

AGENDA

FINANCE AND PERSONNEL COMMITTEE
MONONA PUBLIC LIBRARY, MUNICIPAL ROOM
1000 NICHOLS ROAD
MONDAY, JUNE 6, 2016
6:30 P.M.

1. Call to Order.
2. Roll Call.
3. Approval of Minutes from May 16, 2016.
4. Appearances.
5. Unfinished Business.
6. New Business.
 - A. Consideration of Resolution 16-6-2104 Providing for the Issuance of \$1,811,350 Taxable Tax Increment Project Revenue Bond (TID No. 9).
 - B. Consideration of Resolution 16-6-2103 Amending the 2016 Capital Budget to Complete Additional Street Repair and Maintenance.
 - C. Discussion of Recodification Section Proposals from Finance Director and City Administrator.
 - D. Discussion of Term Limits for Citizen Committee Members.
7. Acceptance of General Fund Accounts Payable Checks Dated May 13–June 2, 2016.
(Documentation of invoices paid is available in the City Clerk’s office.)
8. Adjournment.

NOTE: Upon reasonable notice, the City of Monona will accommodate the needs of disabled individuals through auxiliary aids or services. For additional information or to request this service, contact Joan Andrusz at (608) 222-2525 (not a TDD telephone number), FAX: (608) 222-9225, or through the City Police Department TDD telephone number 441-0399. The public is notified that any final action taken at a previous meeting may be reconsidered pursuant to the City of Monona ordinances. A suspension of the rules may allow for final action to be taken on an item of New Business. It is possible that members of and a possible quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information or speak about a subject, over which they have decision-making responsibility. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

FINANCE AND PERSONNEL COMMITTEE MINUTES
May 16, 2016

The regular meeting of the Finance and Personnel Committee for the City of Monona was called to order by Mayor Miller at 7:01 p.m.

Present: Mayor Robert Miller, Alderpersons Doug Wood and Jim Busse

Also Present: City Administrator April Little, Finance Director Marc Houtakker, Public Works Director Dan Stephany, and City Clerk Joan Andrusz

APPROVAL OF MINUTES

A motion by Alder Busse, seconded by Alder Wood to approve the Minutes of the May 2, 2016 Finance & Personnel Committee meeting, was carried.

APPEARANCES

There were no Appearances.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

Public Works Director Stephany reviewed the history of determining the Schluter Park Channel dredging assessments. Paragraph #4 states 10% will be charged to the four resident property owners. Paragraph #6 explains that payments can be received in one full payment or eight installments with an interest rate of 3.5%. Finance Director Houtakker reviewed the payment options. Some Belle Isle residents paid in full right away for that dredging assessment.

A motion by Alder Wood, seconded by Alder Busse to approve Resolution 16-5-2101 A Final Resolution Authorizing Levying Special Assessments Against Benefited Properties for Dredging Work to Schluter Park Channel. On a roll call vote, all members voted in favor of the motion.

Members agree it is not necessary to Convene in Closed Session pursuant to Wisconsin Statute Section 19.85(1)(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 (Claim of Bonita Fleming). Mayor Miller reviewed the accident; Ms. Fleming's car was hit by a police car at very low speed. Ms. Fleming has filed a claim for vehicle repairs and unspecified and undocumented bodily injuries. The City Attorney recommended payment of the lower vehicle repair estimate and denial of the bodily injury claim.

A motion by Alder Wood, seconded by Alder Busse to approve payment of the Claim of Bonita Fleming in the amount of \$2,923.08 for vehicle repairs and deny the claim seeking compensation for bodily injury was amended to follow the City Attorney's memorandum language.

A motion by Alder Wood, seconded by Alder Busse to grant partial approval of the Claim of Bonita Fleming in the amount of \$2,923.08 on the condition the claimant sign a general release in

the City's standard form waiving any further claim against the City and deny the portion of the claim seeking compensation for bodily injury as insufficiently supported, was carried.

Finance Director Houtakker reviewed recent Accounts Payables and he and Public Works Director Stephany answered member's questions. The elevated tank repainting and repair is complete and it will now hold water. No more equipment will be allowed to be installed unless existing equipment is removed. Strand Associates has been very diligent in monitoring this situation. The rental income received for equipment on the tank is substantial. Mayor Miller asks that Project Coordinator Bruun provide a presentation on solar panel system cost savings. Dane County now has the largest solar installation, making the City the second largest.

A motion by Alder Wood, seconded by Alder Busse to approve Acceptance of General Fund Accounts Payable Checks Dated April 29 through May 12, 2016, was carried.

ADJOURNMENT

A motion by Alder Wood, seconded by Alder Busse to adjourn, was carried. (7:19 p.m.)

Joan Andrusz
City Clerk

**Resolution No. 16-6-2104
Monona Common Council**

**A RESOLUTION PROVIDING FOR THE ISSUANCE OF
\$1,811,350 TAXABLE TAX INCREMENT PROJECT REVENUE BOND (TID NO. 9)**

WHEREAS, the City of Monona, Dane County, Wisconsin (the “City”), is presently in need of \$1,811,350 for the public purpose of financing the acquisition of property from the Inland Lakes Land Company, LLC in the City's Tax Incremental District No. 9 and paying related costs; and,

WHEREAS, it is desirable to borrow the funds needed for such purpose through the issuance of a tax increment project revenue bond pursuant to Section 66.0621, Wis. Stats.; and,

WHEREAS, due to the requirements of the Internal Revenue Code of 1986, as amended, it is necessary that such bond be issued on a taxable, rather than tax-exempt, basis.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Monona, Dane County, Wisconsin, that:

1. The City shall issue its Taxable Tax Increment Project Revenue Bond (TID No. 9) (the “Bond”) in the amount of \$1,811,350 for the public purpose of financing the acquisition of property from the Inland Lakes Land Company, LLC in the City's Tax Incremental District No. 9 and paying related costs.

2. The sale of the Bond shall be negotiated with Monona State Bank, and the terms of the Bond, including the dating, interest rates, maturity schedule and other details with respect to the Bond, shall be subject to approval by subsequent resolution of the Common Council.

Adopted this _____ day of _____, 2016.

BY ORDER OF THE CITY COUNCIL
CITY OF MONONA, WISCONSIN

Robert E. Miller
Mayor

ATTEST:

Joan Andrusz
City Clerk

Council Action:

Date Introduced: 6-6-16

Date Approved: _____

Date Disapproved: _____

City of Monona
POLICY AND FISCAL NOTE

| | | |
|----------------|--------------------------------------------|---------------------------------|
| _____ Original | <input checked="" type="checkbox"/> Update | Substitute No. _____ |
| | | Resolution No. <u>16-6-2104</u> |
| | | Ordinance Amendment No. _____ |

Title: \$1,796,850 Taxable Tax Increment Project Revenue Bond

Policy Analysis Statement:

Brief Description Of Proposal:

The City excised their option to purchase the Inland Lake Land Company building for \$1,846,850. The City has already paid \$50,000 in options which reduce the borrowing price to \$1,796,850. The City is recommending a 3-year taxable tax increment project revenue bond with Monona State Bank. The repayment of the bond will come due the same time as the EDS and Chase Bank note. At that time, the City will have started to receive tax increment and can combine the three notes into one long-term note.

Current Policy Or Practice:

Impact Of Adopting Proposal:

Purchase of the Inland Lake Land Company, LLC building

Fiscal Estimate:

Fiscal Effect (check/circle all that apply)

- No fiscal effect
- Creates new expenditure account
- Creates new revenue account
- Increases expenditures
- Increases revenues
- Increases/decreases fund balance _____ Fund

Budget Effect:

- Expenditure authorized in budget
- No change to budget required
- Expenditure not authorized in budget
- Budget amendment required

Vote Required:

- Majority
- Two-Thirds

Narrative/assumptions About Long Range Fiscal Effect:

Expenditure/Revenue Changes:

| Budget Amendment No. <u>14-7</u> | | | | No Budget Amendment Required _____ | | | | |
|----------------------------------|----|---------|--------|------------------------------------|------------------------|-----------|-----------|----------------|
| Account Number | | | | Account Name | Budget Prior to Change | Debit | Credit | Amended Budget |
| Fund | CC | Account | Object | | | | | |
| 412 | 57 | 57000 | 600 | Land Purchase | 0 | 1,796,850 | | 1,796,850 |
| 412 | 40 | 49100 | 000 | Proceed from Debt | 0 | 0 | 1,796,850 | 1,796,850 |
| Totals | | | | | | | | |

Prepared By:

Department: Finance Department
Prepared By: Marc Houtakker
Reviewed By:

Date: June 2, 2016
Date:

**Resolution No. 16-6-2103
Monona Common Council**

**A RESOLUTION AMENDING THE 2016 CAPITAL BUDGET TO COMPLETE
ADDITIONAL STREET REPAIR AND MAINTENANCE**

WHEREAS, the 2016 Capital Budget includes \$275,000 to complete annual street repair and maintenance, and contracts for resurfacing and micro surfacing total \$268,075.78 in 2016; and,

WHEREAS, in addition to the micro surfacing and resurfacing project, the Director of Public Works would like to complete infrared seamless patching at approximately 18 locations in 2016; and,

WHEREAS, the 2016 Capital Budget includes \$26,500 to complete epoxy pavement marking at the South Towne roundabout, and the contract to complete this work totals \$13,445; and,

WHEREAS, the Director of Public Works is requesting the 2016 Capital Budget be amended to reallocate \$12,500 from the South Towne Pavement Marking account to the Street Maintenance and Repair account to complete the infrared seamless patching work; and,

WHEREAS, the Public Works Committee discussed this topic at its June 1, 2016 meeting and is recommending the 2016 Capital Budget be amended to reallocate \$12,500 to complete infra-red seamless patching.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Monona, Dane County, Wisconsin, hereby authorizes amending the 2016 Capital Budget to reallocate \$12,500 to the 2016 Street Maintenance and Repair account to complete infrared seamless patching.

Adopted this _____ day of _____, 2016.

