

## 1.01 THE CITY COMMON COUNCIL

### (1) POWERS.

- (a) General. The City Common Council has all the powers relating to Cities and conferred upon Common Councils by Ch. 62, Wis. Stats., and Ch. 66, Wis. Stats., and all other pertinent laws.
- (b) (Repealed #08-04)
- (c) Common Council's Power to Authorize Building and Public Works Projects/Investigations. (Cr. # 03-12) The Common Council shall have the sole and exclusive power to determine whether to authorize expenditures on behalf of the City pertaining to public buildings and public works, as well as the acquisition of lands for such projects, and specifically including the sole and exclusive power to determine whether to approve such projects, and to borrow funds and enter contracts for completion of such projects, and no referendum is required except as may be required by State Statute, or as described in subsection (d) below. Prior to exercising this authority, the Common Council shall ensure that it is well informed and fully advised in order to best serve the government and good order of the City, for the City's benefit, and for the health, safety and welfare of the public. To ensure that the Common Council is well informed and fully advised, the Common Council shall conduct all investigations as may be necessary, which may include: Authorizing the preparation of studies related to planning, engineering, architectural drawings and feasibility, referring the matter to City Staff for report and recommendation; submitting the matter to review by City committees and commissions; investigating financing, such as possible bonding, borrowing and /or grants and/or cost sharing with other municipal entities; submitting the matter for review by other governmental entities having jurisdiction; and seeking such additional information and advice as the Common Council deems to be necessary and appropriate.
- (d) Spending Cap and Referendum Requirements for Building and Public Works Projects. (Cr. 03-12, Rep. & Rec. 07-04) (Rep. 20-01)

### (2) RULES OF PROCEDURE. The City Common Council shall conduct itself according to the following Rules of Procedure:

#### *Rule 1. Regular Meetings.*

Regular meetings of the City Common Council shall be held on the 1st and 3rd Mondays at 7:00 P.M. Any regular meeting falling upon a legal holiday shall be held on the day designated by the Common Council. All meetings of the Common Council shall be held in the City Hall, including special and adjourned meetings, unless otherwise designated. Notice of a substitute meeting place shall be given the public by posting a written notice of the substitute meeting place and time thereof on the outer door of the City Hall at least eight (8) hours prior to such meeting.

#### *Rule 2. Special Meetings.*

The Mayor may call a special meeting by written notice delivered personally to each member of the Common Council or left at the member's residence, provided the meeting notice and timing complies with the Open Meetings regulations found in Chapter 19 of the State Statutes and Rule 15 of the Code. (Rep. & Rec. #08-03)

#### *Rule 3. Adjournment To Specific Date.*

The Common Council may by a majority vote adjourn from time to time to a specific date and hour, consistent with the open meeting law.

#### *Rule 4. Conduct Of Meetings.*

(1) The business of the Common Council shall be conducted in the following order:

- i. Call to order by presiding officer.
  - ii. Roll Call. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specific date pursuant to Rule 3.)
  - iii. Reviewing the minutes of the preceding meeting, and approving the same if correct, and rectifying mistakes if any exist.
  - iv. Any business properly noticed under the Open Meeting Law
- (2) In the absence of the Clerk the Deputy Clerk shall act and in the absence of the Deputy Clerk the Mayor shall appoint a Clerk pro tem.

*Rule 5. Duties Of Presiding Officers.*

The Mayor shall be the presiding official and at the stated hour shall call the meeting to order. He/she shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Roberts' Rules of Order, unless otherwise provided by statute or by these rules. Any member shall have the right of appeal from a decision of the presiding officer. No appeal shall be debatable, and the appeal may be sustained by a majority of the members present, exclusive of the Mayor.

*Rule 6. Absences.*

If the Mayor is absent, the president of the Common Council shall be the presiding official.

*Rule 7. Mayor's Vote.*

The Mayor shall not count toward the presence of a quorum. The Mayor shall vote only in the event of a tie in the vote of the membership.

*Rule 8. Conduct Of Deliberations.*

The deliberations of the Common Council shall be conducted in the following manner:

- (1) No Alderperson shall address the Common Council until he/she has been recognized by the presiding officer. He/she shall thereupon address himself/herself to the Mayor and confine his/her remarks to the question under discussion and avoid all personalities.
- (2) When two (2) or more members simultaneously seek recognition the presiding officer shall name the member who is to speak first.
- (3) No person other than a member shall address the Common Council except under order of business as provided in Rule 4. The City Clerk/Treasurer, City Attorney and City Administrator are exempt from this rule but they shall address the Common Council as provided in (1) above.
- (4) No motion shall be discussed or acted upon unless and until it has been seconded, unless the rules permit one (1) Alderperson to initiate action. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.
- (5) When a question is under discussion no action shall be in order, except to adjourn, to lay on the table, move the previous question, to postpone to a certain day, to refer to a committee, to amend, to postpone indefinitely. These motions shall have precedence in the order listed.
- (6) Any member desirous of terminating the debate may move the previous question, in which event the Mayor shall announce the question as, "Shall the main question now be put?" If a majority of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and bring the Common Council to a direct vote, first upon any pending amendments, and then upon the main question.
- (7) Any Alderperson may demand an aye and nay vote on any matter and such vote shall be entered in the proceedings. Every member shall vote when a question is put unless the Common Council by a majority vote of those present shall excuse him/her for special cause. A majority vote of all members of the Common Council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by statute. Except as otherwise provided a majority vote of those present shall prevail in other

cases. If the Common Council approves an abstention said abstention shall be counted in the majority vote after the vote is taken.

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

No member of the Common Council shall vote on any question involving his/her own character or conduct, his/her right as a member, or his/her pecuniary interest.

*Rule 9. Appropriation Ordinances Or Resolutions.*

Any member may request a roll call vote shall be taken and recorded on all appropriations.

*Rule 10. Reconsideration.*

Any member voting in the majority may move for a reconsideration of the vote of any question at that meeting or at the succeeding regular meeting. A motion to reconsider being put and lost shall not be renewed. An Alderperson may not change his/her vote on any question after the result has been announced.

*Rule 11. (Repealed #08-03)*

*Rule 12. Suspension Of Rules.*

These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds (2/3) of the members present.

*Rule 13. Reading of Ordinances. (Cr. #05-25)*

Every ordinance shall have two (2) readings and be posted at the first reading prior to passage by the Council. A reading may consist of reading only the title of said ordinance and a brief description. An ordinance brought before the Council as a recommendation from committees or boards established by ordinance shall be considered the first reading.

The Council may dispense with any or all of the required readings by adoption of a motion to suspend the rules pursuant to Rule 12.

Resolutions properly noticed for consideration at a meeting may be acted upon at the meeting.

*Rule 14. Public Records.*

(1) Definitions.

Authority means any of the following City persons or entities having custody of a City record; any office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing City.

Custodian means that officer, department head, division head, committee chairperson, or employee of the City designated herein or otherwise responsible by law to keep and preserve any City records or file, deposit or keep such records in his/her office, or is lawfully in possession or entitled to possession of such public records and who is required by this ordinance to respond to requests for access to such records or files.

Record or files means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his/her office; materials to which access is limited by copyright, patent or bequest; and published materials in

the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

(2) Duty To Maintain Records.

- i. Except as provided under Rule 14, Subsection 7, each officer and employee of the City shall safely keep and preserve all records received from his/her predecessor or other persons and required by law to be filed, deposited or kept in his/her office or which are in the lawful possession or control of the officer or employee or his/her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.
- ii. Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his/her successor all records then in his/her custody and the successor shall receipt therefore to the officer or employee, who shall file said receipt with the City Clerk/Treasurer. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk/Treasurer, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

(3) Legal Custodians.

- i. Each elected official is the legal custodian of his/her records and the records of his/her office, but the official may designate an employee of his/her staff to act as the legal custodian.
- ii. Unless otherwise prohibited by law, the City Clerk/Treasurer or the Clerk/Treasurer's designee shall act as legal custodian for the City Common Council and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the City Common Council.
- iii. For every authority not specified above, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his/her staff to act as the legal custodian.
- iv. Each legal custodian shall name a person to act as legal custodian in his/her absence or the absence of his/her designee.
- v. The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Section 19.33, Wis. Stats. and this Section. The designation of a legal custodian does not affect the powers and duties of an authority under this Section.
- vi. The following public officials are deemed to be the official custodian of their records: (This is in addition to the foregoing paragraphs and is not intended to be inclusive of all City records.) (Rep. & Recr. 09-21)
  - a. The City Clerk/Treasurer is the custodian of all records of the City and all records required by the Clerk to be kept. (See Rule 14, Subsection 3(ii)).
  - b. The City Clerk/Treasurer: all records of the Treasurer shall be kept by the Clerk/Treasurer.
  - c. Building Inspector: all records of the Building Inspector shall be kept by the Building Inspector.
  - d. Electrical Inspector: all records of the Electrical Inspector shall be kept by the Electrical Inspector.
  - e. Plumbing Inspector: all records of the Plumbing Inspector shall be kept by the Plumbing Inspector.
  - f. Assessor: all records of the Assessor shall be kept by the Assessor.
  - g. Plan Commission: all records of the Plan Commission shall be kept by the City Clerk/Treasurer.
  - h. Board of Appeals: all records of the Board of Appeals shall be kept by the Zoning

Administrator.

- j. Fire Department: all records of the Fire Department shall be kept by the Fire Chief.
- k. Weed Commissioner: all records of the Weed Commissioner shall be kept by the City Clerk/Treasurer.
- l. Park Board and Recreation Director: all records of the Park Board and Recreation Director shall be kept by the City Clerk/Treasurer.
- m. Highway Department: all records of the Highway Department shall be kept by the Highway Superintendent.
- n. Fire Commission: All records of the Fire Commission shall be kept by the Clerk/Treasurer.
- o. Public Works: All records of the Public Works Department shall be kept by the Director of Public Works.

(4) Public Access Records.

- i. Except as provided in Rule 14, Subsection 6, any person has a right to inspect a record and to make or receive a copy of any record as provided in 19.35(1), Wis. Stats..
- ii. Records will be available for inspection and copying during all regular office hours.
- iii. If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least forty-eight (48) hours advanced notice of intent to inspect or copy.
- iv. A requester shall be permitted to use facilities comparable to those available to City employees to inspect, copy or abstract a record. All copies requested shall be provided by those persons having responsibility to keep records, or their designee.
- v. The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- vi. A requester shall be charged a fee to defray the cost of locating and copying records as follows:
  - a. The cost of photocopying shall be \$0.25 per page, plus tax. Said cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.
  - b. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
  - c. The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audiotapes or videotapes, shall be charged.
  - d. If mailing or shipping is necessary, the actual cost thereof shall also be charged.
  - e. There shall be no charge for locating a record unless the actual cost therefore exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester.
  - f. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.
  - g. Elected and appointed officials of the City of Pewaukee shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
  - h. The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.
- vii. Pursuant to Section 19.34, Wis. Stats., and the guidelines therein listed, each authority shall

adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of Section 19.31 to Section 19.39, Wis. Stats., and Rule 14, Subsections 4 through 6 of this Ordinance. This subsection does not apply to members of the City Common Council. (Renumber #08-03)

(5) Access Procedures.

- i. A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Section 19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under Rule 14, Subsection 4(vi)(f). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- ii. Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefore. If the legal custodian, after conferring with the City Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize the request in a manner which would permit reasonable compliance.
- iii. A request for a record may be denied as provided in Rule 14, Subsection 6. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five (5) business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Section 19.37(1), Wis. Stats., or upon application to the Attorney General or a district attorney.

(6) Limitations On Right To Access.

- i. As provided by Section 19.36, Wis. Stats., the following records are exempt from inspection under this Section:
  - a. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
  - b. Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
  - c. Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspections; and
  - d. A record or any portion of a record containing information qualifying as a common law trade secret.
  - e. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to

the Assessor shall be held by the Assessor on a confidential basis, except, however, that said information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats. (cr. 00-3)

- ii. As provided by Section 43.30, Wis. Stats., public library circulation records are exempt from inspection under this Section.
- iii. In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the City Attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:
  - a. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
  - b. Records of current deliberations after a quasi-judicial hearing.
  - c. Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline and/or City officer or employee, or the investigation of charges against a City officer or employee, unless such officer or employee consents to such disclosure.
  - d. Records concerning current strategy for crime detection or prevention.
  - e. Records of current deliberations or negotiations on the purchase of City property, investing of City funds, or other City business whenever competitive or bargaining reasons require non-disclosure.
  - f. Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
  - g. Communications between legal counsel for the City and any officer, agent or employee of the City, when advice is being rendered concerning strategy with respect to current litigation in which the City or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under Section 905.03, Wis. Stats..
- iv. If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the City Attorney prior to releasing any such record and shall follow the guidance of the City Attorney when differentiating between exempt and nonexempt material. If, in the judgment of the custodian and the City Attorney, there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing non-disclosure of the exempt material, the entire record shall be withheld from disclosure.

(7) Destruction Of Records. (Rep. & Recr. 11-20)

- (a) Purpose. The purpose of this ordinance is to establish a records retention schedule and

authorize destruction of records pursuant to the schedule on an annual basis. Records custodians do not have the authority to destroy records prior to the established retention period unless such records have been photographically reproduced as original records pursuant to §16.61(7), Wis. Stats., and under this ordinance.

- (b) Destruction After Request For Inspection. No requested record may be destroyed until after the request is granted or 60 days after the request is denied. If an action is commenced under §19.37, Wis. Stats., the requested record may not be destroyed until a court order is issued and all appeals have been completed.
- (c) Destruction Pending Litigation. No record subject to, anticipated, or pending litigation shall be destroyed until the litigation has been resolved.
- (d) Microfilming or Optical Disk Storage of Records. Departments may keep and reserve public records through the use of microfilm or optical disk storage providing that the applicable standards established in Sections §16.61(7)(a) and 16.612, Wis. Stats., respectively are benefits of converting records between different media in deciding which records to microfilm or store on optical disk. After verification paper records converted to either microfilm or optical disk stored should be destroyed. The retention periods identified in this ordinance apply to records in any media.
- (e) Historical Records. The Public Records and Forms Board has reviewed and approved this retention schedule and waived the required 60 days statutory notice under §19.21(4)(a), Wis. Stats., for the records marked "W" which designates waived notice. SHSW must be notified prior to the destruction of records marked "N" designating non-waiver. "N/A" indicates not applicable and applies to all records designated for permanent retention.
- (f) Legend: The following are explanations of abbreviations used in the records retention schedule:

Retention Period: Refers to the time that the identified records must be kept until destruction.

