and properties through the utilization of all means appropriate, thereby encouraging well-planned, integrated, stable, safe and healthful neighborhoods, the provisions of healthful homes, a decent living environment and adequate places of employment for the citizens of the City of Westby.
- (b) **Name and Office.** The name of the authority shall be the Westby Community Development Authority (CDA). The principal office of the CDA shall be within the Westby City Hall.
- (c) **Governance.** The Community Development Authority shall be governed and controlled by the Wisconsin Statutes, specifically Section 66.1335, Wis. Stats., and as the same may hereafter be amended; by all ordinances of the City of Westby as they relate to the CDA, and such ordinances as may hereafter be amended and adopted; and by and within rules of procedure and CDA bylaws. All provisions of the Wisconsin Statutes, ordinances and resolutions of the City of Westby shall take precedence over the internal CDA rules of procedure and bylaws.
- (d) **General Powers and Duties.** The following shall be the general powers and duties of the Westby Community Development Authority:
- (1) **Powers.** The CDA shall exercise all powers conferred and perform all duties imposed by state law and local ordinances, and shall perform such other duties as may properly from time to time be required by the Common Council.
  - (2) **Common Council Approval.** Specific action taken related to the following powers shall be subject to review and approval by the City of Westby Common Council:
    - a. Acquisition of land.
    - b. Issuance of debt.
    - c. Hiring of staff.
    - d. Expenditure of funds in excess of Two Thousand Five Hundred Dollars (\$2,500.00).
    - e. Amendments, deletions or additions to CDA bylaws.
    - f. Annual budget.
    - g. Any type of condemnation of land or property.
- (e) **Commissioners.**
- (1) **Appointment of Commissioners.** The seven (7) Commissioners of the CDA shall be City of Westby residents, appointed by the Mayor and confirmed by the Common Council, as follows:
    - a. Two (2) Commissioners shall be members of the Common Council and shall serve their term of office concurrently as members of the Common Council.
    - b. The five (5) Commissioners who are not members of the Common Council shall serve staggered terms of four (4) years, ending in each instance, on the last day in April for the appropriate year. A Commissioner who is not a member of the Common Council shall hold office until his/her successor has been appointed and qualified, unless such Commissioner's term is vacated earlier because of his/her change of residence, removal, resignation or death.

- (2) **Removal of Commissioners.** Removal of Commissioners and filling of vacancies shall be governed by the Wisconsin Statutes.
  - (3) **Compensation.** Commissioners shall receive no compensation for their services, but shall receive their actual and necessary expenses, including local traveling expenses incurred in the discharge of their duties.
- (f) **Officers; Duties.**
- (1) **Presiding Officers.**
    - a. The presiding officer of the CDA shall be designated as Chairperson and shall be elected annually at the meeting of the CDA in May of each and every year.
    - b. To act in the absence of the chairperson, the CDA shall also elect a Vice-Chairperson at the annual meeting in May.
    - c. The presiding officer shall preside at all meetings of the CDA and shall have the right to vote and make motions; shall rule on matters of procedure, subject to appeal from such rulings by proper motion; shall conduct the meetings in accordance with the rules; shall have such powers and duties as may be necessary for conduct of orderly meetings; and such other powers and duties as herein assigned to him/her, or as may be assigned to him/her.
  - (2) **Secretary-Treasurer.**
    - a. The CDA shall annually elect a Secretary-Treasurer from among its members.
    - b. The CDA Secretary-Treasurer shall manage and keep the financial records of the CDA. To assist in performing these duties, the CDA and its Secretary-Treasurer may utilize such members of City (including, but not limited to, the City Engineer, Public Works Director, etc.) as may be made available to the CDA by the Common Council to accomplish required responsibilities. The City Clerk-Treasurer shall serve as the co-treasurer of the CDA and perform routine fiscal management duties under the auspices of the Secretary-Treasurer.
    - c. The CDA Secretary-Treasurer shall perform all clerical and other duties requested by majority vote of the CDA. These duties include responding to all correspondence and performing the clerical work of the CDA; to keep accurate minutes of all matters coming before the CDA; to receive and file all communications, applications and other documents coming before the CDA; to prepare and mail to each CDA member not later than the Friday prior to an upcoming meeting a proper agenda and a copy of the minutes of the last meeting.
  - (3) **Executive Director.** The CDA may appoint or employ an Executive Director, who shall perform such duties, powers and responsibilities as set forth herein and as may be from time to time delegated or assigned by the CDA. If an Executive Director is employed, he/she shall assume the secretary duties as described in Subsection (f)(2) above.
  - (4) **Vacancies.** Vacancies in any CDA officer position may be filled by election by the CDA members at any regular or special meeting.
- (g) **Meetings.**
- (1) **Agenda.** The City Clerk-Treasurer shall prepare and distribute CDA meeting agendas with direction from the Chairperson; the Mayor may also request that items be included on CDA meeting agendas for CDA consideration.
  - (2) **Meetings Generally.**
    - a. CDA meetings shall be held as necessary and shall be held at the City Hall, unless there are compelling reasons to hold a meeting at an alternative site. Meeting times and locations are subject to change only by majority consensus of the members of the CDA.