BY ORDER OF THE CITY COUNCIL
CITY OF MONONA, WISCONSIN

Robert E. Miller
Mayor

ATTEST:

Joan Andrusz
City Clerk

Approval Recommended By: Public Works Committee – 6/1/16

Council Action:

Date Introduced: 6-6-16

Date Approved: _____

Date Disapproved: _____

City of Monona
POLICY AND FISCAL NOTE

| | | |
|----------------------------------------------|---------------------------------|---------------------------------|
| <input checked="" type="checkbox"/> Original | <input type="checkbox"/> Update | Substitute No. _____ |
| | | Resolution No. 16-6-2103 |
| | | Ordinance Amendment No. _____ |

Title:
 2016 Capital Budget Amendment to Complete Additional Street Repair and Maintenance

Policy Analysis Statement:

Brief Description Of Proposal:

A capital budget amendment is requested to complete additional street maintenance and repair to approximately 18 locations throughout the City. The 2016 Capital Budget includes \$275,000 to complete street repair, and the resurfacing and micro surfacing contracts total \$268,075.78. The South Towne Pavement Marking account includes \$26,500, and the contract to complete this work totals \$13,445. The public works director is requesting approval to transfer \$12,500 to the Street Maintenance and Repair account. The remaining balance in the Street Maintenance and Repair account (\$6,924.22), in addition to the requested \$12,500, would be used to complete infrared seamless patching throughout the City.

Current Policy Or Practice:

The will be allocated to the 2016 Capital Budget, Street Repair & Maintenance Program, and Annual Sewer Repair account.

Impact Of Adopting Proposal:

Street Repair Capital Budget Funding: \$275,000
 Revised Allocation: \$287,500

South Towne Pavement Marking Funding: \$26,500
 Revised Allocation: \$14,000

Manhole Adjustment Bid Amount: \$1,800 (allocated to Annual Sewer Repair account in capital budget)

Fiscal Estimate:

Fiscal Effect (check/circle all that apply)

- No fiscal effect
- Creates new expenditure account
- Creates new revenue account
- Increases expenditures
- Increases revenues
- Increases/decreases fund balance _____ Fund

Budget Effect:

- Expenditure authorized in budget
- No change to budget required
- Expenditure not authorized in budget
- Budget amendment required

Vote Required:

- Majority
- Two-Thirds

Narrative/assumptions About Long Range Fiscal Effect:

Expenditure/Revenue Changes:

| Budget Amendment No. _____ | | | | No Budget Amendment Required _____ | | | | |
|----------------------------|----|---------|--------|-------------------------------------|------------------------|----------|----------|----------------|
| Account Number | | | | Account Name | Budget Prior to Change | Debit | Credit | Amended Budget |
| Fund | CC | Account | Object | | | | | |
| 400 | 57 | 57330 | 903 | Street Repair & Maintenance Program | \$275,000 | \$12,500 | | \$287,500 |
| 400 | 57 | 57330 | 986 | South Towne Pavement Marking | \$26,500 | | \$12,500 | \$14,000 |
| | | | | | | | | |
| | | | | | | | | |

Prepared By:

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|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| Department: Public Works Prepared By: Daniel Stephany, Dir Public Works Reviewed By: Marc Houtakker, Finance Director | Date: May 20, 2016 Date: May 31, 2016 |
|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------|

PART I, ADMINISTRATIVE LEGISLATION

Ch. 1, General Provisions

Art. I, Construction and Penalties

Title 1, Ch. 1, §§ 1-1-2, 1-1-3, 1-1-5, 1-1-7 and 1-1-8, of the 1994 Code

- A. In § 1-1M the wording "the Wisconsin Statutes for the year 1991-92" could be revised to read "the Wisconsin Statutes as of the adoption of this Code, as amended or renumbered from time to time." See § 1-1N for similar wording.

Decision:

- Revise as indicated.
- Revise as follows: _____

- B. Section 1-4A, General penalty.

- (1) This section establishes a general penalty for violations of the Code, where no other penalty is provided, as follows: for a first offense, a forfeiture of not less than \$50 nor more than \$1,000; for a second offense within one year, a forfeiture of not less than \$100 nor more than \$2,000. Is this penalty still satisfactory?

Decision:

- Revise as follows: _____
- Retain as written. (bc)

- (2) Many municipalities also provide for a term of imprisonment on default of payment of the forfeiture and costs. The following is typical wording:

First offense-penalty. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$50 nor more than \$1,000, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.

Second and subsequent offenses-penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$100 nor more than \$2,000 for each such offense, together with costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding six months.

Decision:

- Add underlined wording as set forth above. (RC)
- Revise as follows: (revisions are attached separately).
- Make no change.

(3) Section 1-4D(1) refers to the Forfeiture and Deposit Schedule. We have excluded the schedule from the Code and will revise the wording to read "Any person who shall violate any of the ordinances listed in the below Forfeiture and Deposit Schedule established by the Municipal Court shall pay the forfeiture listed, in addition to costs and surcharges. The deposit amount for the ordinances listed in the below Forfeiture and Deposit Schedule shall be the same as the forfeiture amount." Fee, Fee, Fee,

→ approved by the City Council

Decision:

- Approve above revision. with edits
- Other: _____

Art. II, Adoption of Code

New

In conjunction with the publication of the new Code, we will provide the City with an ordinance to adopt the Code. This article is reserved for the inclusion of that ordinance following its adoption.

Ch. 7, Administrative Review

Title 4, Ch. 1, of the 1994 Code

A. In § 7-3D we recommend the following revision: "The grant, denial, suspension or revocation of an alcohol beverage license under § 125.12(1), Wis. Stats." See § 68.03(5), Wis. Stats. If this change is made we will also change "a fermented malt beverage or intoxicating liquor license" in § 7-2A to "an alcohol beverage license" for the sake of consistency. See § 68.02(1), Wis. Stats.

Decision:

- Revise as indicated.
- Retain as written.

B. The definition of "municipal authority" in § 7-4 could be revised as follows for consistency with § 7-1: "Includes the Common Council or a board, commission, committee, agency, officer, employee or agent of the City making a determination under § 7-1 . . ."

Chapter 1

GENERAL PROVISIONS

**ARTICLE I
Construction and Penalties**

§ 1-5. City Clerk to maintain copies of documents incorporated by reference.

§ 1-1. Principles of Construction.

§ 1-2. Conflict of provisions.

§ 1-3. Effective date of ordinances.

§ 1-4. Penalties.

**ARTICLE II
Adoption of Code**

[HISTORY: Adopted by the Common Council of the City of Monona as indicated in article histories. Amendments noted where applicable.]

**ARTICLE I
Construction and Penalties**

[Adopted as Title 1, Ch. 1, §§ 1-1-2, 1-1-3, 1-1-5, 1-1-7 and 1-1-8, of the 1994 Code]

§ 1-1. Principles of Construction.

The following rules or meanings shall be applied in the construction and interpretation of ordinances codified in this Code of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:

- A. Acts by agents. When an ordinance requires an act be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
- B. City. "City" shall refer to the City of Monona, Dane County, Wisconsin.
- C. Code and Code of Ordinances. The words "Codes," "Municipal Code" and "Code of Ordinances" when used in any section of this Code shall refer to this Code of Ordinances of the City of Monona unless the context of the section clearly indicates otherwise.
- D. Computation of time. In computing any period of time prescribed or allowed by these Ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this section, "legal holiday" means any statewide legal holiday specified by state law and any other City holiday designated by the Common Council.
- E. Fine. The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.
- F. Gender. Every word in these Ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa; the masculine gender is used solely in the interest of brevity.

- G. General rule. All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Ordinances.
- H. Joint authority. All words purporting to give a joint authority to three or more City officers or employees shall be construed as giving such authority to a majority of such officers of other persons.
- I. Person. The word "person" shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
- J. Repeal. When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
- K. Singular and plural. Every word in these Ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these Ordinances referred to a plural number shall also be construed to apply to one person or thing.
- L. Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- M. Wisconsin statutes. The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes for the year 1991-92, as amended.
- N. Wisconsin administrative code. The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

§ 1-2. Conflict of provisions.

- A. If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.
- B. If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

§ 1-3. Effective date of ordinances.

- A. Code. The Code of Ordinances, City of Monona, Wisconsin, shall take effect from and after passage and publication as provided by state law.

- B. Subsequent ordinances. All Ordinances passed by the Common Council subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

§ 1-4. Penalties. [Amended 7-20-2009 by Ord. No. 07-09-596]

- A. General penalty. Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
- (1) First offense-penalty. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$50 nor more than \$1,000, together with the costs of prosecution.
 - (2) Second and subsequent offenses-penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$100 nor more than \$2,000 for each such offense, together with costs of prosecution.
- B. Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- C. Other remedies.
- (1) The City shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.
 - (2) Execution against defendant's property. Whenever any person fails to pay a forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the City, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.
- D. Forfeiture and deposit schedule.
- (1) Any person who shall violate any of the ordinances listed in the below Forfeiture and Deposit Schedule shall pay the forfeiture listed, in addition to costs and surcharges. The deposit amount for the ordinances listed in the below Forfeiture and Deposit Schedule shall be the same as the forfeiture amount.
 - (2) Traffic citations and Chapter 125 violations. The deposit amounts set forth in the Revised Uniform State Traffic Deposit Schedule and adopted by the Wisconsin Judicial Conference, as may be amended, shall apply for traffic violations governed by § 345.27, Wis. Stats., boating violations governed by § 30.77, Wis. Stats., and alcohol violations governed by Chapter 125, Wis. Stats.

- (3) Unless otherwise provided for in this section or elsewhere in the Code of Ordinances, if a forfeiture for a violation is set with no penalty range then the deposit amount for that violation shall be the amount of the forfeiture, in addition to costs and surcharges. For offenses with a penalty range and a maximum forfeiture of \$100 or greater, then the deposit amount shall be \$100, in addition to costs and surcharges. For those violations that have a penalty range and a maximum forfeiture not exceeding \$100, then the deposit amount shall be the maximum forfeiture, in addition to costs and surcharges.