CR: Stands for creation which usually refers to receipt for creation of the record.

FIS: Stands for current fiscal year and the additional amount of time as indicated.

EVT: Stands for event and refers to an occurrence that starts the retention "clock ticking;" e.g., close of contract, termination of employee and disposition of a case are common events.

Authority. Source which specifies the period of time for retaining records.

WMMR - Wisconsin Municipal Records Manual

§ - State Statutes

SCR – Supreme Court Rule

PSC – Public Service Commission

NR – Natural Resources

SHSW Notice: Refers to whether or not the State Historical Society of Wisconsin (SHSW) has waived the required statutory notification prior to destruction of records.

W: (waived) stands for records which are not historical and the required 60 day notification is waived.



N: (nonwaived) stands for records which may have secondary historical value and therefore SHSW notification is required on a case by case basis prior to destruction.

N/A: stands for "not applicable" and refers to those circumstances where a local unit of government retaining a record permanently.

- (g) **ELECTED OFFICIALS.** The following public records may be destroyed after the expiration of the designated retention period.

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Directives and Policies	10 years after updated or terminated		W

- (h) **CLERK/TREASURER RECORDS.** The following public records may be destroyed after the expiration of the designated retention period:

**(1) Common Council, Committees, Boards & Commissions Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Meeting Agendas	CR + 7 years	WMRM	W
Minute Books	Permanent	WMRM	N/A
Audio Tapes	CR + 1 year; CR + 90 days if made solely for the purpose of drafting the minutes	WMRM and §19.21(7)	W
Ordinances	Permanent	WMRM	N/A
Resolutions	Permanent	WMRM	N/A
Ordinance book (Municipal Code)	Permanent	WMRM	N/A
Affidavits of Publication	CR + 3 years	WMRM	W
Affidavits of Publication for ordinances	Permanent with Ordinances	WMRM	N/A

**(2) General Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Claims	EVT + 7 years		W
Contracts and papers relating thereto	CR + 7		W
Correspondence and communications	CR + 7		W
Lawsuits	Permanent		N/A
Insurance Policies	Permanent		N/A

**(3) Real Property Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Title Insurance Policies	Permanent	WMRM	N/A
Easements	Permanent	WMRM	N/A
Leases	EVT + 7 years	WMRM	W

**(4) Licenses and Permits.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Liquor and beer related applications and licenses	EVT + 4 years	§125.04(3)(i)	W
Other applications and licenses/permits issued by City Clerk/Treasurer	EVT + 3 years	WMRM	W
Dog licenses monthly report to County Clerk	EVT + 7 years	WMRM	W

**(5) Fidelity Bond Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Fidelity Bond	EVT + 5 years (after bond expires)	WMRM	W
Fidelity Bond Book	EVT + 5 years (after last bond expires)	WMRM	W
Oath of Office	EVT + 5 years (after term of service covered by oath ends)	WMRM	W

**(6) Treasurer’s Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Duplicate deposit tickets	EVT + 1 year (after audit)	WMRM	W
Bank credit/debit notices	EVT + 1 year (after audit)	WMRM	W
Investment records	FIS + 7 years	WMRM	W
All receipts	FIS + 7 years	WMRM	W

**(7) Legal Opinions.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Legal Opinions	Permanent	WMRM	N/A

**(8) Special Assessment Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Preliminary Resolution	Permanent	WMRM	N/A
Report on special assessment project	CR + 2 years (provided filed with project records)	WMRM	W
Waiver of special assessment notice and hearing	EVT + 1 year (after the final resolution is approved)	WMRM	W
Final Resolution	Permanent	WMRM	N/A
Certified special assessment roll	EVT (retain until all assessments are collected or for 7 years, whichever is longer)	WMRM	W
Statement of new special assessment	CR + 5 years after audited	WMRM	W
Special assessment payment register	EVT (retain until all assessments are collected or for 7 years, whichever is longer)	WMRM	W

**(9) Board of Review Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Form of objection to property assessment and supporting documentation	EVT + 7 years (after final action by board of review or completion of appeal)	§70.47(8)(f)	W
Minute book of board of review	CR + 7 years	§70.47(8)(f)	W
Proceedings of board of review on audio tapes or as stenographic notes, including transcriptions	EVT + 7 years (after final action by board of review or completion of appeal)	§70.47(8)(f)	W
Notice of determinations of the board of review	EVT + 7 years (after final action by board of review or completion of appeal)	§70.47(8)(f)	W

**(10) Tax Calculation Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
			SHSW

RECORDS	PERIOD OF RETENTION	AUTHORITY	NOTICE
Tax levy certification of the school district clerk	FIS + 3 years (after audited)	WMRM	W
Certificates of apportionment	FIS + 3 years (after audited)	WMRM	W
State shared aid payment notices	FIS + 6 years (after audited)	WMRM	W
Final worksheet for determining allowable levy	FIS + 5 years (after audited)	WMRM	W
Statement of taxes	Permanent	WMRM	N/A
Statement of new special assessments	FIS + 5 years (after audited)	WMRM	W
Statement of new sewer service charges	FIS + 5 years (after audited)	WMRM	W
General property tax credit certification	FIS + 5 years (after audited)	WMRM	W
Explanation of property tax credit certification	FIS + 5 years (after audited)	WMRM	W
Real property tax roll	FIS + 15 years (copy) (County Treas. maintains original)	WMRM	W
Personal property tax roll	FIS + 15 years	WMRM	W

**(11) Tax Collection Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Escrow account list	EVT (retain until superseded)	WMRM	W
Receipts	FIS + 7 years (after audit)	WMRM	W
Receipt book	FIS + 7 years (after audit)	WMRM	W
Statement of taxes remaining unpaid	EVT (retain with tax roll)	WMRM	W
Tax settlement receipt	FIS + 5 years (after audit)	WMRM	W
Municipal Treasurer's settlement	FIS + 5 years (after audit)	WMRM	W
Personal property tax roll	FIS + 15 years (and transfer to State Historical Society)	WMRM	N

**(12) Public Works Projects and Contracts.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Notice to contractors	EVT + 7 years (after completion of project) EVT + 2 years (unsuccessful bidders)	WMRM	W
Certified check	EVT (retain until contract has been signed and return to bidder)	WMRM	W
Bid bond	EVT + 7 years (after completion of project) EVT + 2 years (unsuccessful bidders)	WMRM	W
Bidders proof of responsibility	EVT + 7 years (after completion of project) EVT + 2 years (unsuccessful bidders)	WMRM	W
Bids	EVT + 7 years (after completion of project) EVT + 2 years (unsuccessful bidders)	WMRM	W
Affidavit of organization authority	EVT + 7 years (after completion of project)	WMRM	W

	EVT + 2 years (unsuccessful bidders)		
Bid tabulations	EVT + 2 years	WMRM	W
Performance bond	EVT + 7 years (after completion of project)	WMRM	W
Contract	EVT + 7 years (after completion of project)	WMRM	W

**(13) Election Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Contents of a blank ballot box-unused ballots and materials	EVT (3 business days after the canvas is completed)	§7.23(a)	W
Voter serial number slips	EVT (3 business days after the canvas is completed)	§7.23(a)	W
Voting machine recorders	EVT (14 days after a primary) (21 days after an election)**	§7.23(b)	W
Detachable recording units on electronic voting equipment	EVT (14 days after a primary) (21 days after an election)***	§7.23(g)	W
Ballots (state, county, local)	EVT (30 days after the election)	§7.23(h)	W
Ballots (federal offices)****	EVT (22 months after election)	§7.23(f)	W
Application for absentee ballots (for federal election ballots)	EVT (90 days after the election) (22 months after the election for federal offices)	§7.23(k) §7.23(f)	W
Forms associated with election such as tally sheets, inspector’s statements and nomination papers	EVT (90 days after the election) (22 months after the election for federal offices)	§7.23(k) §7.23(f)	W
Official canvass statements	EVT (10 years after the election)	§7.23(i)	W
Registration and poll lists – Nonpartisan primaries and election	EVT (2 years after the election for which they were created)	§7.23(e)	W
Registration and poll lists – Partisan primaries and general elections	EVT + (4 years after the election)	§7.23(e)	W
Canceled registration cards	EVT + 4 years (after cancellation)	§7.23(c)	W
Election notices	EVT (1 year after the election) (22 months for federal election)	§7.23(j) §7.23(f)	W
Proofs of publication and correspondence relative to publications	EVT (1 year after the election) (22 months for federal election)	§7.23(j) §7.23(f)	W
Campaign registration statement	EVT (6 years after termination by the registrant)	§7.23(d)	W
Campaign finance reports	EVT (6 years after date of receipt)	§7.23(d)	W

\*\* The Governor may by order permit the clearing of voting machine recorders before this date if a special election is called.

\*\*\* Before units can be cleared or erased the information must be transferred to a disk or other recording medium and retained for 22 months.

\*\*\*\* Federal offices are President of the United States, U.S. Senator and Congress.

(i) **ASSESSOR RECORDS.** The following public records may be destroyed after the expiration of the designated retention period:

**(1) Real Property Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
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Deeds (Copies)	1 yr. after info. Transferred to Master Property Record folders	WMRM	W
Vacation or alteration of plat (Copies)	Keep as long as relevant for working purposes	WMRM	W

**(2) Property Assessment Records – Real and Personal Property.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Master property record folders	5 years after life of structure	WMRM	W
Index to owners	Until superseded	WMRM	W
Wisconsin Real Estate Transfer returns	5 years, after info transferred to Master Property Record folders	WMRM	W
Building permit applications (Copies)	1 yr. after info has been transferred to Master Property Record folders	WMRM	W
Tax Exemption Reports	10 years	WMRM	W
Notice of Increased Assessment	5 years unless assessment appealed, retain 7 years after final BOR action or appeal completion	WMRM	W
Assessor’s Final Report Supplement – Real and Personal Property	5 years	WMRM	W
Assessor’s Final Report Real and Personal Property	5 years	WMRM	W
Merchants’, Professions’ Statement of Property	5 years	WMRM	W
Plats (Copies)	Keep as long as relevant for working purposes	WMRM	W
Certified Survey Maps (Copies)	Keep as long as relevant for working purposes	WMRM	W
Aerial photographs (Copies)	Keep as long as relevant for working purposes	WMRM	W

(j) **FINANCIAL RECORDS.** The following public records may be destroyed after the expiration of the designated retention period:

**(1) Municipal Borrowing Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Bond procedure record	EVT + 7 years (after bond issue expires)	WMRM	W
Bond register	EVT + 7 years (after bond issue expires)	WMRM	W
Bond payment register	EVT + 7 years (after bond issue expires or following payment of all outstanding matured bonds/notes/coupons whichever is later)	WMRM	W
Canceled bonds, coupons, and promissory notes	EVT (until audited)	WMRM	W
Certificates of destruction	EVT + 7 years (after bond issue expires or following payment of all outstanding matured	WMRM	W

	bonds/notes/coupons whichever is later)		
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**(2) Accounting Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Accounts Payable:			
Purchase Invoices	FIS + 7 yrs. after audit	WMRM	W
Vouchers	FIS + 7 yrs. after audit	WMRM	W
Accounts Receivable:			
Invoices	FIS + 7 yrs. after audit	WMRM	W
Receipts	FIS + 7 yrs. after audit	WMRM	W

**(3) Journal, Registers, and Ledgers.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Receipt journal	FIS + 15 years	WMRM	W
Voucher/order register	FIS + 15 years	WMRM	W
General journal	FIS + 15 years	WMRM	W
Journal voucher/Journal entries	FIS + 15 years	WMRM	W
Appropriation/Disbursements journal	FIS + 15 years	WMRM	W
Appropriation journal voucher	FIS + 15 years	WMRM	W
General ledger	FIS + 15 years	WMRM	W
Trial balance	EVT (Until Audited)	WMRM	W

**(4) Banking Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Check Register	FIS + 7 years	WMRM	W
Bank Reconciliation's	FIS + 7 years	WMRM	W
Bank Statements	FIS + 7 years	WMRM	W
Canceled order checks, duplicates, stubs	FIS + 7 years	WMRM	W
Lists of outstanding checks	FIS + 7 years	WMRM	W

**(5) Payroll Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Payroll support records	Once audited FIS + 4 years	WMRM	W
Employee's withholding allowance certificate	EVT + 5 years (after being superseded)	WMRM	W
Employee's Wisconsin withholding exemption certificate	EVT + 5 years (after being superseded)	WMRM	W
Employee's enrollment and waiver cards	EVT + 2 years (after being superseded or terminated)	WMRM	W
Employee earning records	FIS + 5 years	WMRM	W
Payroll check register	Once audited FIS + 5 years	WMRM	W
Payroll distribution record	Once audited FIS + 5 years	WMRM	W
Payroll voucher	Once audited FIS + 5 years	WMRM	W
Canceled payroll checks	Once audited FIS + 5 years	WMRM	W
Wage and tax statements	Once audited FIS +	WMRM	W

	5 years		
Report of Wisconsin income tax	Once audited FIS + 5 years	WMRM	W
Employer’s annual reconciliation of Wisconsin income tax withheld from wages	Once audited FIS + 5 years	WMRM	W

**(6) Personnel Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Personnel records	EVT + 7 years		W
Medical records	EVT + 7 years		W
Occupational Safety & Health records required by law	EVT + 30 years		W
Worker’s Compensation records	EVT + 12 years		W
Training records	EVT + 7 years		W
Job Descriptions	10 years after updated or terminated		W
Labor contracts, Grievance, Mediation, and Arbitration records	Permanent		N/A
Pre-employment selection documents(not hired) includes-application, background packet, interview questions & test results	Close of selection process + 3 years		W