- b. Meetings shall be called by the CDA Chairperson whenever, in his/her judgment, such meeting is necessary. The Chairperson shall also call a meeting whenever he/she is requested to do so by at least two (2) members of the CDA or by the Mayor. Such request may be made orally.
- (3) **Open to the Public.** All meetings of the CDA shall be open to the public and shall conform to Chapter 19, Wis. Stats., in all respects. The CDA may lawfully hold closed session meetings if such meetings satisfy the criteria of Chapter 19, Wis. Stats., and so properly noticed.
- (h) **Conduct of Business.**
  - (1) **Quorum.** A quorum for all meetings shall consist of a minimum of four (4) members; the presiding officer shall be included in such a count. The act of the majority of the Commissioners present at a meeting shall be the action of the CDA, unless a greater number is required by law. A majority of the members present, though less than a quorum, can adjourn a meeting.
  - (2) **Voting.** All members of business, except those regulated by the Wisconsin Statutes or otherwise specifically provided for herein, shall be determined by a majority vote of the members present the meeting of the CDA, provided that there are sufficient members present for a quorum.
  - (3) **Disqualification.** In the event that any member shall disqualify himself/herself to vote on any matter, he/she shall, nonetheless, be counted in determining whether a quorum is present, but his/her disqualification shall not decrease the number of votes required for passage of any motion, resolution or the taking of any other action. [See also Title 2, Chapter 5 of the City of Westby Code of Ordinances regarding conflicts of interest].
  - (4) **Generally.** Members of the CDA shall at all times conduct themselves with professionalism and civility towards the public and other Commissioners. Discussion and action regarding business of the CDA shall be confined to those items specifically listed and described in the meeting notice. Commissioners shall speak at meetings after first being acknowledged by the presiding officer, and argument among members or with the public is impermissible.
- (i) **Public Hearings.** When the CDA conducts a public hearing, the following shall be applicable; a minor failure to follow every procedural item shall not constitute grounds for invalidating the public hearing:
  - (1) **Order of Business.** The order of business for holding CDA public hearings shall be as follows:
    - a. A brief statement by the Chairperson as to the name of the applicant, his/her address, the nature of the request, and the manner in which notice of the hearing was given.
    - b. Presentation by the applicant of his/her request, including any maps, documents, plans, etc., not previously filed.
    - c. Statements of all other persons in favor of granting the request, or whom have general questions regarding the request.
    - d. Statements by those opposed to the request.
    - e. Statement by those wishing to make comments in rebuttal to prior statements made.
    - f. Statements by any persons not previously heard but only on matters not previously discussed.
    - g. Closing of the hearing, or, if necessary, adjournment of the hearing to a fixed future date.