§ 1-5. City Clerk to maintain copies of documents incorporated by reference.

Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the City Clerk shall maintain in his office a copy of any such material as adopted and as amended from time to time. Materials on file at the City Clerk's office shall be considered public records open to reasonable examination by any person during the office hours of the City Clerk subject to such restrictions on examination as the City Clerk imposes for the preservation of the material.

**ARTICLE II
Adoption of Code**

[An ordinance adopting the Code of the City of Monona and making certain substantive changes to existing ordinances of the Code is presently proposed before the Common Council. Upon final adoption, it will be included here as Article II of this chapter.]

Chapter 7

ADMINISTRATIVE REVIEW

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>§ 7-1. Review of administrative determinations.</p> <p>§ 7-2. Determinations reviewable.</p> <p>§ 7-3. Determinations not subject to review.</p> <p>§ 7-4. Municipal authority defined.</p> <p>§ 7-5. Persons aggrieved.</p> <p>§ 7-6. Reducing determination to writing.</p> | <p>§ 7-7. Request for review of determination.</p> <p>§ 7-8. Review of determination.</p> <p>§ 7-9. Administrative appeal.</p> <p>§ 7-10. Hearing on administrative appeal.</p> <p>§ 7-11. Final determination.</p> <p>§ 7-12. Judicial review.</p> <p>§ 7-13. Legislative review.</p> |
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[HISTORY: Adopted by the Common Council of the City of Monona as Title 4, Ch. 1, of the 1994 Code. Amendments noted where applicable.]

§ 7-1. Review of administrative determinations.

Any person aggrieved by an administrative determination of the Common Council or a board, commission, committee, agency, officer or employee of the City of Monona or agent acting on its behalf may have such determination reviewed as provided in this chapter. The remedies under this chapter shall not be exclusive, but an election to proceed hereunder shall be an election of remedies.

§ 7-2. Determinations reviewable.

The following determinations are reviewable under this chapter:

- A. The grant or denial in whole or in part after application of an initial permit, license, right, privilege or authority, except a fermented malt beverage or intoxicating liquor license.
- B. The suspension, revocation or nonrenewal of an existing permit, license right, privilege or authority, except as provided in § 7-3D.
- C. The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.
- D. The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.
- E.** The suspension or removal of a City officer except as provided in § 7-3B and G.

§ 7-3. Determinations not subject to review.

The following determinations are not reviewable under this chapter:

- A. A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the Common Council.
- B. Any action subject to administrative or judicial review procedures under state statute or other provisions of this Code.
- C. The denial of a tort or contract claim for money required to be filed with the City under Sec. 62.25, Wis. Stats.
- D. The grant, denial, suspension or revocation of a fermented malt beverage or intoxicating liquor license under Chapter 125, Wis. Stats.
- E. Judgments and orders of a court.
- F. Determinations made during municipal labor negotiations.
- G. Determinations subject to grievance, arbitration or other procedures provided in collective bargaining agreements or the City's personnel rules and regulations.

§ 7-4. Municipal authority defined.

As used in this chapter, the following terms shall have the meanings indicated:

MUNICIPAL AUTHORITY — Includes the Common Council, commission, committee, agency, officer, employee, or agent of the City making a determination under § 7-1 and every person, committee, or agency of the City to make an independent review under § 7-8B.

§ 7-5. Persons aggrieved.

A person aggrieved includes any individual, partnership, corporation, association, public or private organization; officer, department, board, commission or agency of the City whose rights, duties or privileges are adversely affected by a determination of a municipal authority.

No department, board, commission, agency, officer or employee of the City who is aggrieved may initiate review under this chapter of a determination of any other department, board, commission, agency, officer or employee of the City but may respond or intervene in a review proceeding under this chapter initiated by another.

§ 7-6. Reducing determination to writing.

If a determination subject to this chapter is made orally or, if in writing, does not state the reasons therefor, the municipal authority making such determination shall, upon written request of any person aggrieved by such determination made within 10 days of notice of such determination, reduce the determination and the reasons therefor to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated and shall advise such person of his right to have such determination reviewed, that such review may be obtained within 30 days, and the office or person to whom a request for review shall be addressed.

§ 7-7. Request for review of determination.

Any person aggrieved may have a written or oral determination reviewed by written request mailed or delivered to the municipal authority which made such determination within 30 days of notice to such person of such determination. The request for review shall state the grounds upon which the person aggrieved contends that the determination should be modified or reversed. A request for review shall be made to the officer, employee, agent, agency, committee, board, commission or body who made the determination, but failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.

§ 7-8. Review of determination.

A. Initial determination. If a request for review is made under § 7-7, the determination to be reviewed shall be termed an initial determination.

B. Who shall make review. A review under this section may be made by the officer, employee, agent, agency, committee, board, commission or body who made the initial determination. However, an independent review of such determination by another person, committee or agency of the City, appointed by the Mayor without confirmation, shall be provided if practicable.

X

C. When to make review. The municipal authority shall review the initial determination within 15 days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.

D. Right to present evidence and argument. The person aggrieved may file with his request for review, or within the time agreed with the municipal authority, written evidence and argument in support of his position with respect to the initial determination.

E. Decision on review. The municipal authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review which shall state the reasons for such decision. The decision shall advise the person aggrieved of his right to appeal the decision, that appeal may be taken within 30 days, and the office or person with whom notice of appeal shall be filed.

§ 7-9. Administrative appeal.

A. From initial determination or decision on review.

(1) If the person aggrieved had a hearing substantially in compliance with § 7-10 when the initial determination was made, he may elect to follow §§ 7-6 through 7-8, but is not entitled to a further hearing under § 7-10 unless granted by the municipal authority. He may, however, seek judicial review under § 7-12.

(2) If the person aggrieved did not have a hearing substantially in compliance with § 7-10 when the initial determination was made, he shall follow §§ 7-6 through 7-8 and may appeal under this section from the decision made under § 7-8.

Sections reversed from start

- B. Time within which appeal may be taken under this section. Appeal from a decision on review under § 7-8 may be taken within 30 days of notice of such decision.
- C. How appeal may be taken. An appeal under this section may be taken by filing with or mailing to the office or person designated in the municipal authority's decision on review written notice of appeal.

§ 7-10. Hearing on administrative appeal.

- A. Time of hearing. The City shall provide the appellant a hearing on an appeal under § 7-9 within 15 days of receipt of the notice of appeal and shall serve the appellant with notice of such hearing by mail or personal service at least 10 days before such hearing. The office or person with whom a notice of appeal is filed shall immediately notify the City Attorney and City Clerk who shall forthwith advise the Mayor of such appeal.
- B. Conduct of hearing. At the hearing the appellant and the municipal authority may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The Mayor shall appoint an impartial decision maker who may be an officer, committee, board or commission of the City or the Common Council who did not participate in making or reviewing the initial determination, who shall make the decision on administrative appeal. The decision maker may issue subpoenas. The hearing may, however, be conducted by an impartial person, committee, board or commission designated by the Mayor to conduct the hearing and report to the decision maker.
- C. Record of hearing. The person conducting the hearing or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the City.
- D. Hearing on initial determination. Where substantial existing rights are affected by an initial determination, the municipal authority making such determination shall, when practicable, give any person directly affected an opportunity to be heard in accordance with this section before making such determination.

§ 7-11. Final determination.

- A. Within 20 days of completion of the hearing conducted under § 7-10 and the filing of briefs, if any, the decision maker shall mail or deliver to the appellant its written determination stating the reasons therefor. Such determination shall be a final determination.
- B. A determination following a hearing substantially meeting the requirements of § 7-10 or a decision on review under § 7-8 following such hearing shall be a final determination, judicial review of which may be obtained under § 7-12.

§ 7-12. Judicial review.

- A. Any party to a proceeding resulting in a final determination may seek review thereof by writ of certiorari within 30 days of receipt of the final determination.
- B. The record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at his expense. If the person seeking review established impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the City and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

§ 7-13. Legislative review.

- A. Seeking review pursuant to this chapter does not preclude a person aggrieved from seeking relief from the Common Council or any of its boards, commissions, committees or agencies which may have jurisdiction.
- B. If in the course of legislative review under this section a determination is modified, such modification and any evidence adduced before the Common Council, board, commission, committee or agency shall be made part of the record on review under § 7-12.
- C. The Common Council, board, commission, committee or agency conducting a legislative review under this section need not conduct the type of hearing required under § 7-10.

CHAPTER 68

MUNICIPAL ADMINISTRATIVE PROCEDURE

- 68.001 Legislative purpose.
- 68.01 Review of administrative determinations.
- 68.02 Determinations reviewable.
- 68.03 Determinations not subject to review.
- 68.04 Municipalities included.
- 68.05 Municipal authority defined.
- 68.06 Persons aggrieved.
- 68.07 Reducing determination to writing.
- 68.08 Request for review of determination.
- 68.09 Review of determination.
- 68.10 Administrative appeal.
- 68.11 Hearing on administrative appeal.
- 68.12 Final determination.
- 68.13 Judicial review.
- 68.14 Legislative review.
- 68.15 Availability of methods of resolving disputes.
- 68.16 Election not to be governed by this chapter.

68.001 Legislative purpose. The purpose of this chapter is to afford a constitutionally sufficient, fair and orderly administrative procedure and review in connection with determinations by municipal authorities which involve constitutionally protected rights of specific persons which are entitled to due process protection under the 14th amendment to the U.S. constitution.

History: 1975 c. 295.

Investigatory and adjudicatory functions in administrative proceedings are discussed. *DeLuca v. Common Council*, 72 Wis. 2d 672, 242 N.W.2d 689 (1976).