**(7) Purchasing Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Purchase requisitions	Once audited EVT + 1 year	WMRM	W
Inventory of property (Fixed Assets)	EVT (Retain until superseded)	WMRM	W

**(8) Budget and Audit Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Budget worksheets	FIS + 3 years	WMRM	W
Final budget	Permanent	WMRM	N/A
Audit reports	Permanent	WMRM	N/A
Financial reports other than annual reports	CR + 7 years		W

**(9) Sewer and Water Utility Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Water stub	FIS + 6 years	Wis. Adm. Code PSC 185	W
Receipts of current billings	FIS + 7 years	§19.21(5)(C)	W
Customer’s ledgers of municipal utilities	FIS + 6 years	Wis. Adm. Code PSC 185	W
Other utility records	FIS + 7 years	§19.21(5)(C)	W
Customer records: Customer deposit	EVT + 6 years (after refund)	Wis. Adm.	W
Meter reading sheets or cards	CR + 6 years	Code PSC 185.19	W
Billing Records	CR + 6 years		W
Filed rates and rules	Permanent	Wis. Adm.	N/A

		Code PSC 185	
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(k) **FIRE DEPARTMENT RECORDS.** The following public records may be destroyed after the expiration of the designated retention period:

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Ambulance Run	CR + 7 years	§256.15(12)(b)	W
Emergency Medical Services Program Personnel Certification, Licensure and/or Training	EVT (Retain until superseded)	§256.15	W
Emergency Medical Services Program Plan(s)	EVT (Retain until superseded)	§256.15	W
Mutual Assistance – State of Emergency	CR + 7 years	§66.0314(1)(b)	W
Fire Equipment & Inspection Reports	CR + 8 years		W

(l) **ENGINEERING/BUILDING INSPECTION DEPARTMENT RECORDS.** The following public records may be destroyed after the expiration of the designated retention period:

**(1) Engineering and Public Works Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Annual reports	Permanent	WMRM	N/A
Field notes	Permanent	WMRM	N/A
Benchmark Books (Horizontal and Vertical Survey Control in SE Wis.)	Permanent	WMRM	N/A
Section corner monument logs	Permanent	WMRM	N/A
Aerial photographs	EVT (until superseded)	WMRM	W
City maps	Permanent	WMRM	N/A
Water, storm, and sanitary sewer main maps	Permanent	WMRM	N/A
Profile and grade books	Permanent	WMRM	N/A
Excavation plans of private utilities	Permanent	WMRM	N/A
Index to maps	Permanent	WMRM	N/A

**(2) Building Permits and Inspection Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Applications and permits	Permanent	WMRM	N/A
Code compliance inspection reports	Permanent	WMRM	N/A
Address file	Permanent	WMRM	N/A
Certificates of occupancy	EVT (until superseded)	WMRM	W
Energy calculation worksheets	CR + 3 years	WMRM	W
State approved commercial building plans	EVT + 4 years	WMRM	W
Permit fee receipts	FIS + 7 years	WMRM	W
Permit ledger	CR + 7 years	WMRM	W
Quarter section maps, copies	EVT (until superseded)	WMRM	W
Building plans	1 year after built	Uniform Dwelling Code	W
Asbuilts (Sewer and Water)	Permanent	WMRM	N/A
Structure plans for municipal buildings and bridges	EVT (life of Structure)	WMRM	W
Permits for excavation of streets including	EVT + 3 years	WMRM	W



private utility companies			
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(m) **POLICE DEPARTMENT RECORDS.** The following public records may be destroyed after the expiration of the designated retention period:

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Traffic Citations (and accompanying documentation) sent through Pewaukee Municipal Court	EVT + 3 years (after closed)		W
Ordinance Citations	EVT + 3 years (after closed)		W
Accident Reports	EVT + 4 years		W
Citizen complaints against police officers	EVT + 7 years		W
Investigation and citation records: Arrest records	EVT + 7 years		W
Incident records	EVT + 10 years		W
Fingerprint cards	EVT + 7 years		W
Evidence cards	EVT + 10 years		W
Investigation records	EVT + 10 years from date of closing of investigation		W
Administrative reports and statistics	EVT + 7 years		W
Audio and Video tape recordings Police dispatch audio tapes	CR + 120 days		W
Bicycle Licenses	EVT + 3 years		W
Calls for service logs	CR + 3 years		W
Cancelled writs (warrants)	EVT + 8 years		W
Dispatch case number assignments	CR + 3 years		W
False Alarm notices	CR + 3 years		W
Grants	CR + 7 years		W
Internal Investigations	EVT + 7 years		W
Juvenile violation reports	EVT + 7 years		W
License and permit applications and related investigations	EVT + 7 years		W
911 Misdial notices	CR + 2 years		W
Open Door notices	CR + 1 year		W
Overnight Parking Permission	EVT + 1 year		W
Property inventory records	EVT + 3 years		W
Property inventory reports	EVT (until superseded)		W
Radar certifications for current units	CR + 2 years		W
Teletype message records	CR + 3 years		W
Vacant property check requests	CR + 2 years		W
Vehicle maintenance records	Date of disposal + 3 years		W
Work schedules	CR + 7 years		W

(n) **MUNICIPAL COURT RECORDS.** The following public records may be destroyed after the expiration of the designated retention period:

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Electronic recordings of court proceedings which were appealed	EVT + 7 years		W

Court statistical reports	CR + 7 years		W
Arrestment calendars	CR + 7 years		W
Warrant and commitment listings	CR + 7 years		W
Municipal court correspondence	CR + 7 years		W
Electronic recording of court proceedings which were not appealed	EVT + 6 months		W
Audio tape recordings of trials or juvenile matters	EVT (Until expiration of statute of limitations to appeal to circuit court)		W
Municipal Court case files	EVT + 6 years (after entry of final judgment)	SCR 72.01, 72.04	W
Municipal Court case files, City Attorney's copies	EVT + 6 years (after entry of final judgment)		W
Municipal Court minutes record	Permanent		W
Municipal Court record	EVT + 6 years (after entry of final judgment)	SCR 72.01	W
Municipal Court judgment docket (a record of all money judgments)	EVT + 20 years (after final docket entry)	SCR 72.01	W

(o) **DEPARTMENT OF PUBLIC WORKS.** The following public records may be destroyed after the expiration of the designated retention period:

**(1) Street and Highway Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Street and sidewalk maintenance and repair (Paser)	CR + 25 years	WMRM	W
Fuel usage reports	CR + 25 years	WMRM	W
Heavy equipment and vehicle (Maintenance records)	EVT (life of equipment and/or vehicle inventory ledger or until inventory ledger is superseded)	WMRM	W
Vehicle maintenance histories	EVT (life of vehicle)	WMRM	W
Complaint ledger	CR + 2 years	WMRM	W
Monthly reports	CR + 3 years	WMRM	W
Annual reports	Permanent	WMRM	N/A
Storm Sewer maps	EVT until superseded by asbuilts	WMRM	W
Asbuilts	Permanent	WMRM	N/A
State Highway Aids Program Records	FIS + 7 years	WMRM	W
Master project files (Roads & storm sewers)	EVT + 20 years	WMRM	W
Petitions for streets	EVT + 2 years	WMRM	W
Tree planting, inspection, trimming, and removal records	EVT + 25 years and destroy		W

(p) **PARK/RECREATION RECORDS.** The following public records may be destroyed after the expiration of the designated retention period:

	PERIOD OF RETENTION		SHSW
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RECORDS		AUTHORITY	NOTICE
Master park plan	Permanent		N/A
Plats	Permanent		N/A
Aerial photographs	Permanent		N/A
Payroll support records	CR + 2 years		W
Registration records	CR + 7 years		W
Reservation requests	CR + 30 days. If payment receipts are attached, CR + 7 years		W
Master reservation book	CR + 2 years		W
Records of the Joint Park and Recreation Board (includes minutes of meetings of the board and supporting documents submitted to the Board)	Permanent		N/A

(q) **UTILITY DEPARTMENT RECORDS.** The following public records may be destroyed after the expiration of the designated retention period:

**(1) Sewer and Water Utility Records.**

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Water quality laboratory tests (Deep well and land-fill well water analysis detail and summary reports; chemical and bacteriological analysis of municipal drinking water detail and summary reports; municipal drinking water fluoride analysis.	EVT + 5 years (if information has been transferred to a site permanent test site location file, EVT + 1yr.)	Wis. Adm. Code NR 809.82	W
Maps showing the location and physical characteristics of the utility plant	EVT (until map is superseded)	Wis. Adm. Code PSC 185.19	W
Engineering records in connection with construction projects.	EVT (until record is superseded or 6 years after plant is retired provided mortality data are retained)	Wis. Adm. Code PSC 185.19	W
Operating records: Station pumpage records	CR + 15 years or EVT + 3 years after the source is abandoned	Wis. Adm. Code PSC 185.19	W
Interruption records	CR + 6 years		W
Meter test records	EVT(see S.PCS185.46)		W
Meter history record	EVT (life of meter)		W
Annual meter accuracy summary	CR + 10 years		W
Pressure records	CR + 6 years	Wis. Adm. Code PSC 185.19	W
Customer records Complaint records	CR + 3 years	Wis. Adm. Code PSC 185.19	W
Analyses of any water samples taken from the water system	EVT + 10 years	Wis. Adm. Code NR 809.82	W

Master project files (sewer & water)	EVT + 20 years after life of structure	WMRM	W
Blueprints	EVT until superseded by Asbuilts	WMRM	W
TV sewer inspection records	FIS + 7 years	WMRM	W
Water and sanitary sewer maps	EVT until superseded by Asbuilts	WMRM	W
Petitions for sewer and water systems	EVT + 2 years	WMRM	W
Other utility records	CR + 7 years	§19.21(5)(c)	W
Asbuilts (sewer and water)	Permanent	WMRM	N/A

(r) **PLANNING DEPARTMENT RECORDS.** The following public records may be destroyed after the expiration of the designated retention period:

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Records of the zoning board of appeals (includes minutes or meetings of the board and supporting documents submitted to the board)	Permanent	WMRM	N/A
Records of the plan commission (includes minutes of commission meetings and supporting documents submitted to the commission)	Permanent	WMRM	N/A
Preliminary subdivision plats	EVT (until superseded by final plat)	WMRM	W
Final subdivision plats	Permanent	WMRM	N/A
Annexation plats	Permanent	WMRM	N/A
Assessor's plats	Permanent	WMRM	N/A
Conditional use grants	Permanent		N/A
Street vacation and dedications	Permanent		N/A
Comprehensive Master Plan	Permanent		N/A
Neighborhood plans	Permanent		N/A
Stormwater plans	CR + 7 years		W
Design manual and guides	CR + 7 years		W
Building, Site, Operational plans	Permanent		N/A
Quarter Section Maps	EVT until superseded	WMRM	W
Official city maps	Permanent		N/A
Vacation or alteration of plat – Originals	Permanent	WMRM	N/A
Plats – Original	Permanent	WMRM	N/A
Certified Survey Maps – Originals	Permanent	WMRM	N/A
Aerial photographs – Originals	Permanent	WMRM	N/A

(s) **MISCELLANEOUS RECORDS.** Public Records not identified in this Records Retention Schedule shall be retained seven (7) years in accordance with §19.21(5)(c), Wisconsin Statutes, and Chapter 1 of the Municipal Code of the City of Pewaukee and may then be destroyed subject to SHSW authorization.

(8) Preservation Through Microfilm

Any City officer, or the director of any department or division of City government may, (subject to the approval of the City Common Council) keep and preserve public records in their possession by means of microfilm or other photographic reproduction method. Such records

shall meet the standards for photographic reproduction set forth in Section 16.61(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of State law and of Rule 14, Subsections 4 through 6 of this Ordinance.

*Rule 15. Open Meetings.* All regular and special meetings of the City Common Council as well as all committee meetings shall be open to the public, except where closed sessions are permitted.

(1) Notice Of Meetings. The City Clerk/Treasurer shall give notice of all regular and special meetings of the City Common Council. Each committee chairperson shall be responsible for public notice of committee meetings.

(2) Time Of Notice. Except for emergencies, in which two (2) hours notice shall be given, all other meetings shall be preceded by at least twenty-four (24) hours advance public notice.

(3) Closed Meetings.

i. Closed meetings may be held to discuss the following topics:

- a. Deliberations concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body.
- b. Considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, and the taking of formal action on any such matter; provided that the public employee or person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session. This paragraph and Section 1.01(2), Rule 15, Subsection (3)(i)(f) do not apply to any such evidentiary hearing or meeting where the employee or person licensed requests that an open session be held.
- c. Considering employment, promotion, compensation or performance evaluation data of any public employee over which the City Common Council has jurisdiction or exercises responsibility.
- d. Considering specific applications of probation or parole, or considering strategy for crime detection or prevention.
- e. Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
- f. Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. b. applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.
- g. Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
- h. Consideration of requests for confidential written advice from the ethics board under Section 19.46(2), or from any local government ethics board.

ii. Procedure for closed meeting:

- a. A closed meeting shall be announced by the Mayor at an open meeting.
- b. The closed meeting may be held only immediately after an open meeting or during an open meeting.
- c. Roll call vote shall be held to adjourn to closed session.
- d. Reconvening open meeting after closed. No open meeting may be reconvened within twelve (12) hours of a closed meeting unless the Common Council gives public notice of that reconvened public session at the same time and in the same manner as the public notice of the closed session

(4) Secret Ballots.

Secret ballots shall not be used for any election or decision.

(5) Roll Call Vote.

If requested by the Mayor or any Alderperson, the Clerk/Treasurer shall call the vote by roll.

(6) Exclusion Of Mayor Or Alderperson.

No duly elected Mayor or elected member of the City Common Council may be excluded from any board or committee meeting.