- (2) **Conduct of Public Hearings.** The presiding officer shall announce prior to each public hearing that no one will be heard unless he/she first states his/her name and address. The presiding officer shall briefly explain the order of business. The presiding officer may, prior to the hearing, announce that each person's statement shall be limited to a specified period of time, and that the presiding officer shall have the right to terminate any statement when the speaker's time has elapsed, in the event of unnecessary repetition, or in the event that statement is not germane or refers to items of business not properly noticed. The conduct of public hearings shall conform to applicable City ordinances, whichever is most restrictive.
- (3) **Appearances.** All persons desiring to be heard shall be heard, in person or by his/her attorney or other professional.
- (4) **Withdrawal of Application.** An application may be withdrawn at any time prior to a motion to grant or refuse a request, application or petition, and such Withdrawal shall not entitle the applicant to a refund of whatever filing or publication fee may previously have been paid.

*State Law Reference: Sec. 66.1335, Wis. Stats.*

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

- (a) **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the City shall fix a regular date, time and place for its meeting.
- (b) **Notice of Meetings.**
  - (1) Every meeting of any board or commission of the City of Westby, and/or any committee appointed or created by the Mayor or Common Council of the City of Westby shall be preceded by public notice and shall be held in open session at a place acceptable to the public in accordance with the provisions of Chapter 19, Subchapter IV, Open Meetings of Governmental Bodies, Wis. Stats., unless otherwise authorized by law.
  - (2) Such notice shall be given in writing to the official newspaper, and in addition thereto, shall be posted in at least one (1) location likely to give notice to the public of such meeting.
  - (3) A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting, but not less than twenty-four (24) hours prior to the commencement of such meeting unless otherwise authorized by law.
  - (4) Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:

**NOTICE OF MEETING  
CITY OF WESTBY, WISCONSIN  
(commission)**

Please take notice that a meeting of the (commission) of the City of Westby will be held on (date), 20\_\_\_\_, at (time) p.m., at the City Hall, in Room \_\_\_\_\_ to consider the following:

1. (Agenda items set forth).
2. Such other matters as authorized by law.

Dated: \_\_\_\_\_

Commission: \_\_\_\_\_

By: \_\_\_\_\_

The Westby City Hall is accessible to the physically disadvantaged. If special accommodations for visually or hearing impaired individuals are needed, please contact the Westby City Clerk-Treasurer at (telephone).

- (c) **Notice to Members.** Every member of any board, commission or committee of the City of Westby shall be notified by the secretary thereof or designee, that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.
- (d) **Minutes to Be Kept.** Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the City Clerk-Treasurer within one (1) week of the meeting date. The City Clerk-Treasurer shall furnish a copy of all minutes filed with him/her to the Mayor and to each member of the Common Council. All such minutes shall be public records.

**Sec. 2-4-10 Residency Required for Service on Boards or Commissions; Attendance Standards.**

- (a) **Residency.** Except for the Library Board, no person not a resident of the City of Westby shall be appointed in a voting capacity to any City board, committee or commission. Any such member who moves from the City shall be removed from such board, commission or committee, but may be appointed to serve in an ex officio capacity.
- (b) **Attendance Standard.** Members of boards, committees and commissions are required to attend a minimum of two-thirds (2/3) of the meetings in each six (6) month period of their respective bodies, unless excused by the membership of their body. Failure to comply with this Subsection may result in the removal and replacement of the official found to be in noncompliance.
- (c) **Member Subject to Removal.** Any member of any board or commission who violates any provision of this Section or who knowingly attends a meeting held in violation hereof may be removed as a member of such board or commission after being granted a public hearing, by the appointing authority and upon concurrence of the Common Council.

**Sec. 2-4-11 Committee and Commission Rules.**

- (a) Except as provided herein, the provisions of Section 2-2-18 of this Code of Ordinances relating to rules of procedure for the Common Council, together with *Robert's Rules of Order*, shall as far as applicable, also apply to committee, board and commission meetings.
- (b) A simple majority of the members of a board, committee or commission shall constitute a quorum.

# Title 2 – Chapter 5

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## Ethics Code

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### Sec. 2-5-1 Statement of Purpose.