68.01 Review of administrative determinations. Any person having a substantial interest which is adversely affected by an administrative determination of a governing body, board, commission, committee, agency, officer or employee of a municipality or agent acting on behalf of a municipality as set forth in s. 68.02, may have such determination reviewed as provided in this chapter. The remedies under this chapter shall not be exclusive. No department, board, commission, agency, officer or employee of a municipality who is aggrieved may initiate review under this chapter of a determination of any other department, board, commission, agency, officer or employee of the same municipality, but may respond or intervene in a review proceeding under this chapter initiated by another.

History: 1975 c. 295.

68.02 Determinations reviewable. The following determinations are reviewable under this chapter:

- (1) The grant or denial in whole or in part after application of an initial permit, license, right, privilege, or authority, except an alcohol beverage license.
- (2) The suspension, revocation or nonrenewal of an existing permit, license, right, privilege, or authority, except as provided in s. 68.03 (5).

- (3) The denial of a grant of money or other thing of substantial value under a statute or ordinance prescribing conditions of eligibility for such grant.
- (4) The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.

History: 1975 c. 295; 1981 c. 79.

68.03 Determinations not subject to review. Except as provided in s. 68.02, the following determinations are not reviewable under this chapter:

- (1) A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the governing body of a municipality.
- (2) Any action subject to administrative or judicial review procedures under other statutes.
- (3) The denial of a tort or contract claim for money, required to be filed with the municipality pursuant to statutory procedures for the filing of such claims.
- (4) The suspension, removal or disciplining or nonrenewal of a contract of a municipal employee or officer.
- (5) The grant, denial, suspension or revocation of an alcohol beverage license under s. 125.12 (1).
- (6) Judgments and orders of a court.
- (7) Determinations made during municipal labor negotiations.
- (8) Any action which is subject to administrative review procedures under an ordinance providing such procedures as defined in s. 68.16.
- (9) Notwithstanding any other provision of this chapter, any action or determination of a municipal authority which does not involve the constitutionally protected right of a specific person or persons to due process in connection with the action or determination.

History: 1975 c. 295; 1981 c. 79.

68.04 Municipalities included. In this chapter, "municipality" includes any county, city, village, town, technical college district, special purpose district, or board or commission thereof, and any public or quasi-public corporation or board or commission created pursuant to statute, ordinance, or resolution, but does not include the state, a state agency, a corporation chartered by the state, or a school district as defined in s. 115.01 (3).

History: 1975 c. 295; 1993 a. 399; 2015 a. 196.

68.05 Municipal authority defined. "Municipal authority" includes every municipality and governing body, board, commission, committee, agency, officer, employee, or agent thereof making a determination under s. 68.01, and every person, committee or agency of a municipality appointed to make an independent review under s. 68.09 (2).

History: 1975 c. 295.

68.06 Persons aggrieved. A person aggrieved includes any individual, partnership, limited liability company, corporation, association, public or private organization, officer, department, board, commission or agency of the municipality, whose rights, duties or privileges are adversely affected by a determination of a municipal authority.

History: 1975 c. 295; 1993 a. 112.

68.07 Reducing determination to writing. If a determination subject to this chapter is made orally or, if in writing, does not state the reasons therefor, the municipal authority making such determination shall, upon written request of any person aggrieved by such determination made within 10 days of notice of such determination, reduce the determination and the reasons therefor to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated, and shall advise such person of the right to have such

determination reviewed, the time within which such review may be obtained, and the office or person to whom a request for review shall be addressed.

History: 1975 c. 295, 421.

68.08 Request for review of determination. Any person aggrieved may have a written or oral determination reviewed by written request mailed or delivered to the municipal authority which made such determination within 30 days of notice to such person of such determination. The request for review shall state the ground or grounds upon which the person aggrieved contends that the decision should be modified or reversed. A request for review shall be made to the officer, employee, agent, agency, committee, board, commission or body who made the determination but failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.

History: 1975 c. 295.

68.09 Review of determination.

- (1) INITIAL DETERMINATION. If a request for review is made under s. 68.08, the determination to be reviewed shall be termed an initial determination.
- (2) WHO SHALL MAKE REVIEW. A review under this section may be made by the officer, employee, agent, agency, committee, board, commission or body who made the initial determination. However, an independent review of such initial determination by another person, committee or agency of the municipality may be provided by the municipality.
- (3) WHEN TO MAKE REVIEW. The municipal authority shall review the initial determination within 15 days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.
- (4) RIGHT TO PRESENT EVIDENCE AND ARGUMENT. The person aggrieved may file with the request for review or within the time agreed with the municipal authority written evidence and argument in support of the person's position with respect to the initial determination.
- (5) DECISION ON REVIEW. The municipal authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review, which shall state the reasons for such decision. The decision shall advise the person aggrieved of the right to appeal the decision, the time within which appeal shall be taken and the office or person with whom notice of appeal shall be filed.

History: 1975 c. 295, 421.

68.10 Administrative appeal.

- (1) FROM INITIAL DETERMINATION OR DECISION ON REVIEW.
 - (a) If the person aggrieved did not have a hearing substantially in compliance with s. 68.11 when the initial determination was made, the person may appeal under this section from the decision on review and shall follow the procedures set forth in ss. 68.08 and 68.09.
 - (b) If the person aggrieved had a hearing substantially in compliance with s. 68.11 when the initial determination was made, the person may elect to follow the procedures provided in ss. 68.08 and 68.09, but is not entitled to appeal under this section unless granted by the municipal authority. The person may, however, seek review under s. 68.13. *Judicial Review (section)*
- (2) TIME WITHIN WHICH APPEAL MAY BE TAKEN UNDER THIS SECTION. Appeal from a decision on review under s. 68.09 shall be taken within 30 days of notice of such decision.
- (3) HOW APPEAL MAY BE TAKEN. An appeal under this section may be taken by filing with or mailing to the office or person designated in the municipal authority's decision on review, written notice of appeal.

History: 1975 c. 295, 421.

68.11 Hearing on administrative appeal.

- (1) TIME OF HEARING. The municipality shall provide the appellant a hearing on an appeal under s. 68.10 within 15 days of receipt of the notice of appeal filed or mailed under s. 68.10 and shall serve the appellant with notice of such hearing by mail or personal service at least 10 days before such hearing.
- (2) CONDUCT OF HEARING. At the hearing, the appellant and the municipal authority may be represented by an attorney and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The municipality shall provide an impartial decision maker, who may

be an officer, committee, board, commission or the governing body who did not participate in making or reviewing the initial determination, who shall make the decision on administrative appeal. The decision maker may issue subpoenas. An appellant's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence. A subpoena issued by an attorney must be in substantially the same form as provided in s. 805.07 (4) and must be served in the manner provided in s. 805.07 (5). The attorney shall, at the time of issuance, send a copy of the subpoena to the decision maker. The hearing may, however, be conducted by an impartial person, committee, board or commission designated to conduct the hearing and report to the decision maker.

- (3) **RECORD OF HEARING.** The person conducting the hearing or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the municipality.

History: 1975 c. 295; 1989 a. 139.

The review of a city council decision by an administrative review appeals board that included the mayor did not violate the requirement of an impartial decision maker when the mayor did not participate in making or reviewing the resolution. *City News & Novelty, Inc. v. City of Waukesha*, 231 Wis. 2d 93, 604 N.W.2d 870 (Ct. App. 1999), 97-1504.

68.12 Final determination.

- (1) Within 20 days of completion of the hearing conducted under s. 68.11 and the filing of briefs, if any, the decision maker shall mail or deliver to the appellant its written determination stating the reasons therefor. Such determination shall be a final determination.
- (2) A determination following a hearing substantially meeting the requirements of s. 68.11 or a decision on review under s. 68.09 following such hearing shall also be a final determination.

History: 1975 c. 295.

68.13 Judicial review.

- (1) Any party to a proceeding resulting in a final determination may seek review thereof by certiorari within 30 days of receipt of the final determination. The court may affirm or reverse the final determination, or remand to the decision maker for further proceedings consistent with the court's decision.
- (2) If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at the requester's expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the municipality and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

History: 1975 c. 295, 421; 1981 c. 289.

Judicial Council Note, 1981: Reference in sub. (1) to a "writ" of certiorari has been removed because that remedy is now available in an ordinary action. See s. 781.01, stats., and the note thereto. [Bill 613-A]

A litigant cannot bring a claim for money damages grounded upon 42 U.S.C. s. 1983 in a certiorari proceeding under ch. 68. Failure to join an s. 1983 claim with a ch. 68 certiorari action does not preclude the claimant from bringing an s. 1983 claim. *Hanlon v. Town of Milton*, 2000 WI 61, 235 Wis. 2d 597, 612 N.W.2d 44, 99-1980.

The requirement of procedural due process is met if the state provides adequate post-deprivation remedies.

Certiorari under this section is an adequate remedy. Failure to pursue certiorari under this section barred a claim that procedural due process was denied. *Thorp v. Town of Lebanon*, 2000 WI 60, 235 Wis. 2d 610, 612 N.W.2d 59, 98-2358.

This section unambiguously provides authority for the remand of an agency final order for further proceedings necessary to insure the legislative purpose set forth in s. 68.001. The circuit court had authority to remand a s. 68.12 final determination based upon a reconsideration motion that presented newly discovered recantation evidence. *M.H. v. Winnebago County Department of Health & Human Services*, 2006 WI App 66, 292 Wis. 2d 417, 714 N.W.2d 241, 05-0871.

A court should not defer to a municipality's interpretation of a statewide standard. Doing so would give one locality disproportionate authority to influence state standards established by the legislature. If the language

of the municipality's ordinance appears to be unique and does not parrot a state statute but rather the language was drafted by the municipality in an effort to address a local concern, applying a presumption of correctness, the court will defer to the municipality's interpretation if it is reasonable. *Ottman v. Town of Primrose*, 2011 WI 18, 332 Wis. 2d 3, 796 N.W.2d 411, 08-3182.

A municipality's interpretation of its own ordinance is unreasonable if it is contrary to law, if it is clearly contrary to the intent, history, or purpose of the ordinance, or if it is without a rational basis. An interpretation that directly contravenes the words of the ordinance is also unreasonable. *Ottman v. Town of Primrose*, 2011 WI 18, 332 Wis. 2d 3, 796 N.W.2d 411, 08-3182.