## 1.02 BOARD OF CANVASSERS

(1) MUNICIPAL BOARD OF CANVASSERS shall be created pursuant to Section 7.53(2), Wis. Stats., for all elections. (Rep. & Rec. 12-02)

(2) BOARD OF ABSENTEE CANVASSERS (Cr. 12-02)

(a) In lieu of canvassing ballots at the individual polling places under §6.88, Wis. Stats., the City shall proceed under §7.52, Wis. Stats., and creates the Board of Absentee Canvassers, to canvass all absentee ballots at a central location.

(b) The Board shall be composed of the City Clerk, or a qualified elector of the City designated by the clerk and two other qualified electors of the City appointed by the clerk. The term for the members is two years commencing January 1 of each odd-numbered year. The Clerk may appoint additional canvassers as authorized under §7.52 and 7.53(2m), Wis. Stats.

(c) The Clerk shall give notice of any meeting of the Board at least 48 hours in advance as required by statute. The Board shall meet any time after the opening of the polls and before 10 p.m. on election days.

## 1.03 PLAN COMMISSION

(1) CREATION. Pursuant to the provisions of Section 62.23 Wis. Stats., there is hereby created in the City of Pewaukee a Plan Commission to function in accordance with the provisions of Section 62.23, Wis. Stats.

(2) MEMBERSHIP

(a) The Plan Commission shall consist of the Mayor who shall be its presiding officer, a representative of the Joint Park and Recreation Board, one (1) City Alderperson, and four (4) citizens who reside in the City and not holding elected or appointed public positions. Citizen members shall be persons of recognized experience and qualifications related to planning matters. The Joint Park and Recreation Board representative shall be elected by the Joint Park and Recreation Board. (Amended #08-03)

(b) Following the initial appointment to the Plan Commission the City Alderperson member shall be elected each April by two-thirds (2/3) vote of the City Common Council.

- (c) Following the initial appointment three (3) of the four (4) citizen members of the Plan Commission shall be appointed by the Mayor for periods ending one (1), two (2), and three (3) years, respectively in the following April subject to confirmation by the City Common Council. Succeeding appointments of the citizen members shall be for a full term of three (3) years.
- (d) The fourth (4th) citizen member (filling the statutory position of a full time City Engineer) shall be appointed by the Mayor in each succeeding April subject to confirmation by the City Common Council and thereafter their appointments will be for one (1) year terms.
- (e) All vacancies on the Plan Commission shall be filled for the unexpired term in the same manner as appointment for the full terms.
- (f) Citizen members shall take the official oath required by Section 19.01, Wis. Stats., which shall be filed with the City Clerk/Treasurer. Members of the Plan Commission shall be compensated for attendance at official meetings of the Plan Commission pursuant to City Ordinance.

**(3) ORGANIZATION**

- (a) As soon as all members of the Plan Commission have been appointed, the Clerk/Treasurer shall give each member written notice of the appointment, and thereon shall fix the time and place of the next meeting. Thereupon, the Plan Commission shall organize by the election of a Vice-Chairperson, Secretary, and such other officers as may in their judgment be necessary. The City Planner, if any, shall be the recording secretary of the Plan Commission.
- (b) The Plan Commission shall keep a written record of its proceedings, to include all actions taken, a copy of which shall be filed with the City Clerk/Treasurer. Four (4) members of the Plan Commission shall constitute a quorum, but all approval actions shall require the affirmative vote of a majority of the full membership of the Commission.
- (c) The Plan Commission may employ full-time and part-time staff and consultants as may be necessary and pay for their services and such other expenses as may be necessary and proper within the limits of the budget established by the City Common Council as authorized by law and subject to any ordinance or resolution enacted by the City Common Council.
- (d) As much as possible and practical, the Plan Commission shall utilize the services of existing City officials and employees.

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

**1.04 PARK COMMISSION (Repealed 07-07)**

**1.05 ADMINISTRATOR (Rep. & Rec. 05-17)**

- (1) **CREATION.** The position of Administrator is hereby created in order that the policies and directives of the City Common Council shall be administrated, the general supervision of staff activities undertaken, and short and long range planning of the City will be carried out on a day-to-day basis. The Administrator shall be the Chief Administrative Officer of the city, responsible to the Mayor and the City Common Council for the proper administration of the business affairs of the city.
- (2) **GENERAL TERMS OF APPOINTMENT.** The Administrator is appointed on a full-time basis for an indefinite period of time by an affirmative vote of a majority of the members of the City Common Council and consummated by contract. Termination of appointment must be by affirmative vote of a majority of the members of the City Common Council as set forth in the contract.
- (3) **GENERAL DUTIES AND RESPONSIBILITIES.** The Administrator shall act as City Staff Director and General City Administrator directly responsible to the City Common Council and having an

obligation for prudent and honest discharge of such responsibilities to the citizens of the City and the general public within the City. These duties include:

- a. Assists the Mayor and Common Council in setting goals and objectives and implement programs to achieve them.
- b. Recommends appointment of department heads and staffs as provided by state laws or local ordinances.
- c. Directs, coordinates and expedites and reviews the activities of all City departments; makes or directs such studies as are necessary to determine or bring about the most economical, efficient operation of such departments and their programs as deemed necessary.
- d. Manages special projects as directed.
- e. Coordinates the activities of all Departments, Boards and Commissions and provides minutes of officially constituted commissions, committees, boards and councils upon request from Common Council members. (Rep. & Recr. #08-03)
- f. Attends all meetings of the Common Council, as well as subordinate boards and commission meetings as requested.
- g. Confers with individuals and representatives of public and private organizations desiring information on city services, activities, plans and programs.
- h. Informs the Mayor and Common Council on departmental operations, services and as necessary, to make recommendations to accomplish the efficient and economical delivery of city programs and services. Researches the availability of, and informs Mayor, Common Council and department heads of county, state, federal and private grant opportunities appropriate for the City and administers the procurement of such grants as directed by the Mayor and Common Council.
- i. Evaluates the job performance of all appointed department directors at least annually and provides performance evaluation results to appropriate Board or Commission where applicable.
- j. Recommends to the Mayor or Common Council, the appointment, promotion and when necessary for the welfare of the City, the suspension or termination of department heads that are under the jurisdiction of the Mayor and Common Council.
- k. Develops budgeting procedures and prepares or supervises the preparation of the annual operating budget; coordinates financial and economic data for the City's long range financial plans; provides monthly financial summary to the Common Council illustrating actual to budget expenses along with a detailed summary for any overall department or capital project 10% or greater over budget.
- l. Reviews proposed and pending county, state and federal legislation and reports to the Mayor and Common Council on its effect upon the City; appears on the City's behalf at all legislative and administrative hearing as directed by the Mayor or the Common Council.
- m. Submits, when necessary, recommendations and suggestions for improving the health, safety or welfare of the residents of the City and coordinates a system of communications among and with the Mayor and the Common Council as well as with the general public; establishes procedures for the facilitation of communications between citizens and the City to assure that complaints, grievances, recommendations and other matters receive the prompt attention of a responsible official and are expeditiously resolved.
- n. Works closely with all department heads to assure that they and other City employees receive adequate opportunities for training within budget allowances prescribed by the Common Council to improve their knowledge and skills; acts as the approving authority for all requests by City employees to attend conferences, meetings, training schools, etc., pertaining to their employment.
- o. Negotiates, manages and monitors a wide variety of City Contracts with other governmental bodies and private vendors that provide services to City residents and customers; negotiates



- with collective bargaining units.
- p. Provides effective and efficient customer services and promotes and maintains responsive community relations.
  - q. Serve as Emergency Management Director.
  - r. Other duties as may be assigned.

Additional functions, duties and responsibilities shall be enumerated in the contract referenced in Section 1.05(2).

**USE OF CITY OF PEWAUKEE BUILDINGS AND GROUNDS (Rep & Rec 17-02 and 12-01)**

- (1) CITY BUILDING STRUCTURES/FACILITIES. Only the following City building structures/facilities may be utilized for the uses and activities set forth herein:
- The City Hall Common Council Chambers;
  - The City Hall lower Level Conference Room;
  - The City Hall Lunchroom (upper level);
  - The City Hall Upper Level (Bonnie Blair) Conference Room;
  - The South Park pavilion/recreation building;
  - The Nettesheim (West) Park pavilion/recreation building;
  - The Balmer Park pavilion/recreation building;
  - The Central Fire Station;
  - The #2 Fire Station on College Avenue.
  - City Park property as specified in Subsection (5)
- (2) TIMES OF USE. Such specified buildings and facilities may be used at only the following times, for only the following purposes and only upon proper pre-scheduling and authorization by the persons set forth herein:
- a. Common Council Chambers for groups not to exceed maximum capacity of 200 people (when authorized by the Administrator or Clerk/Treasurer):
    - 1. City-related meetings (i.e.: Council, Board, Commission, Committee, Staff) as necessary.
    - 2. Non city-related governmental agency meetings (i.e.: county, regional, state, federal and inter-municipal) meetings on weekdays from 8:00 A.M. to 4:30 P.M.
    - 3. Non-governmental groups (i.e.: neighborhood associations, industrial organizations, Boy Scouts/Girl Scouts) on weekdays from 8:00 A.M. to 4:30 P.M.
  - b. Lower Level Conference Room for groups of not more than 25 people (when authorized by the Administrator or Clerk/Treasurer): Refer to Section 1.06, Subsection 2(a) for groups and times.
  - c. Lunchroom (when authorized by the Administrator or Clerk/Treasurer)-5:00 P.M. to 9:00 P.M. on weekdays for staff meetings or training sessions for not more than 30 people. This room may be used only in emergencies (as determined by the Administrator or Clerk/Treasurer), when all other meeting rooms are occupied or are too small.
  - d. Bonnie Blair Conference Room (when authorized by the Administrator or Clerk/Treasurer): 8:00AM to 10:00PM on weekdays for staff and small governmental-agency related meetings of not more than 18 people.
  - e. South Park, Nettesheim (West) Park, Wagner Park and Balmer (Balmer Park not available Nov. 1 thru March 31) Park Pavilions/Recreation buildings (when authorized by the Park/Recreation Director): (Rep & Rec 17-02)
    - 1. Parks are available as noted above for small governmental agency related meetings or

park/recreation sponsored meetings/activities from 7:30 A.M. to 10:00 P.M. seven days a week, excluding holidays, and may be subject to fees. Use of City Parks for purposes specified in Subsection (5) shall be regulated as specified therein.

- f. Central Fire Station and Fire Station #2 (when authorized by the Fire Chief):
1. 7:30 A.M. to 9:30 P.M. for staff and governmental agency meetings.
  2. Small non-governmental groups or fire department sponsored meetings/ activities on weeknights from 5:00 P.M. to 9:00 P.M., or Sundays.
- (3) PROHIBITED USES. No City owned public buildings or facilities shall be used for meetings, forums or rallies the purpose of which is to primarily promote individual political candidates or individual political parties; nor shall such buildings and facilities be utilized for the express purpose of retail or wholesale sale of goods, material or real property by private commercial or industrial enterprises; nor shall such buildings be used for the sale of intoxicating beverages or hallucinatory drugs or chemicals; nor shall such building or facilities be utilized for any use or activity that may be deemed discriminatory, obnoxious, or perilous to the health and welfare of inhabitants of such building and facilities or the citizens of the City.
- (4) APPLICATIONS. Prior to any use of the City owned buildings and facilities described herein the proposed user of the premises or their agent shall apply for such use on forms furnished by the City Clerk/Treasurer or, as applicable, the City Park/Recreation Director or Fire Chief, which application shall be approved by the City Clerk/Treasurer or Deputy City Clerk or the City Administrator, or when applicable, the Park/Recreation Director or Fire Chief with the understanding that the user(s) of such premises will be liable for the cost of repair of any physical damage to the premises and may be required to pay a fee for the expected extra maintenance caused by such use, as determined by the City Administrator or City Clerk/Treasurer.
- (5) VENDORS IN CITY PARKS, RESTRICTIONS. (Cr. 17-02)
- (a) Permit required. No person shall directly or indirectly, offer for sale, distribute, or sell food, produce or value-added products as defined herein on City owned property unless such activity is conducted in compliance with this Subsection (5). The City Departments and its Agents, acting on behalf of the City, are excluded from the requirements of this Subsection
- (b) Application for Permit. The application for Park Vendor Permit shall be made in writing on a form provided for such purpose by the City, on which shall be stated:
1. The name or names and address of the applicant, and if a corporation or association, the names and addresses of the officers and managers, and if a partnership, the names and addresses of the partners, and the location of the principal office or residence of the applicant;
  2. The location and type of proposed food service establishment in the City; and
  3. Such other information as the City Director of Parks Recreation and Community Services shall require. Note: if alcohol beverages are proposed that must be noted in the application and a separate application is required per Section 11.01 of this code and other applicable laws.
- (c) Definition. In this Subsection (5) the following term shall be defined as follows:
- FOOD  
Includes all items used for food, drink, or condiment, whether simple, mixed, or compounded, and items used or intended for use as ingredients in the composition or

preparation of food and shall include meat and meat products, poultry and poultry products and dairy products. “Food” shall include fruits and vegetable, commonly known as produce, only to the extent such products have been processed, canned, packaged, or otherwise prepared for sale other than in their natural grown state.

#### PRODUCE

Includes fruits and vegetables in an unprocessed form, offered for sale in the same condition and state as harvested, excepting any wrapping, or packaging which does not alter their naturally grown state or condition.

#### VALUE-ADDED PRODUCTS

Bakery goods, beverages, cheese, dog biscuits, eggs, flowers, herbs, herb products, honey, maple syrup, meat, plants, popcorn, poultry, soap and sorghum, and any other goods as approved for sale on City property by the Director of Parks Recreation and Community Services.