- (a) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in this Chapter a Code of Ethics for all City of Westby officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the City, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the City of Westby.
- (b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City of Westby and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the City. The Common Council believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of the City of Westby in their elected and appointed officials and employees. The Common Council reaffirms that each elected and appointed City official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the City of Westby.

### Sec. 2-5-2 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Public Official.** Those persons serving in statutory elected or appointed offices provided for in Chapter 62 of the Wisconsin Statutes, and all members appointed to boards, committees and commissions established or appointed by the Mayor and/or Common Council pursuant to this Code of Ordinances, whether paid or unpaid.

- (b) **Public Employee.** Any person excluded from the definition of a public official who is employed by the City of Westby.
- (c) **Anything of Value.** Any gift, favor, loan, service or promise of future employment, but does not include reasonable fees and honorariums, or the exchange of seasonal, anniversary or customary gifts among relatives and friends.
- (d) **Business.** Means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
- (e) **Personal Interest.** The following specific blood or marriage relationships:
  - (1) A person's spouse, mother, father, child, brother, sister or first cousin (natural or step); or
  - (2) A person's relative by blood or marriage who receives, directly or indirectly, more than one-half (1/2) support from such person or from whom such person receives, directly or indirectly, more than one-half (1/2) of his/her support.
- (f) **Significant Interest.** Owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of any business.
- (g) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.
- (h) **Staff.** Any full- or part-time employee of the City of Westby.

### **Sec. 2-5-3 Statutory Standards of Conduct.**

There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:

- (a) **Sec. 19.42.** Code of Ethics - Definitions.
- (b) **Sec. 19.59.** Code of Ethics for Government Officials, Employees and Candidates.
- (c) **Sec. 946.10.** Bribery of Public Officers and Employees.
- (d) **Sec. 946.11.** Special Privileges from Public Utilities.
- (e) **Sec. 946.12.** Misconduct in Public Office.
- (f) **Sec. 946.13.** Private Interest in Public Contract Prohibited.

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

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

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

- (a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

- (b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- (c) Members of the City staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the City Clerk-Treasurer. The City Clerk-Treasurer may notify the appropriate professional ethics board of any ethics violations involving City employees covered by such professional standards.

### **Sec. 2-5-6 Fair and Equal Treatment.**

- (a) **Use of Public Property.** No official or employee shall use or permit the unauthorized use of City-owned vehicles, equipment, materials or property for personal convenience or profit except when such services are available to the public generally or are provided as City policy for the use of such official or employee in the conduct of official business, as authorized by the Common Council or authorized board, commission or committee.
- (b) **Use of City Stationery.** No official or employee shall use, or permit the unauthorized use of, City stationery for personal use.
- (c) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his or her position with the City to secure any advantage, preference or gain, over and above his/her rightful remuneration and benefits, for himself or for a member of his/her immediate family.
- (d) **Political Contributions.** No official shall personally solicit from any City employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.

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

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

- not participate in debate or discussion or vote for adoption or defeat of such legislation.
- (4) Any City employee who has a financial interest or personal interest in any proposed legislative action of the Common Council or any board, commission or committee upon which the employee has any influence of input, or of which the employee is a member, that is a make to recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Common Council or the appropriate board, commission or committee the nature and extent of such interest.
- (b) **Disclosure of Confidential Information.** No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, nor shall such information be used to advance the financial or other private interests of the official or employee or others.
- (c) **Gifts and Favors.**
- (1) No official or employee, personally or through a member of his/her immediate family, may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.
- (2) No official or employee personally, or through a member of his immediate family, shall accept any gift, whether in the form of money, service, loan, thing or promise, from any person which could reasonably be expected to impair his/her independence of judgment or action in the performance of his duties or grant in the discharge of his/her duties any improper favor, service or thing of value. However, it is not a conflict of interest for any public official or employee to receive hospitality that is unsolicited and unrelated to government business, such as a meal, and that is not intended to influence the official.
- (3) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a City official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality, as a properly reported political contribution, from citizens for the purpose of supporting the candidate's campaign. (The State Ethics Board has interpreted "hospitality" as it applies to state officials as including meals, beverages and lodging which a person offers at his/her residence and would have been offered if the recipient was not an official).
- (4) Gifts received by an official or employee or his/her immediate family under unusual circumstances shall be referred to the Common Council within ten (10) days of receipt for recommended disposition. Any person subject to this Chapter who becomes aware that he/she is or has been offered any gift, the acceptance of which would constitute a violation of this Subsection, shall, within ten (10) days, disclose the details surrounding said offer to the Common Council. Failure to comply with this reporting requirement shall constitute an offense under this Chapter.
- (d) **Representing Private Interests Before City Agencies or Courts.**
- (1) Non-elected City officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any City agency, board, commission or the Common Council if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.