A certiorari court cannot order a board to perform a certain act. Thus, a court on certiorari review was without statutory authority to provide the equitable relief requested in this case. Certiorari exists to test the validity of decisions by administrative or quasi-judicial bodies. The scope of certiorari extends to questions of jurisdiction, power and authority of the inferior tribunal to do the action complained of, as well as questions relating to the irregularity of the proceedings. *Guerrero v. City of Kenosha Housing Authority*, 2011 WI App 138, 337 Wis. 2d 484, 805 N.W.2d 127, 10-2305.

68.14 Legislative review.

- (1) The seeking of a review pursuant to s. 68.10 or 68.13 does not preclude a person aggrieved from seeking relief from the governing body of the municipality or any of its boards, commissions, committees, or agencies which may have jurisdiction.
- (2) If in the course of legislative review under this section, a determination is modified, such modification and any evidence adduced before the governing body, board, commission, committee or agency shall be made part of the record on review under s. 68.13.
- (3) The governing body, board, commission, committee or agency conducting a legislative review under this section need not conduct the type of hearing required under s. 68.11.

History: 1975 c. 295.

68.15 Availability of methods of resolving disputes. This chapter does not preclude any municipality and person aggrieved from employing arbitration, mediation or other methods of resolving disputes, and does not supersede contractual provisions for that purpose.

History: 1975 c. 295.

68.16 Election not to be governed by this chapter. The governing body of any municipality may elect not to be governed by this chapter in whole or in part by an ordinance or resolution which provides procedures for administrative review of municipal determinations.

History: 1975 c. 295.

In order for a municipality to elect not to be governed by a particular section of ch. 68, the municipality must enact an ordinance that shows that it chooses to opt out of the particular section. *Tee & Bee, Inc. v. City of West Allis*, 214 Wis. 2d 194, 571 N.W.2d 438 (Ct. App. 1997), 96-2143.

Menu » Statutes Related » Statutes » Chapter 68

City of Monona, WI

Decision:

- Revise as indicated.
- Retain as written.

- C. Section 7-5 currently reads "No department...may respond or intervene in a review proceeding under this chapter." We will make the following corrections: "A department, board, commission, agency, officer or employee of the City who or which is aggrieved may not initiate review under this chapter of a determination of any other department, board, commission, agency, officer or employee of the City but may respond or intervene in a review proceeding under this chapter initiated by another."
- D. In § 7-12A, "writ of certiorari" could be revised to remove "writ of." In § 68.13 (1), Wis. Stats., reference to a "writ of" certiorari has been removed because that remedy is now available in an ordinary action.

Decision:

- Revise to match statute as suggested.
- Retain as written.

Ch. 18, Boards, Commissions and Committees

Title 2, Ch. 4, of the 1994 Code

- A. Plan Commission, § 18-1. Section 18-1A provides that there shall be eight members: two Common Council Members and six citizen members. Section 62.23, Wis. Stats., states that the Plan Commission shall consist of seven members.

Decision:

- Revise as follows: _____
- Retain as written.

- B. In § 18-2, Zoning Board of Appeals.

- (1) We have updated the reference in Subsection A(1) to § 62.23(7)(e).
- (2) 2005 Act 34 established a requirement that two alternate members be appointed to the Board (previously alternate members were optional). See § 62.23(7)(e), Wis. Stats., which states:

The mayor shall appoint, for staggered terms of 3 years, 2 alternate members of such board, in addition to the 5 members above provided for. Annually, the mayor shall designate one of the alternate members as 1st alternate and the other as 2nd

alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent.

Decision:

Revise § 18-2A(2) as follows: "The Mayor ~~may~~ shall appoint ~~one or~~ two alternate members for staggered terms of three years, who shall act with full power, only when a member of the Board refuses to vote because of interest or is absent."

Retain as written.

- C. In § 18-4, Transit Commission, Subsection B(2) states "Citizen members. The **four citizen members** of the Commission shall be appointed by the Mayor subject to confirmation by the Council. The terms of the first citizen members shall be staggered so that **three are appointed for one-year terms and four are appointed for two-year terms**. Thereafter each citizen member shall be appointed for a two-year term beginning May 1." In describing the terms of the first members, the total membership equals seven, not four.

Decision:

Revise as follows:
Citizen members. The four citizen members of the Commission shall be appointed by the Mayor subject to confirmation by the Council. ~~The terms of the first citizen members shall be staggered so that three are appointed for one-year terms and four are appointed for two-year terms. Thereafter each citizen member shall be appointed for a two-year term beginning May 1.~~

Other: _____

- D. In § 18-11 we have updated the reference to § 66.4325, Wis. Stats., to § 66.1335, Wis. Stats.
- E. Sections 18-12C(2) and 18-17C(2) refer to the Finance Committee. Should this title be revised to the Finance and Personnel Committee (see § 18-14)?

Decision:

Revise to Finance and Personnel Committee.

Retain as written.

Double check this

- F. In § 18-13C we have updated the reference to "Title 7 of this Code of Ordinances" to refer to the new chapter numbers of former Title 7, as follows: "Chapters 63, Art. IV, 145, 159, 191, 198, 238, 272, Art. I, 296, 303, 328, 395, Art II, 404 and 457 of this Code." Please confirm that this is correct or indicate any revisions.

City of Monona, WI

Decision:

- Updated references are correct as-is.
- Revise as follows: _____

G. Section 18-19C(2)(c) refers to the Broadband Telecommunications Citizens Commission, although the title used in § 18-10 is the Community Media Committee. Are these references to the same body? And if so, what is the correct title/title currently used?

Decision:

- Use Community Media Committee.
- Use Broadband Telecommunications Citizens Commission.
- Make no changes; two different bodies are referred to.

H. Section 18-19C(2)(e) refers to the Parks Gifts Committee. This Committee is not otherwise referenced in this chapter; is it a currently existing Committee?

Decision:

- Delete § 18-19C(2)(e), Parks Gifts Committee.
- Revise as follows: _____
- Retain as written.

Ch. 29, Citations

Title 1, Ch. 2, of the 1994 Code

- A. We have updated § 66.119, Wis. Stats., to § 66.0113, Wis. Stats., in §§ 29-1 and 29-6.
- B. The list of officials authorized to issue citations in § 29-5B should be reviewed to ensure it reflects current practice.

Decision:

- Revise as follows: _____
- Retain as written.

Ch. 36, City Government

§ 2-1-1, of the 1994 Code

No changes are recommended.



Chapter 18

BOARDS, COMMISSIONS AND COMMITTEES

ARTICLE I Boards and Commissions

- § 18-1. Plan Commission.
- § 18-2. Zoning Board of Appeals.
- § 18-3. Board of Review.
- § 18-4. Transit Commission.
- § 18-5. Senior Citizens Commission.
- § 18-6. Library Board.
- § 18-7. Public Safety Commission.
- § 18-8. Landmarks Commission.
- § 18-9. Police and Fire Commission.
- § 18-10. Community Media Committee.
- § 18-11. Community Development Authority.
- § 18-12. Park and Recreation Board.

ARTICLE II Committees

- § 18-13. License Review Committee.

[HISTORY: Adopted by the Common Council of the City of Monona as Title 2, Ch. 4, of the 1994 Code. Amendments noted where applicable.]

ARTICLE I Boards and Commissions

§ 18-1. Plan Commission.

- A. Composition. The Commission shall consist of two Common Council members, one of whom, at the discretion of the Mayor, shall chair the Commission, and six citizens, all of whom may vote. The Mayor may appoint himself or herself as one of the Common Council members, without being subject to confirmation by the Council. The Mayor, if not appointed as a full member, and City Administrator and/or their designees shall be ex officio non-voting members of the Commission. Commission members shall elect a vice-chair who shall act as chair of the meetings in the absence of the chair. If both the chair and vice-chair are absent, the members in attendance shall elect a chair to act just for that meeting. The chairperson shall not vote except in the case of a tie.

five?
X
X

- § 18-14. Finance and Personnel Committee.
- § 18-15. Public Works Committee.
- § 18-16. Distinguished Service Award Committee.
- § 18-17. Committee on Sustainability.
- § 18-18. Facilities Committee.

ARTICLE III Rules for Boards, Commissions and Committees

- § 18-19. Classification of Boards, Commissions and Committees.
- § 18-20. Meetings.
- § 18-21. Appointment of alternate members.
- § 18-22. Attendance standard.

B. Appointment; term of office.

X (1) Council members. The Common Council members shall be appointed by the Mayor, subject to confirmation by the Council, during April for the duration of his current term of office on the Common Council. The term of office on the Commission shall begin May 1.

X (2) Citizen members. The six citizen members shall be appointed by the Mayor, subject to confirmation by the Council, during April for terms of three years beginning May 1. The terms of the citizen members shall be staggered so that not more than two such regular appointments are made annually.

C. Powers. The Council may employ experts and a staff, and pay for their services, and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for the Commission by the Council, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the Council. The Commission shall have the powers and perform the functions enumerated in Sec. 62.23, Wis. Stats., and as prescribed by the Common Council.

D. Master Plan. Subject to the approval of the Common Council, the Commission shall make and adopt a master plan for the physical development of the City including any areas outside of its boundaries which, in the Commission's judgment, bear relation to the development of the City. The Commission shall keep such master plan current as required by this Code of Ordinances and the master plan.

E. Zoning permits. Under the City's Zoning Code, the Commission shall hear applications for zoning permits for all districts except the single-family residence district and the two-family residence district. The Commission shall grant or deny such applications, and shall direct the Zoning Administrator to issue or refuse to issue zoning permits under the City's Zoning Code.

F. Occupancy permits. This Subsection shall apply only to those uses, structures and buildings for which the Commission has granted a zoning permit. The authority to issue an occupancy permit for a use, structure or building for which a zoning permit has already been granted shall vest in the Commission, but the Commission may delegate this authority to the Zoning Administrator. Appeals of decisions of the Zoning Administrator to issue or refuse to issue occupancy permits shall be made to the Commission.