#### (d) Park Vendor restrictions.

1. Location. A Park Vendor may operate at such places as designated by the Director of Parks Recreation and Community Services.
2. Term. Park Vendor Permits shall have a duration that is specified in the permit, which shall not exceed one week. The Director of Parks Recreation and Community Services may further limit the commencement and termination of the operation for individual permits and or through the rules and regulations as described below. The term of the permit shall coincide with an event that is sponsored or approved by the Joint Park and Recreation Department and/or the City.
3. Fees. The City Council from time to time, may establish a fee that applies for the issuance of a Park Vendor Permit. No Park Vendor Permit shall be issued until the applicable fee is paid. In addition to the base fee amount, an additional fee may be established from time to time by the City Council for any vendor using electric facilities within the park, and as applicable such fee shall be paid before the Park Vendor Permit is issued.
4. Security deposit. The City Council, from time to time, may establish a security deposit that is required to be paid prior to the issuance of a Park Vending Permit. No Park Vending Permit shall be issued until the security deposit is paid. The security deposit shall be refunded to the party who made the payment, less any deductions that may be made to restore damage to park facilities arising from the vendor’s use, reasonable wear and tear excepted, upon the request from the vendor for a return of such funds if the Director of Parks Recreation and Community Services finds that the use is fully terminated and the site has been sufficiently restored to allow release of the funds.
5. Insurance Certificate. At all times during the term of the permit, the vendor shall keep in force and effect a commercial and general liability insurance policy as outlined below by a company authorized to business in the State of Wisconsin and A.M Best “A” rated or better and class VII size or larger. Such insurance shall be primary. This Certificate of Insurance and applicable endorsements shall be submitted to the Director of Parks Recreation and Community Services for approval as to the form, and shall be subject to such approval prior to the permit being issued. The City, its boards, commissions, agencies, officers, employees and representatives (collectively, “additional insured”) shall be named as additional insureds under the policy which shall be so stated on the Certificate of Insurance and in the endorsements. Limits of Liability shall be not less than \$1,000,000.00 general aggregate, \$1,000,000.00 product/completed operations aggregate, \$1,000,000.00 personal injury, \$1,000,000.00 each occurrence.
6. Rules and regulations. The Director of Parks Recreation and Community Services may

establish rules and regulations that apply to Park Vendor permittees. The initial rules and regulation, hereby established, include the following requirements, and additional requirements may be added at the discretion of the Director of Parks Recreation and Community Services;

- (a) No property interest is created by the grant of a Vendor Permit, whether by lease or license or other legal means. The City reserves the right to remove any vendor from park property for any reason, at any time.
- (b) The Park Vendor Permit is not exclusive. Other vendors may choose to operate in the same area, and the City reserves the right to enter the vending area at any time.
- (c) Vendors are solely responsible for their food, produce and value added products. The City assumes no responsibility for no such items at any time.
- (d) The Vendor Permit shall specify the dates and times when vending is permitted. If the permit allows vending on more than one day, vendors are solely responsible for removing their food, produce and value added products, or securing them if the permit allows them to remain overnight.
- (e) No overnight camping, or persons staying in the park by other means, is permitted. All persons must leave the park at park closing times, and must not re-enter prior to park opening times.
- (f) Park Vendors are responsible for removing trash and debris associated with their use, and shall keep the park free from trash and debris associated with their use at all times.
- (g) If the Director of Parks Recreation and Community Service finds it is necessary or appropriate to inspect a vendor's operation, the Director of Parks Recreation and Community Services may do so either directly or by use of other City staff or contracted personnel. An inspection fee shall be charged in an amount established from time to time by the City Council for each such inspection, and if violations are found which give rise to re-inspections the re-inspection fee shall apply.
- (h) All vendors must hold and display required local and state licenses, which for food vendors must include the written approval of the Waukesha County Health Department.
- (i) Vendors, prior to participation, shall agree in writing to protect, indemnify, defend and hold harmless the City of Pewaukee, its boards, commissions, officers, employees and agents, from and against any cause of action, claims, demands, suits, liability, or expense by reason of loss of damage to any property or bodily injury to any person, including death, as a direct or indirect result of use of any rented or occupied space or in connection with any action or omission of the vendor. This written document shall be provided in a form approved by the City Director of Parks Recreation and Community Services prior to the vendor's participation.

#### **1.07 JOINT PARKS AND RECREATION DEPARTMENT AND BOARD**

- (1) CREATION. The Pewaukee City Common Council and Pewaukee Village Board hereby establish a Joint Parks and Recreation Department as a department of the two municipalities which shall be known as the Pewaukee Parks and Recreation Department. The Department shall be responsible for provision of recreation opportunities, activities and programs in the City and Village parks, the maintenance of the City and Village parks and such other duties as assigned by a Joint Recreation Board, which Joint Board shall be advisory to the City Common Council and Village Board.
- (2) COMPOSITION OF BOARD. The Joint Parks and Recreation Board, hereinafter referred to as the "Joint Board", shall be composed of seven (7) voting members and two non-voting, ex-officio members. The Village of Pewaukee President shall appoint one (1) Trustee from the Village Board

and two (2) citizens. The City of Pewaukee Mayor shall appoint one (1) Alderperson from the City Common Council and three (3) citizens. All seven appointees shall be voting members. In addition, the Administrators of both the Village and City may attend meetings and take part in discussion as ex-officio members of the Joint Board.

**(3) TERMS OF JOINT BOARD MEMBERS.**

(a) Terms. Terms of the initial voting members shall commence on January 1, 1997, and end as follows:

1. Two City Members - December 31, 1998;
2. One Village Member - December 31, 1998;
3. Two City Members - December 31, 1999;
4. Two Village Members - December 31, 1999.

(b) Subsequent terms. Following the initial appointments, the terms of all the Joint Board Members shall be for the three (3) years commencing on January 1.

(c) Unfilled vacancies. When a voting member resigns, is removed from his/her membership on the Joint Board, or loses his/her elected position on the City Common Council or Village Board before the end of the terms, the affected Village President or Mayor shall appoint an appropriate person to fill such vacancy for the remainder of the term, as set forth above.

**(4) GENERAL OPERATION OF THE JOINT BOARD.**

(a) Election of Officers. At its first meeting after its creation and thereafter, at its first meeting after January 1 each year, the Joint Board shall choose from its members a chairperson to preside at its meetings, a vice chairperson to act in the absence of the chairperson, and a secretary.

(b) Meetings. The Joint Board shall hold meetings at the City or Village Hall/Offices, or at a designated public building, and such meetings shall be held at a regular time at least once in each consecutive two calendar month period beginning January 1. In addition, the Joint Board Chairperson, Mayor or Village President may call special meetings of the Joint Board when it is determined necessary to do so in order to conduct and/or expedite the operations of the Joint Parks and Recreation Department. An official meeting of the Joint Board shall require that four(4) voting members be present with one such member being either the Chairperson or the Vice-Chairperson, and at least one member from each the City and Village. All meetings of the Joint Board shall be properly noticed as prescribed in Section 19.84 of the Wis. Stats., and, except as provided in Section 19.85 of Wis. Stats., all meetings of the Joint Board shall be open to the general public. The Joint Board shall keep a written record of its proceedings which shall be transmitted to both the City and Village Clerks and the City Common Council and the Village Board.

**(5) DUTIES AND RESPONSIBILITIES OF THE JOINT BOARD.**

(a) Budget. The Joint Board shall prepare, with the assistance of the Parks/Recreation Director, an annual budget for presentation and recommendation to the City Common Council and Village Board. The City Common Council and the Village Board shall, between September 15, and November 1 of each year, review the budget recommended by the Joint Board. The Park/Recreation Director or Joint Board may, from time to time, request the assistance of City and Village auditors, financial advisors and Administrators in the preparation of the annual budget.

(b) Hiring. The Joint Board shall be responsible for conducting applicant reviews and interviews respecting the hiring of the Parks/Recreation Director, Park Supervisor(s) and Recreation Supervisor(s) and/or his/her successors, as well as other professional staff as recommended by the Parks/Recreation Director, and shall make recommendations regarding same to the City

Common Council and Village Board. The hiring of the Parks/Recreation Director, Park Supervisor(s) or Recreation Supervisor(s) shall require the approval of the City Common Council and Village Board. It is understood that the 1996 City Park/Recreation Director shall be appointed as the initial Joint Parks/Recreation Director. (Rep. & Recr. #08-06)

- (c) Department Policy. The Joint Board shall assist the Parks/Recreation Director in establishing and implementing operational policies within the Joint Parks and Recreation Department, hereinafter referred to as the "Department", including review of personnel complaints, disciplinary actions and departmental expenditures.
- (d) Hearing Complaints. The Joint Board shall be responsible for hearing and determining appeals of aggrieved persons respecting assessment of costs of services and general citizen complaints.
- (e) Assistance in Hiring Parks and Recreation Department Personnel. The Joint Board shall review the Parks/Recreation Director's nominations for appointment to fill vacant full time or part time positions within the Department from a list of candidates for employment and shall make recommendations regarding same.
- (f) Review Policies. The Joint Board shall review and approve matters of Department policy or shall initiate the creation, amendment or rescinding of any such policy as a recommendation to the City Common Council or Village Board.
- (g) Land Acquisition & Buildings. The Joint Board shall review and make recommendations to the City Common Council or Village Board on such park related matters as parkland acquisition or building projects.

(6) DUTIES AND RESPONSIBILITY OF THE PARK/RECREATION DIRECTOR.

- (a) The Park/Recreation Director, hereinafter referred to as the "Director", shall be responsible for the daily operation and management of the Department, subject to policies established and agreed upon by the Joint Board and both the City Common Council and Village Board.
- (b) The Director shall annually, after August 15 and prior to September 15, recommend a proposed budget to the Joint Board for the subsequent calendar year.
- (c) The Director shall recommend, for Joint Board and City Common Council and Village Board approvals, the appointment of persons who have applied for the position of Parks Supervisor or Recreation Supervisor to assist the Director in the operation and management of the Department. (Rep. & Recr. #08-06)
- (d) The Director shall recommend to the Joint Board for their approval the number of park maintenance, recreation leaders and other personnel needed and the compensation for such personnel. (Rep. & Recr. #08-06)
- (e) The Director shall have the direct responsibility to hire all employees below the classification of Park Supervisor or Recreation Supervisor based on an approved employee hiring/dismissal policy which meets or exceeds federal and state regulations. Such persons hired for such positions shall be selected from an approved list of potential candidates, as set forth herein. Promotion to a higher personnel classification must be approved by the Joint Board and the City Common Council and Village Board. Dismissal of persons for cause shall be by the Joint Board upon the recommendation of the Director. Dismissal of persons holding the position of Park Supervisor or Recreation Supervisor and above shall also be subject to the approval of the City Common Council and Village Board. (Rep. & Recr. #08-06)
- (f) The Director shall be responsible for maintaining a current list of potential candidates for vacancies within the Department. Such list shall be periodically reviewed and approved by the Joint Board.
- (g) The Director shall also be responsible for supervising the general maintenance of parks, park buildings and facilities as well as any City or Village personnel assigned to the Department by the City and Village to provide such maintenance. (Rep. & Recr. #08-06)

- (h) The Director may, from time to time, be assigned other park and recreation related duties by the Joint Board within time and budget constraints.

(7) GENERAL POLICIES.

- (a) Real Property. The City and Village shall continue to individually own all respective real property, buildings and fixtures located within their corporate jurisdictions. Upon joint agreement by the City Common Council and Village Board that a need exists for acquisition of additional lands or construction of additional buildings or building additions to facilitate Department operations, the unit of government in which the new lands or facilities are to be located shall be solely responsible for all such acquisition and/or construction costs.
- (b) Use of Park/Recreation Land, Vehicles, Buildings and Facilities. The Director and all Department personnel shall have the right of official use of all land, vehicles, buildings and facilities owned or leased by either or both the City and the Village for park and recreation purposes, and there shall be no rental or lease payments by either the City or Village for such use.
- (c) Vehicles. The City and Village shall continue to individually own all vehicles presently titled in their respective names. In the event the need arises to acquire special vehicles necessary for the park/recreational requirements of both the City and the Village, following approval of a joint resolution of the City Common Council and Village Board, the vehicle shall be acquired and its cost shall be apportioned as set forth in the approved resolution, taking into consideration such factors as service area, population, and assessed value. In the event the need arises for acquisition of a vehicle which shall be primarily the requirement of one unit of government, its cost shall be solely the responsibility of that unit of government.
- (d) Equipment. The City and Village shall continue to individually own all equipment presently titled in their respective names. In the event the need arises to acquire equipment which shall be necessary for the park/recreation needs of both the City and Village, following approval of a joint resolution by the City Common Council and Village Board, the equipment shall be acquired and its cost apportioned as set forth herein. In the event the need arises for acquisition of equipment which shall be primarily the requirement of one unit of government, the cost shall be solely the responsibility of that unit of government.
- (e) Ownership of Personal Property. The personal property and vehicles acquired jointly by the City and Village shall be owned by the City and Village as tenants in common. The Director shall keep records showing the dates and costs and percentage of contribution of the City and Village with regard to each joint purchase of personal property and vehicles and shall transmit copies of such documents to the Clerks of the City and Village.
- (f) Operational Expenses/Revenues. The budget and costs for operating the recreational programs and activities of the Department, including cost of the Director, Park Supervisor(s), Recreation Supervisors and park maintenance and recreational program personnel, shall be apportioned to and paid by the City and Village as follows: 50 percent of the total budget/costs distributed to the City and Village based on respective percentages of the combined annual equalized value, and 50 percent of the total budget/costs distributed to the City and Village based on respective percentages of the combined annual official state population estimates. Annually, beginning on October 15, 1996 and each October 15 thereafter, the percentage of operational expenses shall be adjusted as a part of the budget formulation for the subsequent calendar year pursuant to this 50/50 formula. (In October 1996 the resulting apportionment of recreation related budget costs and revenues is 69.0 percent City, 31.0 percent Village.) Likewise, any revenues from recreation activities and programs shall be divided pursuant to the same formula and distributed to the respective City and Village Treasurer. Rental of parks, park facilities and equipment and charges to or donations from athletic/recreation clubs is not included in "recreation activities and programs" and, therefore, shall not be included in calculation or division of revenue.  
(Amended #08-06)