- (2) Elected City officials may appear before City agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.
- (e) **Ad Hoc Committee Exceptions.** No violation of the conflict of interest restrictions of this Section shall exist; however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Common Council that such interest exists.
- (f) **Contracts with the City.** No City official or employee who, in his/her capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his/her part shall enter into any contract with the City unless, within the confines of Sec. 946.13, Wis. Stats.:
  - (1) The contract is awarded through a process of public notice and competitive bidding or the Common Council waives the requirement of this Section after determining that it is in the best interest of the City to do so.
  - (2) The provisions of this Subsection shall not apply to the designation of a public depository of public funds.
- (g) **Campaign Contributions.** Campaign contributions shall be reported by all candidates for City office in strict conformity with the provisions of the Wisconsin Statutes. Any campaign contribution tendered to or accepted by a candidate subsequent to the final statutory report shall be reported to the Common Council.

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

When an official or employee has doubt as to the applicability of a provision of this Ethics Code to a particular situation or definition of terms used in this Chapter, he should apply to the Personnel Committee, which may ask the City Attorney for an advisory opinion and will be guided by that opinion when given. The official or employee shall have the opportunity to present his interpretation of the facts at issue and of the applicability provisions of this Chapter before such advisory decision is made. This Chapter shall be operative in all instances covered by its provisions except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of a statutory provision is discretionary, but determined by the City Attorney to be more appropriate or desirable. Advisory requests and opinions shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made public.

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

- (a) This Section governs the proposed hiring of individuals for full-time or part-time work as City employees who are members of the immediate family of City employees or elected officials. "Immediate family" includes those relatives by blood or marriage defined in Section 2-5-2(e) as personal interests.
- (b) Hiring an immediate family member of any current City employee or elected City official will be considered only if that individual has the knowledge and skills, experience or other job-related qualifications that warrant consideration for the position. A person cannot be hired for either full-time or part-time employment in a position immediately supervised by a member of that person's immediate family.

- (c) This Section does not apply to non-elected officials who are asked to accept appointment as members of a City board, commission or committee. Non-elected officials, however, will be expected to disqualify themselves from participation in matters under consideration which may affect the hiring, retention, classification or compensation of their immediate family if currently employed or being considered for employment by the City.

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

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

**Sec. 2-5-11 Outside Employment.**

No full time officer or employee of the City shall engage in any other remunerative employment in or out of the City; provided that the Common Council may approve such outside employment or activity if it finds that it does not interfere or conflict with such officer's ability to perform his/her duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from office of any such officer or employee.

**Sec. 2-5-12 Sanctions.**

- (a) Upon the written complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this Chapter, the Common Council shall conduct an investigation of the facts of the complaint. If the investigation indicates there may be a reasonable basis for the complaint justifying further investigation, the Common Council shall conduct a hearing in accordance with the Common law requirements of due process including notice, an opportunity to be heard, an opportunity to cross-examine witnesses and to present testimony and other evidence in support of the accused's position and an opportunity to be represented by counsel or other representative at the expense of the accused. The Council shall make written findings of fact and issue a written decision concerning the propriety of the conduct of the subject official or employee.
- (b) A determination that a public official's or public employee's actions constitute improper conduct under the provisions of this Chapter may constitute a cause for removal from office, termination of employment, suspension, reprimand, removal from committee assignment, or other appropriate disciplinary action. As an alternative or in addition to sanctions imposed herein, any individual violating the Ethics Code shall be subject to a non-reimbursable forfeiture of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) as determined by the City of Westby Common Council.
- (c) Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the labor agreement.