Keep? (G) Advisory Economic Development Committee. The Common Council may create an Advisory Economic Development Committee to the Plan Commission. This Advisory Committee shall consist of five members nominated by the Mayor, subject to confirmation by the Council for three years, except that of those first appointed, one shall serve for one year, two shall serve for two years and two for three years. Vacancies shall be filled for an unexpired term of members whose terms become vacant. The Committee shall:

(1) Evaluate needs and opportunities for various types of future economic growth (industrial, office and commercial) that would be most directly beneficial to the

residents of Monona, both as sources of goods and services and as sources of employment for Monona residents.

- (2) Recommend to the Commission detailed plans for the future development of Monona Drive as a center of retail and services activity for Monona.
- (3) Recommend to the Commission detailed plans for the future development of the Broadway area, recognizing that different areas will be appropriate for different uses.
- (4) Recommend detailed plans for points of access to the planned South Beltline, as these locations will be of prime importance to Monona's long-term industrial growth.
- (5) Hold joint meetings with the City of Madison Plan Commission, or other appropriate body, to discuss areas of mutual concern.
- (6) Review and recommend to the Commission revision of the City Zoning Code.

Keep?

 (H)

Advisory environmental committee. The Common Council may create an Advisory Environmental Committee to the Plan Commission. This Advisory Committee shall consist of five members nominated by the Mayor, subject to confirmation by the Council for three years, except that of those first appointed, one shall serve for one year, two shall serve for two years and two for three years. Vacancies shall be filled for an unexpired term of members whose terms become vacant. The Committee shall:

- (1) Study issues which may affect the present and future environment in Monona and its surroundings.
- (2) Recommend to the Commission plans, programs or ordinance changes which would improve the living or working environment in Monona.
- (3) Hold joint meetings with the City of Madison Plan Commission, or other appropriate body, to discuss areas of mutual concern.
- (4) Review and recommend to the Commission revision of the City Zoning Code.

§ 18-2. Zoning Board of Appeals.

A. Creation and membership.

- (1) A Zoning Board of Appeals is hereby established with the powers, duties and qualifications as set forth in this section, and in Sec. 62.23(7)(e), Wis. Stats.
- (2) The Zoning Board of Appeals shall consist of five members appointed by the Mayor, subject to confirmation by the Council for three years, except that of those first appointed, one shall serve for one year, two shall serve for two years and two for three years. Vacancies shall be filled for the unexpired term of members whose terms become vacant. The Mayor may appoint one or two alternate members for terms of three years, who shall act with full power, only when a member of the Board refuses to vote because of interest or is absent. The members shall serve

*Wis Stats
 requires 2
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- X without compensation and shall be removable by the Mayor for cause upon written charges and after public hearing. A Council member shall be appointed as the chair, provided the appointment is concurrent with membership of the Council. The chair shall be one of the five voting members of the Board.

- B. Powers. The Zoning Board of Appeals shall have those powers prescribed in Chapter 480, Zoning, of this Code.

§ 18-3. Board of Review.

- X
- A. Composition. The Board of Review shall consist of a Chairperson, four citizen members, and two alternates, all of whom shall be residents of the City and one of whom may be a Council member and one of whom may be employed by the City. The Chairperson shall not vote except in the case of a tie. *five members?*
- B. Appointment; term of office.
- (1) Council members. If the Mayor chooses to appoint a Council member, the Mayor shall appoint the Council member for a one-year term commencing May 1. The appointment of the Council member shall be subject to confirmation by the Council.
 - (2) Citizen members. Members of the Board shall be appointed by the Mayor, subject to confirmation by the Council. The terms of the citizen members shall be three years beginning May 1 and shall be staggered so that not more than two such regular appointments are made annually.
 - (3) Alternates. Alternates shall be appointed by the Mayor, subject to confirmation by the Council, for a term of one year, beginning May 1. The alternate members shall be designated "first alternate" and "second alternate" by the Mayor. Alternates shall act, with full power, only when a member of the Board refuses to vote because of conflict of interest or when a member is absent.
 - (4) Chair. The Mayor, subject to confirmation by the Council, shall appoint annually the Chair who shall hold office for one year and until his successor is appointed and qualifies. The term of office of the Chair, except when appointed to fill a vacancy, shall commence on May 1 of the year of appointment. The Chair shall have all qualifications, powers and duties of a Board member, but shall not vote except to break a tie.
- C. Functions and powers.
- (1) Meetings. The Board shall meet annually at any time during the thirty-day period beginning on the second Monday in May at the City Hall. The Board, through its Clerk, shall establish its meeting hours pursuant to Sec. 70.47(3)(b), Wis. Stats. A majority shall constitute a quorum and a majority vote of a quorum shall be required to raise or lower the Assessor's valuation of any property. Two members may hold an evidentiary hearing, but no member may vote or constitute part of a quorum for purposes of determining an assessment unless the member attended the hearing of the evidence, or received a transcript or a mechanical recording of the

hearing not less than five days prior to the meeting and read such transcript or listened to such recording, or received a copy of a summary of the hearing and all exceptions thereto not less than five days prior to the meeting at which the determination is made.

- (2) Duties. The Board shall have the functions and duties prescribed by the Wisconsin Statutes, particularly Section 70.47 thereof.
- D. Clerk. The City Clerk shall serve as Clerk of the Board. The Clerk may not vote. The Clerk shall keep an accurate record of all Board proceedings.

§ 18-4. Transit Commission.

- A. Composition. The Commission shall consist of the Mayor or his designee, and two Council members (both of whom shall share the Chairmanship of the Commission) and four citizens, all of whom may vote. The Mayor may appoint himself or herself as one of the Common Council members, without being subject to confirmation by the Council. The Mayor, if not appointed as a full member, and the City Administrator or designee shall be an ex-officio non-voting member of the Commission and the City Administrator or designee shall serve as its secretary.
- B. Appointments.
- (1) Council member. The Council members of the Commission shall be appointed by the Mayor subject to confirmation by the Council. The Council members shall serve a one-year term commencing May 1 of each year or until his successors are appointed and confirmed by the Council.
- (2) Citizen members. The four citizen members of the Commission shall be appointed by the Mayor subject to confirmation by the Council. The terms of the first citizen members shall be staggered so that three are appointed for one-year terms and four are appointed for two-year terms. Thereafter each citizen member shall be appointed for a two-year term beginning May 1.
- C. Functions and powers. The Commission shall have the following functions and powers:
- (1) It shall be the general duty of the Commission to develop and recommend to the Common Council policies on the various elements of transportation and transportation facilities for the purpose of providing for the safe, efficient and economical movement of persons and goods in the City of Monona and the metropolitan area of service and recommendations for the purchase of vehicles. These elements shall be limited to the operation of mass transportation, bus and/or taxi vehicles and all matters usual or necessary to operate transportation by bus or disabled persons.
- (2) Supervise and direct the expenditure of the Transit Budget with authority:
- (a) By the Commission Chairman to authorize emergency mechanical repairs for transit equipment up to \$1,000.

- (b) By the Commission to authorize repairs for any transit equipment owned by the City up to a maximum amount of \$5,000 with the written consent of the Mayor.
 - (c) By the Commission to generally amend line items [other than those discussed in Subsection C(2)(a) and (b) above] within the Transit Budget up to \$1,000, provided no changes are made in the amount committed to regular urban service or specialized services.
- (3) On or before September 1 of each year submit a budget to the Finance and Personnel Committee to carry out existing policy of the Council with alternates for suggested changes.
 - (4) Report to the Mayor and Council within 45 days after the close of each calendar quarter upon the financial status of the regular urban bus service and specialized services.

§ 18-5. Senior Citizens Commission.

- A. Composition. The Commission shall consist of seven citizens, one of whom may be a Council member, all of whom may vote. The Mayor and City Administrator or their designees shall be ex-officio non-voting members of the Commission.
- B. Appointment; term of office.
 - (1) Council member. If the Mayor chooses to appoint a Council member, the Mayor shall appoint the Council member for a one-year term commencing May 1. The appointment of the Council member shall be subject to Council confirmation.
 - (2) Citizen members. The Commission members shall be appointed by the Mayor, subject to confirmation by the Council. The terms shall be three years beginning May 1 and shall be staggered so that not more than two such regular appointments are made annually.
- C. Functions and powers. The Commission shall investigate the needs of senior citizens of the City, shall develop programs and services specifically to serve senior citizens, and provide public information regarding senior citizens' programs and services to the people of the City and to the Council, and shall have such other duties as prescribed by the City Council.

§ 18-6. Library Board.

- A. Composition. The Library Board shall consist of the School District Administrator (or his designee) and six citizen members, one of whom shall be a Council member, all of whom may vote. The Mayor and City Administrator or their designees shall be ex-officio non-voting members of the Board.
- B. Appointment; term of office.

- (1) Council member. The Mayor shall appoint the Council member for a one-year term commencing May 1. The appointment of the Council member is subject to confirmation by the Council. X
- (2) Citizen members. The citizen members shall be appointed by the Mayor, subject to confirmation by the Council, for terms of three years beginning July 1. The term of citizen members shall be staggered so that not more than two such regular appointments are made annually.
- (3) School district member. The Monona Grove School District Superintendent, or his designee, shall be appointed to the Board by the Mayor, subject to confirmation by the Council, for a term of three years. The term of office on the Board shall begin July 1.

C. Functions and powers. The Board shall have the power outlined in Chapter 43, Wis. Stats.

Recommend change to "committee"

Wis. Stats. Ref.?

§ 18-7. Public Safety Commission. [Amended 6-17-2013 by Ord. No. 6-13-646]

Prevention

A. Composition. The Commission shall consist of two Council members, one of whom shall be Chair, six citizens, and one member of the Police and Fire Commission, all of whom may vote. The Mayor and City Administrator or their designees shall be ex-officio non-voting members of the Commission. The Commission shall hear appeals pursuant to the City's Fire Code. The Commission may adopt written notes outlining the procedure for processing such appeals. ?