- (g) Budget. The Department's budget shall be subject to approval of both the City Common Council and Village Board based on a recommendation of the Joint Board as set forth herein. The amount assessed each unit of government under this section shall be transferred to the appropriate Department accounts by the settlement dates established in Sections 74.23 and 74.25 of the Wis. Stats. (Rep. & Rec. #08-15)
- (h) Claims.
1. Budgeted Expenditures. All claims for payment for Department expenses which are contained within the budget shall be transmitted by the Director to the Clerk of the unit of government responsible for payment. Each Clerk shall transmit a list of approved claims to his/her counterpart Clerk and to the Department Clerk on a monthly basis. The accounts shall be audited on an annual basis by an independent auditor.
  2. Non-Budgeted Expenditures. All claims for payment for Department expenses which are not contained within the budget shall be presented to the City and Village Clerks. Payment of claims for such non-budgeted items shall require approval of both City Common Council and Village Board after review and recommendation of the Joint Board, with each unit of government paying the percentage established as set forth herein.
  3. Payroll. All Department personnel will be paid through the City payroll system, incorporating all City benefit programs and policies which apply. The City Clerk/Treasurer will, each month, transmit an invoice to the Village Clerk covering the Village's unpaid share of all personnel related costs as paid by the City along with such invoice. The City Clerk/Treasurer will submit a roster of those persons paid and the amounts paid each Department employee. In the event that the Village Board chooses to prepay their share of personnel costs, the City Clerk/Treasurer will transmit monthly statements to the Village Clerk setting forth the amount paid out for personnel costs during the preceding month along with a roster of such costs. Any amount of prepayment by the Village in excess of actual expenditures at the end of the calendar year shall be carried over to the next calendar year unless such overpayment is requested by the Village Board to be reimbursed.
  4. Maintenance Criteria.
    - i. Maintenance of parks includes: cutting of grass; dragging and shaping softball and baseball diamonds; adding ball diamond mix and beach sand; placing backstops and other picnic/recreation furniture/equipment; marking play fields; placing of beach equipment; preparation and maintenance of lake ice rink; cutting brush and trimming trees; solid waste collection and disposal; cleaning of recreation buildings, including bathrooms; reseeding and sodding of damaged park areas; spraying weeds and trees, and fertilizing; minor repair of buildings and equipment; snow removal of parking lots and sidewalks; maintenance of park equipment; and, maintenance of park maintenance equipment. Winter maintenance of park buildings and grounds shall be accomplished by the Park and Recreation Department. (Rep.&Recr. #08-06)
    - ii. Maintenance of parks does not include cutting of grass in cemeteries, or utility sites and lawns of public buildings; major repair or building construction/reconstruction; and, lake weed cutting/removal.
    - iii. When it cannot be determined by the Director whether duties fall within the definitions set forth in either a or b, the joint Board will make such determination.

(8) DISPUTE RESOLUTION.

- (a) If disputes arise between the City and Village relating to this section, the City and Village Board shall meet and attempt to resolve the differences. If the Boards cannot agree, each Board shall appoint two Board Members to an ad hoc Conference Committee. The Conference Committee shall meet and agree by majority vote on any disputed items. The decision of the Conference Committee shall be binding upon both the City Common Council



and Village Board.

(b) In the event the Conference Committee is unable to resolve a disputed matter within 60 days after the matter is referred to the Conference Committee, either board may request arbitration pursuant to the provisions of Section 788 of the Wis. Stats.. The City Common Council and Village Board shall select a single arbitrator and the decision of the arbitrator shall be final and binding upon the Boards. The cost of arbitration shall be borne equally by the City and Village.

(9) DISSOLUTION. Either the City Common Council or the Village Board may dissolve the Joint Park and Recreation Department and Board at any time by giving six (6) months prior written notice to the other Board addressed in care of the Clerk of that unit of government and to the Joint Board. From and after the date of dissolution, each unit of government shall own those assets and liabilities which are solely titled in each unit of government. Parks, park buildings, park equipment and fixtures shall not be subject to division and shall belong to the municipality in which the park is located. The value of jointly owned property, vehicles and equipment shall be divided in an amount equal to the average of the pro rata share of contributions from the date of the written Agreement between the City and Village to the date of dissolution. In the event of a dispute in valuation of assets or liabilities, each Board shall hire an appraiser at its own cost, the two appraisers shall choose a third appraiser and the three appraisers shall value the assets and liabilities, calculate an average among the three and allocate the assets according to the ownership percentage aforementioned, and allocate the liabilities to each municipality according to the same percentage. Upon dissolution, either of the units of government may provide the other unit of government the opportunity to purchase its interest in the assets of the Joint Department at the value fixed by agreement or by appraisal as described above. In such case, the other unit of government shall have a period of sixty (60) days from the date of such provision within which to decide whether or not it desires to purchase such assets. If one unit of government desires to purchase the interest of the other, it shall have a period of time, not exceeding one (1) year from the date of its election, within which to pay the total due the government unit selling its assets. If both units of government choose not to purchase the assets of the other unit of government, each shall keep its percent of the assets as established above. The written notice of election by the selling unit of government shall be deemed adequate and sufficient security for the other party as a binding commitment during this period of time.

**1.08 BOARD OF REVIEW.** (Rep. & Rec. 06-02)

(1) MEMBERSHIP. (Rep. & Rec. 09-13)

(a) The Board of Review shall consist of five (5) members and two (2) alternates and shall be residents of the City of Pewaukee, none of whom shall be an elected City official. The members shall be appointed by the Mayor with the approval of the Common Council and shall serve for terms of two (2) years, commencing on May 1<sup>st</sup> in the particular year for which appointed, or until their successors are appointed and qualified. The Mayor shall stagger the terms of the first appointments as one- or two- year terms, in order to have subsequent appointments for each year.

(b) The City Clerk or Deputy Clerk shall serve as the clerk for the Board of Review.

(2) DETERMINATION OF APPEALS. All other provisions of §70.47, Wis. Stats., regarding hearing and determining appeals are applicable.

(3) COMPENSATION. Compensation for the members of the Board of Review shall be established from time to time by resolution of the Common Council.

(4) TRAINING. As provided under §70.46(4), Wis. Stats., the Board of Review may not be constituted

unless it includes one voting member who has within two years of the first meeting attended a training session under §73.03(55), Wis. Stats.

**1.09 ELECTED OFFICIALS TERM OF OFFICE** (Charter Ord. #1)

The term of office for Mayor and Alderpersons is three (3) years.

**1.10 CLERK - TREASURER OFFICE.** (Charter Ord. #1)

The office of City Clerk and City Treasurer are combined.

**1.11 APPOINTED OFFICIALS** (Cr. 99-6, rep. & rec. 02-14)

The offices of the Clerk-Treasurer, Attorney and Assessor shall be performed by the person appointed as the clerk-Treasurer, Attorney or Assessor by the Common Council after nomination by the Mayor. The appointed Clerk -Treasurer, Attorney and Assessor shall hold their office for an indefinite term, subject to removal as provided by § 17.12, Wis. Stats., at the pleasure of the Common Council.

**1.12 PUBLIC WORKS COMMITTEE.**

(1) (Cr. 99-5). The office of Board of Public Works under § 62.09(1), Stats., is dispensed with and the duties are to be carried out by the Common Council or such Committee established by the Common Council or by such officer, officers or boards as the Council may designate.

(2) (a) (cr. # 99-10). The Public Works Committee shall consist of five members as follows:

- Mayor or Mayors' appointed designee;
- Common Council member;
- Three (3) citizen members.

(b) The Public Works Committee shall be appointed by the Mayor subject to confirmation by the Common Council at the first regular meeting of a newly elected Council, except that the Mayor's appointment is not subject to confirmation of the Council.

**1.13 MISCELLANEOUS OFFICES.** (Cr. 99-5).

(1) The office of Street Commissioner and Constable are abolished.

(2) The office of Comptroller is to be performed by the Clerk.

**1.14 BOARD OF FIRE COMMISSIONERS** (Cr. 04-10), (Renamed 09-21)

(1) CREATION AND MEMBERSHIP. (Rep. & Recr. 09-21)

There is hereby created a Board of Fire Commissioners consisting of 5 citizens, three of which shall constitute a quorum. The first five commissioners shall be appointed by the Mayor subject to confirmation by the Common Council between the last Monday in April and the first Monday in May. That the initial members of the Board of Fire Commissioners shall hold office for one, two, three, four or five years respectively. Thereafter, the Mayor shall annually, between the last Monday in April and the first Monday in May, appoint in writing to be filed with the Secretary of the Board, one member for a term of five years, subject to confirmation by the Common Council. All aspects of §62.13, Wis. Stats., or successor statutes shall apply to the Board of Fire Commissioners.

(2) ORGANIZATION

(a) Officers. At its first meeting on or around July of each year, the Commission shall choose from its members a chairperson to preside at its meetings, a vice chairperson to act in the absence of the chairperson, and a secretary. (Rep. & Rec. 07-01)

(b) Meetings. The Commission shall hold meetings at the City Hall/Offices, or at a Fire Station, and such meetings shall be held as needed. In addition, the Commission Chairperson or Vice

Chairperson may call special meetings of the Commission when it is determined necessary in order to conduct and/or expedite the operations of the Commission or the Departments. An official meeting of the Commission shall require that a quorum be present. (Rep. & Rec. 13-18)

(c) Operations. Operations of the Commission shall be in compliance with Wis. Stats. Section 62.13.

**(3) DUTIES AND RESPONSIBILITIES. (Rep. & Rec. 09-21)**

The Commission shall have the duties and responsibilities as set forth in Section 62.13, Wis. Stats., except for optional powers contained in Section 62.13(6), Wis. Stats. Generally, these duties and responsibilities shall include the following authority to:

- Appoint, suspend or remove the chief of the fire department.
- Approve all appointments made by the fire department chief including the promotion of subordinates.
- Adopt modify and repeal rules governing how lists of individuals, concluded to be eligible for appointments and promotion are established.
- Approve competitive examinations used to judge suitability for appointment or promotion.
- Approve each list of individuals determined to be eligible for appointment and promotion.
- Suspend the chief of the department or subordinates pending the filing and hearing of charges against them.
- Initiate charges against the chief of the department or a subordinate
- Hear charges filed against the chief of a department or a subordinate, make findings, and determinations, and impose penalties.
- Hear appeals of disciplinary actions taken by the chief of a department against any subordinate.
- Adopt rules governing the commission's management of its own activities.

**1.15 CITY PLANNER (Cr. 05-17)**

(1) CREATION. The position of City Planner is hereby created in order that short and long range, general and detailed planning of the City will be accomplished.

(2) GENERAL TERMS OF APPOINTMENT. The City Planner may be appointed on either a full or part-time basis for an indefinite period of time by an affirmative vote of a majority of the members of the City Common Council and consummated by contract for the appointment period. Termination of appointment must be by affirmative vote of a majority of the members of the City Common Council as set forth in the contract.

(3) GENERAL DUTIES AND RESPONSIBILITIES. The City Planner shall act as City Planner directly responsible to the City Administrator, Mayor, and Plan Commission having an obligation for prudent and honest discharge of such responsibilities to the citizens of the City and the general public within the City. Specific functions, duties and responsibilities shall be enumerated in the contract required in Section 1.15(2).

**(A) CURRENT PLANNING**

1. Attend all Plan commission meetings unless excused by the Mayor.
2. Conduct the day-to-day general business and functions of the Plan Commission and City planning department including the articulation to the public and developers/builders of planning regulations and policies established by the Common Council and Plan Commission.
3. Administration and update of City planning and planning related policies, plans, ordinances and regulations, and community development.
4. Establishment of Plan Commission agendas, public hearings, and special meetings.
5. Drafting of planning reports and legislation for Plan Commission consumption and

recommendations.

6. Conduct of planning studies as required or as may be requested by the Plan Commission or Common Council.
7. Act as recording secretary of the Plan commission including the keeping of minutes and official files.
8. Liaison with other planning agencies.
9. Oversee City building construction projects.

**(B) LONG RANGE PLANNING**

1. Preparation or update of long-range City plans including land use, park and open-space, transportation, other components of the city's comprehensive (or master) plan and supervision of any consultants that the Plan Commission or Common Council may retain to prepare such plans.
2. Assistance to and coordination of others in the long-range utility and public facilities planning of the City.
3. Preparation of detail neighborhood and other detail plans for sub-community areas of the City.
4. Direction and coordination of economic development and financial planning for the City.
5. Participation in joint community planning activities.

**(C) OTHER**

Perform such other functions and take responsibilities assigned by the Mayor, Plan Commission or Common Council, all with consideration of the fore-described functions and responsibilities.

Additional functions, duties and responsibilities shall be enumerated in the contract referenced in Section 1.15(2).

**1.16 ETHICS CODE (Cr. 06-16)**

**(1) STATEMENT OF PURPOSE.**

- (a) The proper operation of a democratic and representative government requires that public officials be independent, impartial and responsible to the people; that decisions and policy be made in proper channels of the governmental structure; that public office and public employment not be used for personal gain; and that the public has confidence in the integrity of its government. Public officials are agents of the public purpose, should hold their position as a public trust and should exercise their judgments for the benefit of the public. Their conduct or action in the performance of official duties should be above reproach and in a manner that avoids any conflict or reasonable appearance of conflict so as to foster respect for government.

**(2) DECLARATION OF POLICY.**

- (a) In recognition of these goals there is hereby established a code of ethics which shall apply to all candidates for city office, and public officials, including elected and appointed department heads, employees and members of City boards and commissions. This code of ethics establishes guidelines for ethical standards of conduct to assist public officials in avoiding those acts or actions which are incompatible with the best interests of city government by directing disclosure of private interests in matters affecting the City of Pewaukee.
- (b) It is intended that this code shall apply to all persons whose functions require the exercise of discretion and judgment. Nothing contained herein is intended to deny, to any individual, rights granted by the United States Constitution, the constitution of this state, the laws of this state or by labor agreements negotiated with bargaining representatives.