# Title 2 – Chapter 6 (Revised 9-30-2024)

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## Municipal Court

- 2-6-1 Joint Municipal Court; Municipal Judge; Clerk of Courts
- 2-6-2 Municipal Court Committee

### Sec. 2-6-1 Joint Municipal Court; Municipal Judge; Clerk of Courts.

- (a) **Joint Municipal Court Created.** Pursuant to section 66.0301 and the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a Joint Municipal Court to be designated “Municipal Court for the Village of LaFarge, Village of Cashton, and the City of Westby”, said court to become operative and functional on October 1, 2024..
- (b) **Municipal Judge.**
  - (1) **Qualifications.** The Joint Court shall be under the jurisdiction of and presided over by a Municipal Judge who resides in one of the municipalities that is a party to the agreement forming this joint court.
  - (2) **Oath and Bond.** The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in Sec. 757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$10,000.00. The court clerk shall also be bonded for \$10,000.00. The Judge shall not act until the oath and bond have been filed as required by Sec. 19.01(4)(c), Wis. Stats., and the requirements of Sec. 755.03, Wis. Stats., have been complied with.
  - (3) **Salary.** The salary of the Municipal Judge shall be fixed by the Common Council or Village Board of the municipalities that are parties to the agreement, which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by Sec. 755.03, Wis. Stats., and filed pursuant to Sec. 19.01(4)(c), Wis. Stats. The municipalities may by separate ordinance allocate funds for the administration of the Municipal Court pursuant to Sec. 66.0301, Wis. Stats.
- (c) **Elections.**
  - (1) **Term** The Municipal Judge shall be elected at large in the spring election in even numbered years for a term of four years commencing May 1. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in Sec. 8.10 Wis. Stats., and selection at a primary election if such is held as provided in Sec. 8.11, Wis. Stats. The State elections board shall serve as filing office for the candidates.
  - (2) **Electors.** Electors in the Village of LaFarge, Village of Cashton, and the City of Westby, shall vote for judge.
- (d) **Jurisdiction.**
  - (1) **Jurisdiction in General.** The Municipal Court shall have jurisdiction over incidents occurring on or after the date of establishment of the Court, as provided in Article VII Section 14 of the Wisconsin Constitution, Sec. 755.045 and Sec. 755.05, Wis. Stats., and otherwise provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.
  - (2) **Warrants.** The Municipal Judge may issue civil warrants to enforce matters under the

- jurisdiction of the Municipal Court under Secs. 755.045(2) and 66.0119, Wis. Stats.
- (3) **Juvenile Matters.** The Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of Sec. 938.17(2)(cm), Wis. Stats.
- (e) **Municipal Court Hours; Clerks.**
- (1) **Hours.** The Municipal Court shall be open at such location and at such times as determined by the governing bodies of the municipalities that are parties to the agreement and the Municipal Judge.
- (2) **Employees.** The Municipal Judge shall, in writing, appoint such clerks and deputy clerks as are authorized and funded by the Village of LaFarge, Village of Cashton, and City of Westby.
- (f) **Collection of Forfeitures and Costs.** The Municipal Judge may impose punishment and sentences as provided by Chs. 800 and 938, Wis. Stats., and as provided in the ordinances of the municipalities that are parties to the agreement. All forfeitures shall be paid to the Treasurer of the Municipality within which the case arose within fourteen (14) days after receipt of the money by the Municipal Court. At the time of the payment, the Municipal Court shall report to the treasurer the title of the action and the total amount of judgments imposed in actions and proceedings in which such monies were collected with a numbered receipt copy.
- (g) **Contempt of Court.** The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under Sec. 800.12, Wis. Stats., and may impose a forfeiture not to exceed Fifty Dollars (\$50.00) plus costs, fees and surcharges under Sec. 800.12(1), Wis. Stats., or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.
- (h) **Abolition; Withdrawal.**  
The Municipal Court hereby established shall not be abolished while the agreement between Village of LaFarge, Village of Cashton, and the City of Westby is in effect.