B. Appointment; term of office.

- (1) Council member. The Council members shall be appointed by the Mayor, subject to confirmation by the Council. The term of office on the Commission shall be for one year beginning May 1. X
- (2) Citizen members. The six citizen members shall be appointed by the Mayor, subject to confirmation by the Council. The terms of citizen members shall be three years beginning May 1 and shall be staggered so that not more than two such regular appointments are made annually. X
- (3) Police and Fire Commission member. A member of the Police and Fire Commission shall be selected for a term of one year beginning May 1 by the Police and Fire Commission, subject to confirmation by the Council. X

C. Functions and powers.

- (1) The Commission shall be advisory to the Common Council.
- (2) The Commission shall review and recommend ordinances affecting public safety to the Common Council.
- (3) The Commission shall review and recommend ordinances and policies relating to the organization and operation of the Police and Fire Departments and the Emergency Medical Service units.

- (4) The Commission shall not possess the functions or the powers prescribed for a Police and Fire Commission in Secs. 62.13(3), (4)(a), (5) and (7), Wis. Stats., including but not limited to hiring, firing, disciplining, or promotion of personnel; nor shall the Commission conduct any hearing or other quasi-judicial proceeding. None of the functions and powers in this Subsection shall be construed to include the functions and powers of the Police and Fire Commission.
- X (5) The Commission shall hear appeals pursuant to the City's Fire Code. The Commission may adopt written notes outlining the procedure for processing such appeals.
- n, (6) The Commission shall establish and modify all fees and charges of the Emergency Medical Services other than the base transport fee at a minimum of once annually. Said fees shall approximate the cost incurred by the city to obtain, administer, and provide such goods and services.

§ 18-8. Landmarks Commission. *Insert new Language from Planner*

- A. Composition. The Commission shall consist of five citizens, one of whom may be a Council member, all of whom may vote. The Mayor and City Administrator or their designees shall be ex-officio non-voting members of the Commission.
- B. Appointment; term of office.
- X (1) Council member. If the Mayor chooses to appoint a Council member, the Mayor shall appoint the Council member for a one-year term commencing May 1. The appointment of the Council member shall be subject to confirmation by the Council.
- X (2) Citizen members. The Commission members shall be appointed by the Mayor, subject to confirmation by the Council. The terms shall be three years beginning May 1 and shall be staggered so that not more than two such regular appointments are made annually.
- C. Functions and powers. The Commission shall review all potential landmark sites which:
- (1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community.
 - (2) Are identified with historic personages or with important events in national, state or local history.

§ 18-9. Police and Fire Commission.

See § 112-1 of the Code of the City of Monona.

§ 18-10. Community Media Committee. [Amended 10-6-2014 by Ord. No. 8-14-665]

- A. Composition. The Committee shall consist of one Council member and eight citizen members and one member representing the Monona Grove School District. The Mayor and City Administrator shall be ex-officio non-voting members of the Committee.
- B. Appointments.
- (1) Council member. The Council member of the Committee shall be appointed by the Mayor subject to confirmation by the Council. The Council member shall serve for a one-year term commencing May 1st of each year, or until his successor is appointed by the Mayor and confirmed by the Council. The Council member shall serve as chair of the Committee.
 - (2) Citizen members. The eight citizen members shall be appointed by the Mayor, subject to confirmation by the Council. The terms of the citizen members shall be for three years beginning May 1st and shall be staggered so that not more than two such appointments are made annually.
 - (3) Monona grove school district member. The Monona Grove School District Superintendent, or his designee, shall be appointed to the Committee by the Mayor, subject to confirmation by the Council, for a term of three years beginning May 1st.
- C. Duties and responsibilities. The Community Media Committee is established to advise and assist the Media Coordinator in the carrying out of his/her duties. The Committee shall perform the responsibilities and duties assigned by the Common Council, including but not limited to:
- (1) Coordinate with the Administrator to assure the general health of broadband telecommunication, radio, and other media outlets in the community.
 - (2) Monitor and review programming provided over the BTN and radio and to make recommendations to users especially with respect to public access and/or local origination programming.
 - (3) Recommending the purchase of equipment to upgrade the City BTN and radio.
 - (4) Promoting the use of the citizen access channel over the BTN, radio, and other media outlets and related programming.
 - (5) Form sub-committees as needed.

§ 18-11. Community Development Authority.

- A. Creation and composition. There is hereby created a Community Development Authority for the City with membership as provided in Sec. 66.1335(2), Wis. Stats.
- B. Appointment; term of office. The members of the Authority shall be appointed by the Mayor as provided in Sec. 66.1335, Wis. Stats.

- C. Functions and powers. The Authority shall have all of the functions and powers set forth in Sec. 66.1335(4), Wis. Stats., except that the Authority shall not have or exercise the powers of the City Plan Commission under 62.23 Wis. Stats.
- D. Authority to report to council. The Authority shall make monthly and annual reports to the Council on the actual and contemplated activities of the Authority.

§ 18-12. Park and Recreation Board.

- A. Composition. The Park and Recreation Board shall consist of two Council members and seven citizen members. The Mayor and City Administrator shall be ex-officio non-voting members of the Board.
- B. Appointments.
 - (1) Council members. The Council members of the Board shall be appointed by the Mayor subject to confirmation by the Council. The Council members shall serve for a one-year term commencing May 1st of each year, or until their successors are appointed and confirmed by the Council. One of the Council members shall be designated by the Mayor to serve as Chair of the Board.
 - (2) Citizen members. The seven citizen members shall be appointed by the Mayor, subject to confirmation by the Council. The terms of the citizen members shall be three years beginning May 1st and shall be staggered so that not more than two such appointments are made annually.
- C. Duties and responsibilities. The Board shall have the following duties and responsibilities which shall be advisory except as otherwise provided:
 - (1) To review and recommend to the Council policies necessary for the governance of the City parks and recreation facilities and programs which shall take into consideration, and attempt to provide for, the social, physical and cultural well being of the citizens of the City.
 - (2) To review and recommend to the Finance Committee all budgetary, revenue and expenditure proposals relating to park and recreation facilities and programs.
 - (3) To review and recommend to the Community Recreation Director rules and regulations necessary for the effective management of the City parks and recreation facilities and programs.
 - (4) To perform such duties and have such responsibilities as the Council shall from time to time, by ordinance, resolution, or by law, direct.
 - (5) The Park and Recreation Board shall be designated as the official tree governing committee to review and make recommendations regarding tree planting, maintenance, removal, landscaping and enforcement.

ARTICLE II
Committees

§ 18-13. License Review Committee.

- A. Composition. The Committee shall consist of one Council member, and four citizens, all of whom may vote. The Mayor, City Administrator, and City Clerk or their designees, shall be an ex-officio non-voting members of the Committee.
- B. Appointment; term of office.
- (1) Council members. The Council member shall be appointed by the Mayor, subject to confirmation by the Council, for a one-year term beginning (May 1)
 - (2) Citizen members. The citizen members shall be appointed by the Mayor, subject to confirmation by the Council, for terms of two years beginning (May 1). The terms of the citizen members shall be staggered so that not more than two such appointments are made annually. Initial members may be appointed to one-year terms if necessary to accomplish the staggered terms.
- C. Functions and powers. The Committee has the responsibility and duty to review and examine all applications for the granting of all fermented malt beverage licenses, and intoxicating liquor licenses, to receive all recommendations relating thereto from Staff, and to review and make recommendations as to the subsequent granting of all such licenses by the Council. The Committee shall also review and examine all applications for licenses or permits required in Chapters 63, Art. IV, 145, 159, 191, 198, 238, 272, Art. I, 296, 303, 328, 395, Art II, 404 and 457 of this Code, except where the City Clerk is specifically empowered to issue such license or permit without review and has done so. All other license or permit applications shall be reviewed by the Committee and the Committee shall recommend issuance or denial to the Council. The Committee shall also review the City's policies and procedures regarding licensing and make recommendations regarding amendment of those policies and procedures to the Council.

§ 18-14. Finance and Personnel Committee.

- A. Composition. The Committee shall consist of the Mayor, who shall be the Chairperson, and two Council members, all of whom may vote. The City Administrator, or his designee, shall be ex-officio, non-voting members of the Committee. "his/her"?
- B. Appointment; term of office. The members of the Committee shall be appointed by the Mayor, subject to confirmation by the Council. The members shall serve one-year terms commencing May 1 of each year.
- C. Functions and powers. The Committee shall have the following functions and powers:
- (1) To review the audit procedures of the City and to supervise implementation of recommendations made by the City's auditors.
 - (2) To investigate various options for borrowing funds for capital and outlay expenditures.

and "to review and recommend?"

- (3) To recommend appropriate depositories for City funds.
- (4) To review claims against the City, whether budgeted or unbudgeted.
- (5) To review the City's accounting procedures.
- (6) At its option, to review all ordinances and resolutions having a fiscal impact on the City.
- (7) To receive and review the executive budget from the Mayor and City Administrator, and to receive comments from the public and advisory boards, commissions, and committees on the contents of the budget, and to propose a legislative budget to the Council.
- (8) To review recommendations for revenue generation by the City, including investment of City funds.
- (9) To review all franchises granted by the City.
- (10) To review any intergovernmental contracts entered into by the City.
- (11) To review all personnel matters, including establishment of wage and salary schedules for management and unclassified employees. Such matters as may be under the exclusive jurisdiction of the Police and Fire Commission are excluded from this review.
- (12) To review all labor contracts and labor relations policies of the City.

§ 18-15. Public Works Committee.