**(3) DEFINITIONS.**

The following definitions shall be applicable in this Code.

- (a) **Advisory Opinion.** Means an interpretation requested by a public official and issued by the Ethics Board regarding the propriety of any matter to which the public official is or may become a party.
- (b) **Anything of Value.** Means any money or property, favor, gift, service, payment, advance, forbearance, loan, or promise of future employment, including, without restriction by enumeration, tickets, passes, lodging, travel, recreational expenses, and admission offered and provided by persons doing business, or interested in doing business, with the city. "Anything of value" does not include compensation and expenses paid by the city; political contributions which are reported under Chapter 11, Wisconsin Statutes; occasional meals and beverages, unsolicited advertising or promotional material such as pens, pencils, note pads, calendars, and other items of nominal value; or hospitality of nominal value, or extended for a purpose unrelated to city business; or business related seminars, trade shows or other training related activities.
- (c) **Associated.** Means [includes], when used with reference to a person, any organization in which a public official or his/her spouse is a director, officer or trustee, or owner, or controls, directly or indirectly and severally or in the aggregate at least twenty percent (20%) of the outstanding equity.
- (d) **Board.** Means the Ethics Board created by this code of ethics ordinance.
- (e) **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.
- (f) **Candidate for Elective Office of the City of Pewaukee.** Means any person who files nomination papers and a declaration under §8.10, Wisconsin Statutes, for the purpose of appearing on the ballot for election to an office of the City of Pewaukee or any person nominated for a City office in an election through the write-in process and who files a declaration pursuant to §8.10, Wisconsin Statutes.
- (g) **Conflict of Interest.** Means a public official's action or failure to act in the discharge of his/her official duties which could reasonably be expected to produce or assist in producing a substantial economic or personal benefit for such official, his/her family or an organization with which he/she is associated.
- (h) **Confidential Information.** Means written material or oral information related to city government which is not otherwise subject to the open records law and which is designated by statute, ordinance, court decision, lawful order, or custom as confidential.
- (i) **Contract.** Means all agreements executed between the city or a sub-unit thereof and another party or parties for the provision of goods, materials, supplies, construction, or services in exchange for valuable and sufficient consideration.
- (j) **Economic Interest.** Means any interest that will yield directly or indirectly a monetary or other material benefit to the public official or to any person employing or retaining the services of the public official, or any member of the family of said public official, except as permitted by §946.13 of the Wisconsin Statutes.
- (k) **Family.** Means any individual related to a public official as spouse, parent, child, sibling, grandparent, grandchild, parent-in-law, sibling-in-law, son-in-law, daughter-in-law; and step relations of the above, or as a legal dependent of the public official for tax purposes.
- (l) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the public official or his/her spouse or to any person employing or retaining the services of the public official or his/her spouse.
- (m) **Gift.** Means the payment or receipt of anything of value without valuable and sufficient consideration.
- (n) **Immediate Family.** Means any individual related to a public official as spouse or legal

dependent for federal income tax purposes.

- (o) **Income.** Means the meaning given under the federal internal revenue code.
- (p) **Incompatibility.** Means a conflict between one's official responsibilities and personal or economic interests which would prevent the public official from the complete and proper discharge of his/her official city duties.
- (q) **Ministerial Action.** Means an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the individual's own judgment as to the propriety of the action being taken.
- (r) **Nominal Value.** Means a value of twenty-five dollars (\$25.00) or less received by a public official from any one (1) person, company or vendor within one (1) calendar month, not to exceed one hundred dollars (\$100.00) in a calendar year.
- (s) **Organization.** Means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual, body politic, or charitable entity.
- (t) **Person.** Means any natural person, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, joint venture, trust, or other legal entity recognized as such by the laws of the state.
- (u) **Personal Interest.** Means any interest arising from a blood, marriage or adoptive relationship.
- (v) **Principal Income.** Means earnings which constitute at least one-half (½) of total annual earnings.
- (w) **Private Business.** Means those activities related to non-city government employment in which the public official has an economic interest.
- (x) **Privileged Information.** Means information obtained under government authority which has not become a part of the body of public information.
- (y) **Public Official.** Means any person holding an elected city office and candidates for elected city office, or any person holding an appointed city office, including all city department heads, all city employees, and all citizens appointed by the Mayor or Common Council to advisory boards, or commissions, and elected officials, and appointed members of committees and panels who are not elected.
- (z) **Resources.** Means city supplies, services, property or facilities not available to all citizens.
- (aa) **Significant Fiduciary Relationship.** Means owning or controlling, directly or indirectly:
  - (i) At least twenty percent (20%) of the outstanding stock or stock of any business corporation having a cost or market values of at least five thousand dollars (\$5,000.00), or
  - (ii) An interest of at least twenty percent (20%) or five thousand dollars (\$5,000.00) of any business.
- (bb) **Significant Interest.** Means owning or controlling, directly or indirectly, at least twenty percent (20%) or five thousand dollars (\$5,000.00) of the outstanding stock of any business.
- (cc) **Statement of Interests.** Means the factual statement filed pursuant to the provisions of this subsection which contains the information set forth in Section 9(e).
- (dd) **Valuable and Sufficient Consideration.** Means payment or compensation of an amount equivalent to the actual value of any item or service received. If the actual value cannot be determined, payment or compensation of a reasonable value is acceptable.

#### **(4) PROHIBITED CONDUCT/STANDARDS OF CONDUCT.**

- (a) **Use of Office or Position.** No public official may use or attempt to use his/her position or office to obtain financial gain or anything of more than nominal value or any advantage, privilege or treatment for the private benefit of himself/herself or his/her family, or for any business or organization with which he/she is associated.

- (b) **Influence and Reward.** No person or entity may offer or give to a public official or member of his/her family, directly or indirectly, and no public official may solicit or accept from any person or entity, directly or indirectly, anything more than nominal value if it could reasonably be expected to influence the public official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on his/her part.
- (c) **Limitations on Actions.** Except as otherwise provided in paragraph (d), no public official may:
- (i) Take any official action affecting, directly or indirectly, a matter in which he/she, a member of his/her family, or an organization with which he/she is associated, or has a substantial financial or personal interest.
  - (ii) Use his/her office or position in a way that produces or assists in the production of a benefit, direct or indirect, for him/her, a member of his/her family either separately or together, or an organization with which the public official or his/her spouse is associated.
  - (iii) A public official who has or whose spouse has a financial or personal interest in any matter coming before the Common Council shall disclose on the records of the Common Council the nature and extent of such interest. This provision shall not apply if the public official disqualifies himself/herself from participating in discussion of the matter and from voting on it. A public official shall disqualify himself/herself from discussing and voting if the matter under consideration involves his/her or his/her spouse's financial or personal interests to the extent that such interests conflict or appear to conflict with her/his official duties or would impair or reasonably be expected to impair her/his independence of judgment or actions.
  - (iv) Nothing in this section prohibits a public official from making decisions concerning reimbursement of expenses, salaries, or salary-related benefits of city council members.
- (d) Paragraph (c) does not prohibit a public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a public official from taking official action with respect to any proposal to create, modify, or repeal a City ordinance, resolution or matter benefiting the public.
- (e) **Privilege and Advantage.**
- (i) No public official shall request or be permitted the use of City-owned vehicles, equipment, materials, property or access to records for personal convenience or profit, or for that of another, except when the same are available to the public generally or except where otherwise authorized by the Common Council as prescribed in the employee handbook.
  - (ii) No public official shall grant any privilege, special consideration, treatment or advantage to any person beyond that which is available to every other person except as may be specifically provided for by law.
  - (iii) No public official may solicit, demand, accept or agree to accept anything of value if it is in relation to a particular contract, solicitation, or proposal, or if it could reasonably be expected to influence his/her independence of judgment, action or inaction in the performance of his/her official duties. In addition, the acceptance of a gift offered in relation to any proceedings such as a decision, approval, disapproval, recommendation, rendering of advice, investigation, auditing or any other advisory capacity is also prohibited.
  - (iv) **Misuse of City Property.**  
City public officials, may not use City property in any manner that is prohibited by policy, causes unnecessary costs, congestion, disruption, or damage to City property,

or in a manner that demeans other staff, groups, individuals and organizations. Examples of inappropriate activities include, but are not limited to, the following:

- (1) Intentionally or unintentionally permitting the use of City office equipment by unauthorized persons, e.g., friends, family or others.
  - (2) Using City logos or titles to misrepresent materials as official or misrepresenting, either implicitly or explicitly, personal views or comments as an official City policy or position.
  - (3) Using City-owned property to maintain or support a private business.
  - (4) Any computer related issue as outlined in the City’s “Information Technology” Policy.
- (f) **Outside Employment.** No public official shall engage in or accept employment or render service, whether compensated or uncompensated, when such employment or service would conflict or reasonably appear to conflict his/her independence of judgment or action in the performance of official duties.
- (g) **Disclosure of Information.** No public official may intentionally use or disclose privileged information gained in the course of, or by reason of his/her official position or activities, in any way that could result in the receipt of anything more than nominal value for himself/herself, for a member of his/her family, or for any other person or entity if the information has not been communicated to the public or is not a public record.
- (h) **Contracts or Leases.** No public official, member of his/her immediate family, nor any organization in which the public official or a member of his/her immediate family owns or controls at least twenty percent (20%) of the outstanding equity, or indebtedness, or voting rights may enter into any contract or lease with derived from funds administered by the City, unless the public official has first made written disclosure of the nature and extent of such relationship or interest to the Common Council and to the department acting for the City in regard to such contract or lease. The Common Council, upon request, may waive this subsection when it is in the best interests of the City. Any contract or lease entered into in violation of this provision may be voided by the City in an action commenced within three (3) years of the date on which the Common Council, or the department or public official acting for the City in regard to the allocation of City funds from which such payment is derived, knew or should have known that a violation of this subsection had occurred. Nothing in this provision affects the application of §946.13, Wisconsin Statutes or subsequent amendments of that section relating to a public official’s activity concerning a direct or indirect financial interest in a proposed City contract.
- (i) **Related Wisconsin Statutes.** There are certain provisions of the Wisconsin Statutes which must, while not set forth herein, be considered an integral part of any governmental Code of Ethics. Accordingly, the provisions of applicable sections of the Wisconsin Statutes, and any amendments there to, are made a part of this Code of Ethics and shall apply to public officials whenever applicable, including but not limited to the following:
- (i) Section 946.10. Bribery of Public Officers and Employees.
  - (ii) Section 946.12. Misconduct in Public Office.
  - (iii) Section 946.13. Private Interest in Public Contract Prohibited

This paragraph does not prohibit a public official from using the title or prestige of his /her office to obtain campaign contributions that are permitted and reported as required by Chapter 11, Wisconsin Statutes.

- (j) **Lobbying After Term or Employment.** No former public official, for twelve (12) months following the date on which he/she ceases to be a City public official, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before or try to settle or arrange a matter by calling, writing, or conferring with, any public official of the department with which he/she was associated as a City public official.



(k) **Economic and personal interest.** No public official shall engage in any business or transaction or shall act in regard to economic or personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties or which would impair his/her independence of judgment or action in the performance of his/her official duties. This section is not intended to interfere with public officials having duties or employment in addition to those related to the city, provided those duties or employment do not cause violations of this Code of Ethics and are disclosed to his/her supervisor.

(5) **ACTION UPON CONFLICT.**

(a) Any public official who, in the discharge of his/her official duties, is involved in or is about to be involved in any matter that could result in a breach of this Code of Ethics on his/her part, shall prepare a written statement describing such matter and the nature of the possible breach. This statement shall be delivered to the city clerk for transmittal to the Ethics Board chairman for the Ethics Board review and recommendation. In the case of employees, this statement shall be delivered to their department head and in the case of department heads, to the city administrator. The public official is to withdraw from further participation in the potential breach involved until such discussion or determination is made.

(b) Non-city government employment which may be related to the public official's city duties and membership in social, political, fraternal, charitable, or religious organizations is not prohibited. However, it is the responsibility of the public official to ensure that non-city government employment or membership does not conflict or interfere with the complete and proper discharge of his/her duties for the city. Any non-city government employment or membership which could potentially lead to a conflict situation should be discussed with the public official's immediate supervisor or with the Ethics Board to determine the best means of preventing conflict situations from developing.

(c) If the conflict of interest matter reported by the public official in writing to the department head cannot be resolved at a departmental level through reassignment of specific duties or other means and/or further clarification is needed, the matter shall be referred on behalf of the public official by the department head to the Ethics Board for an advisory opinion.

(d) It is prima facie evidence of intent to comply with the code of ethics when a public official seeks advice from supervisory personnel and/or from the Ethics Board on how to resolve a real or potential conflict situation and abides by that advice

(6) **ETHICS BOARD.** (Rep. & Rec. 09-04)

(a) **Created.** There is hereby created an Ethics Board to consist of three (3) members and one (1) alternate.

(b) **Composition.** The three (3) members and one (1) alternate of the Ethics Board shall be residents of the City of Pewaukee and shall not be a city public official during the time of their appointment. This is considered a volunteer position and members will not be compensated for their time. The members of the Ethics Board shall be appointed by the Mayor and shall be subject to approval by the Common Council. The Board shall seek legal advice from the City Attorney and staffing shall be provided by City Administrator.

(c) **Terms of members; majority.**

(i) The terms of office shall be three (3) years, except that when the initial appointments are made one (1) member shall be appointed for one (1) year, one (1) for two (2) years, and one (1) for three (3) years. The term of the alternate shall be for three (3) years and he/she shall serve on the Board when one (1) of the members of the Board is unavailable. A chairman of the Ethics Board shall be elected annually by the members of the Board. In the event that a member or alternate leaves the Board prior to the completion of his/her term, a new member or alternate shall be appointed in the same

manner to serve the balance of the term.