## **Sec. 2-6-2 Municipal Court Committee.**

- (a) **Organization.** Except for matters required by statute to be determined by the respective governing bodies or member municipalities, the general operation of the court shall be by the Municipal Judge and the Municipal Court Committee.
- (b) **Municipal Court Committee**
- (1) **Composition and Terms.** The Municipal Court Committee shall be comprised of one representative of each member municipality who shall be appointed by the City Mayors and the Village Board Presidents, subject to confirmation by the respective governing body.
- (2) **Powers and Duties.** The Municipal Court Committee shall have general control over the operation of the court, except where such control is specifically granted to the Municipal Judge or the governing bodies by statute, in which case the Municipal Court Committee shall be a recommending body to the Municipal Judge or governing bodies. The Municipal Court Committee shall recommend to the governing bodies of the member municipalities for determination of salary of the judge, the number and salary of such clerks and/or deputy clerks. The Village of Cashton shall cause appropriate accounts to be established for the deposit of all fees, forfeitures, assessments, and costs paid into the court and shall adopt appropriate accounting procedures to ensure proper handling of said funds.

- (3) The Municipal Court shall, with the assistance of the Municipal Judge and court clerk, prepare an annual budget for the operation of the court. The budget shall be for a calendar year, i.e. January 1 through December 31. The Municipal Court Committee shall cause an annual audit of court accounts to be completed no later than June 30<sup>th</sup> of each year.
- (4) **Subcommittees Authorized.** The Municipal Court Committee may establish any subcommittees necessary for the efficient operation of the court, such as a personnel committee and/or operating sub-committee.
- (5) **Voting and Procedure.** The Municipal Court Committee shall be governed by Roberts Rules of Order and a majority vote of all representatives of the Municipal Court committee shall be required to adopt any motion or resolution. Two (2) members shall constitute a quorum.

(c) **Budget; Expenditures**

- (1) **Time and approval.** The Municipal Court Committee and court clerk shall, with the assistance of the Municipal Judge, formulate a budget annually no later than October 1<sup>st</sup> of each

year for the next succeeding year. The members of the committee shall present said budget to their respective governing bodies for approval. The budget shall be approved annually by the governing bodies no later than December 15<sup>th</sup>. Approval by a majority of the member municipalities shall constitute approval of the budget.

- (2) **Court Costs.** One hundred percent (100%) of the local share of the court costs required to be collected pursuant to Sec. 814.65(1), Wis. Stats., shall be retained by the court to be applied to the operating expenses of the court.
- (3) **Court Operating Expenses.** Any net operating expenses incurred after application of the local share of the court costs shall be charged by percentage agreed to by the Municipal Court Committee to each member municipalities based upon each municipality's population provided by the State of Wisconsin.
- (4) **Initial Court Operating Expenses.** Prior to the initial commencement of the Joint Municipal Court, the Municipal Court Committee and Court Clerk, with the assistance of the Municipal Judge, shall adopt a budget for said court for the period of January 1 through December 31 for the following year. Each charge will be paid by the member municipalities at the end of said year based on expenses incurred over or under budgeted amounts. In addition, the cost of any initial equipment and the initial supplies necessary to begin operations shall be so apportioned between the member municipalities.

- (d) **Inconsistent ordinances repealed.** All ordinances or parts of ordinances contravening or inconsistent with the provisions of this ordinance are hereby repealed.

- (e) **Effective upon publication or posting.** This ordinance shall take effect and be in full force and effect from and after its passage by the municipalities that are parties to the agreement and publication or posting as required by law.

*Cross-Reference: Section 1-2-4, Issuance of Citation*