- (ii) A quorum of the Ethics Board shall be three (3) members. A majority vote of the Board shall be required for any action taken by the Board, with the exception that action taken by the Board pursuant to a hearing conducted under section 6(e) & (f) of this article shall require a unanimous vote.

(d) **Function.**

- (i) Advisory Opinions - Any public official to whom this Code of Ethics applies may request from the Ethics Board an advisory opinion and shall be guided by the opinion rendered. The requesting public official shall have the opportunity to present his/her interpretation of the facts at issue and of the applicability of provisions of this Code of Ethics before the advisory decision is made or rendered. The Board's deliberations and action upon such requests shall be in a meeting not open to the public. Records of the Board's opinions, opinion request and investigations of violations shall be closed to public inspection. The Board, however, will make such records public with the consent of the individual requesting the advisory opinion. The Board may make public a summary of an advisory opinion after making sufficient alterations in the summary to prevent disclosing the identities of individuals and departments involved.
- (ii) Complaints - Filing and Preliminary Disposition.
  - 1. The Board shall accept from any identified person a verified complaint in writing which states the name of the public official alleged to have committed a violation of this Code of Ethics and which shall set forth the particulars thereof. The Board shall forward within ten (10) work days a copy of the complaint to the accused public official.
  - 2. If the Board determines that the verified complaint does not allege facts sufficient to constitute a violation of the Code of Ethics, it shall dismiss the complaint and notify the complainant and the accused.
  - 3. If the Board determines that the verified complaint was brought for harassment purposes, the Board shall so state.
  - 4. If the Board determines that the verified complaint alleges facts sufficient to constitute a violation of the Code of Ethics, it may make an investigation with respect to any alleged violation after notifying the accused public official in writing. Such notice shall state the exact nature and purpose of the investigation, the public official's specific action or activities to be investigated and a statement of the public official's due process rights.
- (iii) Complaints - Actions and Procedure When Probable Cause Exists.
  - 1. If after investigation the Board finds that probable cause exists for believing the allegations of the complaint, then not later than thirty (30) work days after such finding is made the Board shall announce that it will conduct a hearing. The Board shall give the complainant and the accused at least twenty (20) work days notice of the hearing date. The hearing shall be closed to the public unless the accused requests that it be opened.
  - 2. The rules of civil procedure shall apply to such hearings.
  - 3. All evidence, including certified copies of records and documents which the Board considers, shall be fully offered and made part of the record of the case.
  - 4. The evidence presented shall be limited to the scope of the charge(s) made in the complaint.
  - 5. Every party shall be offered, during all stages of any investigation or proceeding conducted under this Code of Ethics, adequate opportunity to rebut or offer countervailing evidence.

6. The accused or his/her representative shall have an adequate opportunity to examine all documents and records to be used at a hearing under this section at a reasonable time prior to the date of the hearing.
7. During the hearing the parties shall have the opportunity to present witnesses, confront and cross-examine adverse witnesses, and establish all pertinent facts.
8. The burden of proving the violation(s) alleged in the complaint shall be on the complainant. Violations shall be proved by evidence that is clear, satisfactory, and convincing.
9. The Board shall keep a record of the hearing. The Board shall have the power to compel the attendance of witnesses and to issue subpoenas as granted to other boards and commissions under §885.01(3), Wisconsin Statutes.
10. Within five (5) work days of the conclusion of the hearing, the Board shall file its written findings and recommendations signed by all participating Board members, together with findings of fact and conclusions of law concerning the propriety of the conduct of the public official. If the Board determines that no violation of the Code of Ethics has occurred, it shall dismiss the complaint, and if requested to do so by the accused, issue a public statement.
11. No recommendation of the Board becomes effective until twenty (20) work days after it is issued, or while an application for rehearing or a rehearing is pending, expressly or by implication, or the Board has announced its final determination on rehearing.
12. No action may be taken on any complaint which is filed after the later of:
  - a. Eighteen (18) months from the date on which a violation of this chapter is alleged to have occurred, or
  - b. Eighteen (18) months from the date the alleged violation of this chapter is discovered or, in the exercise of reasonable diligence, should have been discovered.

**(7) POLITICAL ACTIVITY.**

- (a) No public official while on duty or on official City business shall, for the apparent purpose of influencing the outcome of any referendum, or improving the chance of election of a person seeking elective office:
  - (i) Wear or display any campaign material.
  - (ii) Distribute any campaign literature.
  - (iii) Solicit, receive or give subscriptions, contributions or service for any candidate or referendum position.
  - (iv) Actively campaign for any candidate or any referendum position.
- (b) No public official while on duty or other official City business or off duty shall in any way coerce or attempt to coerce subscriptions, contributions or service from subordinate employees in support of a political party or a candidate for elective office or for or against a referendum position, or retaliate against or reward an employee for refraining from participating in any political activity. No employee on or off duty shall use her or his title or position or indicia thereof in any elective political activity.
- (c) This subsection does not apply to a response by a legal custodian or subordinate of the custodian to a request to locate, reproduce or inspect a record under §19.35, Wisconsin Statutes, if the request is processed in the same manner as the custodian or subordinate

response to other requests to locate, reproduce or inspect a record under such section or to an employee providing other information within the knowledge of the employee by virtue of his/her City position if such information is made equally available upon request to any other person.

- (d) Police officers and firefighters shall observe the applicable rules of the Police and Fire Departments relating to political activity.
- (e) No public official shall promise an appointment to any municipal position as an apparent reward for any political activity.

(8) **DISCLOSURE.**

- (a) All public officials whose duties and responsibilities include the evaluating, awarding and executing of contracts for the purchase of supplies, services, materials, and equipment for or on behalf of the city or any board or commission thereof, or for the construction of public works, or for the sale or lease of real estate, as well as members of the Board of Adjustment, Zoning Board of Appeals, Planning Commission, Police and Fire Commission, Public Works Committee, Joint Park and Recreation Board and Joint Library Board are required to file statements of economic interest as set forth in this section.
- (b) Each public official required to file a statement under this section shall do so during the month of May of each year, commencing in the first full calendar year following adoption of this Code of Ethics. Public officials required to file who are hired, and/or assume responsibilities requiring them to file, after April 30 of the calendar year, shall file within thirty (30) workdays of assuming such responsibilities. These statements shall be filed with the City Clerk. Failure to file this form with the Ethics Board in a timely manner may result in forfeitures, reprimand, or, in the case of a candidate, exclusion from ballot.
- (c) The statements of economic interest are considered public record and shall be open to public inspection. Requests for examination of these statements shall be made in writing to the City Clerk. The public official shall be notified of the request for examination of his/her statement of economic interest and shall be supplied with the identity of the requester.
- (d) Use of a fictitious name or address or failure to identify the person on whose behalf the request for a copy of Statement of Economic Interest is made, is a violation of this section and is subject to the penalties provided herein.
- (e) **Content of Statement.** The Ethics Board shall prescribe the format for the filing of the statements of economic interest, which shall include the following:
  - i. The names and address of the public official and his/her spouse.
  - ii. The names of all employers of the public official and his/her spouse.
  - iii. The address of real property located in the City of Pewaukee in which the public official or his/her spouse has an ownership interest in the property.
  - iv. The names and addresses of all creditors to whom the public official or his/her spouse is indebted by more than fifty thousand dollars (\$50,000.00).
  - v. The names of all corporations and other business interests, both profit and nonprofit, in which the public official or his/her spouse hold any office or directorship or own or control, directly or indirectly, more than twenty percent (20%) of the outstanding stock or more than twenty percent (20%) of other business ownership.
  - vi. If, after filing the statement, the filer becomes aware of any change in the information contained in his/her current statement, he/she shall amend, as soon as possible, his/her statement to reflect accurately the change.

(9) **PENALTIES.**

- (a) If after investigation and a hearing, the Ethics Board determines that a violation of the Code of Ethics has occurred, it shall refer its findings and a recommendation for sanction to the appropriate supervising authority. In the case of a city employee, the referral shall be made to the employee's department head, and in the case of a department head, the referral shall be made to the City Administrator, and in the case of an elected official, the referral shall be made to the Common Council. The recommendation may be as follows: in the case of an elected official, the Common Council may consider sanctions up to and including public censure of the elected official; in the case of a member of a board, committee or commission, that the Mayor or other appointing authority consider removing the member from the board, committee or commission; in the case of an employee, that the employee's appointing authority consider denial of merit increase, suspension without pay, fine, or discharging the employee. In the event a Department Head or the Administrator disagrees with the Ethic Board's recommendation, they may refer the issue of sanctions to the Common Council for a determination.
- (b) As an alternative or in addition to the sanctions imposed herein, that any person or entity found in violation of this ordinance not be awarded any City contract, grant, loan or any other thing of value for a period of twelve (12) months from the date of finding of the violation or that any such contract, grant, loan or things of value be terminated, repaid, forfeited or called in.
- (c) In addition to the penalties described in above, violations of this section shall be subject to forfeitures in an amount not less than \$100 and not more than \$1,000 for each offense.

**1.17 FINANCE COMMITTEE.** (Cr. 09-02)

- (1) The duties of this committee include but are not limited to oversight of the municipal budget, borrowing, grants, appropriations and audits, annual fee schedules, and municipal operations planning insofar as those operations affect fiscal matters.
- (2) (a) The Finance Committee shall consist of three members as follows:
  - Two (2) Common Council members;
  - One (1) member who shall be a resident of the City of Pewaukee (preferably with a financial background) (Rep. & Recr. 09-18)
- (b) The Finance Committee shall be appointed by the Mayor subject to confirmation by the Common Council at the first regular meeting of a newly elected Council, except the Mayor's appointment is not subject to confirmation of the Council. The Mayor shall designate the chairman and secretary of the committee.
- (c) The City Administrator will serve as staff representative. (Rep. & Recr. 09-18)

**1.18 HUMAN RESOURCES COMMITTEE.** (Cr. 09-02)

- (1) The duties of this committee include but are not limited to contract negotiation, contract administration at the Council level, salary ordinance review and preparation, and in general all matters directly related to municipal employees. The committee also addresses municipal operations, planning, and implementation including staffing and priority of work.
- (2) (a) The Human Resources Committee shall consist of two members as follows:
  - (Rep. & Recr. 09-18)
  - Two (2) Common Council members
- (b) The Human Resources Committee shall be appointed by the Mayor subject to confirmation by the Common Council at the first regular meeting of a newly elected Council, except that the Mayor's appointment is not subject to confirmation of the Council. The Mayor shall designate

the chairman and secretary of the committee.

- (c) The Human Resources Director will serve as staff representative. (Rep. & Recr. 09-18)

**1.19 FIRE ADVISORY COMMITTEE. (Cr. 09-06)**

- (1) The purpose of the Fire Department Advisory Committee is to collect information, comments, complaints, suggestions and generally, be a ‘sounding board’ for the two communities on Fire Department matters and advise the full City Common Council of their findings and recommendations. Also, as a part of their task, the Committee should periodically review and evaluate the services provided by the City Fire Department to the two communities and make recommendations to the City Common Council regarding any proposed changes to such service.
- (2) The Committee shall be comprised of two City alderpersons and two Village of Pewaukee trustees. The Committee will, at its first meeting of each calendar year, select a chairperson and a secretary for the year. The Fire Chief and the Administrators of both communities, or their representatives, will act as liaison to the Committee, providing information and support, but will have no vote.
- (3) The Committee’s recommendations will be advisory only and the Committee has no direct power or authority in regard to the operations, staffing, budget, or structure of the Department. The Committee may make recommendations to the City Common Council on any of those issues or other matters that affect the fire and rescue services provided to the two communities. An official meeting of the Committee **requires** at least three members and specific recommendations require a majority vote of the full Committee.
- (4) The Committee should advise the City Common Council as to the schedule of meetings to be held. At a minimum, meetings should be scheduled quarterly, with the ability to meet on call (with proper notice) as the need arises. A Committee meeting should be held at the time of the creation of the first draft of a Department budget and prior to when the budget is proposed to be approved by the City Common Council. Minutes must be kept of all Committee meetings and include any votes taken. All meetings must be officially noticed by the City Clerk with a written agenda/notice. The City Clerk will keep the records of each meeting and provide a copy of any agendas, notices and minutes to the Committee members and the aforementioned liaison personnel.

**1.20 CITY OF PEWAUKEE. (Cr. 11-11)**

The City of Pewaukee is a Third Class City, organized and existing under the laws of the State of Wisconsin, and exercising the powers granted by Chapter 62 of the Wisconsin Statutes, the general charter law and all other powers bestowed by the State Legislature.

**1.21 WARDS. (Cr. 11-11)**

- (1) Based on the published results of the 2010 Federal Decennial Census of Population, the City of Pewaukee is divided into ten (10) wards.
- (2) The Wards established under this section consist of whole blocks to suit the convenience of the voters residing therein and are, as far as practicable, compact and observe the community interest of existing neighborhoods and other settlements, and conform with the population requirements set forth in section 5.15(2)(b)2 of the Wisconsin Statutes, as amended. Ward boundaries are intended to be as permanent as possible.
- (3) The ward the polling place locations will be established by resolution.

The City of Pewaukee is divided into three (3) Aldermanic Districts with two (2) Alderpersons from each Aldermanic District elected every three (3) years in alternating terms in accordance with the Charter Ordinance of the City of Pewaukee. All Aldermanic Districts are as compact in area as possible and

contain, as nearly as practicable by combining contiguous whole wards, an equal number of inhabitants according to the 2010 Decennial Federal Census of Population.

**1.22 ALDERMANIC DISTRICTS.** (Cr. 11-11)

- (1) **First Aldermanic District.** The combination of Wards 1, 2, 3 and 4, as identified and shown on the official Ward Map of this City, shall constitute the First Aldermanic District.
- (2) **Second Aldermanic District.** The combination of Wards 5, 6 and 7, as identified and shown on the official Ward Map of this City, shall constitute the Second Aldermanic District.
- (3) **Third Aldermanic District.** The combination of Wards 8, 9 and 10, as identified and shown on the official Ward Map of this City, shall constitute the Third Aldermanic District.