- A. Election to dispense with Board of Public Works. The City hereby elects not to be governed by the provisions of Sec. 62.14, Wis. Stats., relating to a Board of Public Works. The City hereby vests all authority and power of the Board of Public Works in the Public Works Committee. The Chairperson of the Committee shall not vote except to break a tie.
- B. Composition. The Committee shall consist of two Council members and seven citizen members. The Mayor, City Administrator and City Engineer shall be ex-officio non-voting members of the Committee.
- C. Appointments.
 - (1) Council members. The Council members of the Committee shall be appointed by the Mayor, subject to confirmation by the Council. The Council members shall serve for a one-year term commencing May 1 of each year, or until their successors are appointed and confirmed by the Council. One of the Council members shall be designated by the Mayor to serve as Chairperson of the Committee.
 - (2) Citizen members. The seven citizen members of the Committee shall be appointed by the Mayor, subject to confirmation by the Council. The terms of the first citizen

Committee members shall be staggered so that three are appointed for one-year terms, two are appointed for two-year terms, and two are appointed for three-year terms. Thereafter each citizen Committee member shall be appointed for a two-year term commencing May 1 of the year of appointment and they shall serve until their successors are appointed and confirmed by the Council.

D. Powers and duties. The Committee shall have the following powers and duties:

- (1) Powers and duties of the Public Works Committee. The Committee shall have all of the powers and duties of the Board of Public Works as set forth in Sec. 62.14, Wis. Stats., including, but not limited to, control of construction and maintenance of streets, alleys, sidewalks, gutters, storm sewers and other public works projects.
- (2) Recommendations on transportation issues. To review and make recommendations to the Council on all transportation related topics including, but not limited to, bus service, taxis, bicycles and all forms of public and/or mass transit service.
- (3) Review of Official Map. To review and make recommendations to the Council regarding amendments or other revisions of the Official Map of the City, including street names and installation of traffic control signs and devices.
- (4) Management of utilities. The review and report to the Council on the general operation of all municipal utilities.¹

§ 18-16. Distinguished Service Award Committee. [Added 2-1-2010 by Ord. No. 1-10-610; 1-21-2014 by Ord. No. 1-14-655; 4-8-2014 by Ord. No. 3-15-670]

A. Composition. The Committee shall consist of the most recent former Mayor who is willing and able to serve and four citizens, all of whom may vote. The City Clerk or his/her designee shall be an exofficio non-voting member of the Committee.

*his or
"his/her"*

B. Appointment; term of office.

- (1) Citizen members. The citizen members shall be appointed by the Mayor, subject to confirmation by the Council, for terms of three years beginning May 1. The terms of the citizen members shall be staggered so that not more than two such appointments are made annually. Initial members may be appointed to one-year terms if necessary to accomplish the staggered terms.

C. Functions and powers. The Committee has the responsibility to review volunteer citizen length and breadth of service to the community. Awards are considered for all citizen volunteers with at least 10 years of cumulative service. Recommendations for the award for three individuals are considered at an annual meeting to be held no later than 60 days prior to the award event. Distinguished Service Awards are presented at the City's annual Appreciation Event and consists of a lapel pin specially designed for this purpose and a Certificate of Appreciation. The Committee also makes recommendations for the Mayoral Award.

1. Editor's Note: Former Sec. 2-4-23, which immediately followed this subsection, was repealed 8-4-2014 by Ord. No. 8-14-663.

§ 18-17. Committee on Sustainability. [Added 09-20-2010 by Ord. No. 8-10-616]

- A. **Composition.** The Committee on Sustainability shall consist of two Council members and 10 citizen members. The Mayor and City Administrator shall be ex-officio non-voting members of the Committee.
- B. **Appointments.**
- (1) **Council members.** The Council members of the Committee shall be appointed by the Mayor, subject to confirmation by the Council. The Council members shall serve for a one-year term commencing May 1 of each year, or until their successors are appointed and confirmed by the Council. One of the Council members shall be designated by the Mayor to serve as Chairperson of the Committee.
 - (2) **Citizen members.** The 10 citizen members of the Committee shall be appointed by the Mayor, subject to confirmation by the Council. The terms of the citizen members shall be three years beginning May 1st and shall be staggered so that not more than three such appointments are made annually.
- C. **Duties and responsibilities.** The Committee shall have the following duties and responsibilities which shall be advisory except as otherwise provided:
- (1) To review and recommend to the Council policies and programs relating to sustainability.
 - (2) To review and recommend to the Finance Committee all budgetary, revenue and expenditure proposals relating to such policies and programs.
 - (3) To perform such duties and have such responsibilities as the Council shall from time to time, by ordinance, resolution, or by law, direct.

§ 18-18. Facilities Committee. [Added 12-03-2012 by Ord. No. 11-12-640]

- A. **Composition.** The Facilities Committee shall consist of one Council member, one staff member, and six citizen members, consisting of members with experience in HVAC, electrical, plumbing, construction, architecture, civil, or landscape work. The Council member shall serve as chair and shall not vote except in the event of a tie breaker. The Mayor and City Administrator shall be ex-officio non-voting members of the Committee.
- B. **Appointments.**
- (1) **Council member.** The Council member of the Committee shall be appointed by the Mayor, subject to confirmation by the Council. The Council member shall serve for a one-year term commencing May 1 of each year, or until his/her successor is appointed and confirmed by the Council.
 - (2) **Citizen members.** The six citizen members of the Committee shall be appointed by the Mayor, subject to confirmation by the Council. The terms of the citizen members shall be three years, beginning May 1 and staggered each year.

C. Duties and responsibilities. The Committee shall have the following duties and responsibilities which shall be advisory except as otherwise provided:

- (1) To provide direction and support, from inception to completion, to all City committees and departments involved in facility-related projects.
- (2) To use design and construction experience to assist in the completion of the final design and budget.
- (3) To monitor projects through bidding, construction, project closeout, and assist with one-year punch if requested.
- (4) To review projects for energy efficiency.
- (5) To ensure that each project follows the "Facility Development Process", which is a list of procedures approved by -
- (6) To assist in the creation of a preventive maintenance program and maintenance cost control.

Insert
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ARTICLE III

Rules for Boards, Commissions and Committees

§ 18-19. Classification of Boards, Commissions and Committees.

A. Classifications. There are four types of review bodies established by the Council. They are:

- (1) Standing committees, commissions and boards.
- (2) Non-standing committees, commissions and boards.
- (3) Special (statutory) boards and commissions.
- (4) Ad Hoc committees.

B. Definitions of classifications.

- (1) Standing committees, commissions and boards. Standing committees, commissions, and boards are those bodies that must be chaired by the Mayor or a Council member, and which meet at least on a monthly basis.
- (2) Non-standing committees, commissions and boards. Non-standing committees, commissions and boards are those bodies for which this Code of Ordinances does not require that the Mayor or a Council member serve as chair of the group.
- (3) Special boards and commissions. Special boards and commissions are those bodies whose composition, duties and functions are specifically prescribed by the Wisconsin Statutes.
- (4) Ad Hoc committees. Ad Hoc committees are committees created for a special purpose and for a limited duration of time. They may be created and their members

typically

X

appointed by the Mayor with Council confirmation. When the Ad Hoc committee has fulfilled the charge given to it by the Mayor, the committee shall be disbanded.

C. Classification of existing committees, commissions and boards. The existing committees, commissions and boards of the Council are classified as follows:

(1) Standing committees, commissions and boards.

- (a) Plan Commission.
- (b) Finance and personnel committee.
- (c) License Review Committee.
- (d) Public Works Committee.
- (e) Public Safety Commission.
- (f) Parks and Recreation Board.
- (g) Sustainability Committee.
- (h) Facilities Committee.

(2) Non-standing committees, commissions and boards.

- (a) Senior Citizens Commission.
- (b) Landmarks Commission.
- (c) Broadband Telecommunications Citizens Commission.
- (d) Distinguished Service Committee.
- (e) Parks Gifts Committee.

(3) Special boards and commissions.

- (a) Board of Review.
- (b) Police and Fire Commission.
- (c) Zoning Board of Appeals.
- (d) Library Board.
- (e) Transit Commission.
- (f) Community Development Authority.

*is in
w/s. stats. X*

§ 18-20. Meetings.

A. Standing committees, commissions and boards. All standing committees, commissions and boards shall meet at least monthly at regularly scheduled days and times. Meetings

shall be noticed by the City Clerk in accordance with Ch. 19, Wis. Stats. Special meetings may be called by the chair and any two committee, commission, or board members upon written request therefor to the City Clerk.

- B. Non-Standing Committees, Commissions and Boards; Special Boards and Commissions; Ad Hoc Committees. All non-standing committees, commissions and boards; special boards and commissions; and Ad Hoc committees may meet on a monthly basis at regularly scheduled days or times or at the call of the chair. Meetings shall be noticed by the City Clerk in accordance with Chapter 19, Wis. Stats. Special meetings may be called by any two committee, commission or board members upon written request therefore submitted to the City Clerk.
- C. Quorum. Every commission, committee, or board is deemed to have a quorum present for the purpose of transacting business if at least 51% of the voting members are present, unless this Code of Ordinances statutes require a different quorum, in which case such provisions shall apply:
- D. Records and reports. Every commission, committee, or board shall keep a written summary of its proceedings and shall file copies of same with the City Clerk.

§ 18-21. Appointment of alternate members.

- A. Unless otherwise provided by statutes or ordinance, the Mayor, subject to confirmation by the Council, may appoint citizens to serve as alternates to a committee, commission, or board. A citizen member appointed as an alternate shall act with full power only when a member of the committee, commission, or board refuses to vote because of conflict of interest or is absent.
- B. If more than one alternate is appointed, the Mayor shall designate who shall serve as first alternate, second alternate, etc.

§ 18-22. Attendance standard.

Members appointed to Common Council committees or to any other standing City board, commission or committee are required to attend a minimum of two-thirds of the meetings in each six-month period of their respective bodies, unless excused by the membership of their body. Failure to comply with this section may result in the removal and replacement of the official found to be in noncompliance.

City of Monona, WI

Decision:

- Updated references are correct as-is.
- Revise as follows: _____

G. Section 18-19C(2)(c) refers to the Broadband Telecommunications Citizens Commission, although the title used in § 18-10 is the Community Media Committee. Are these references to the same body? And if so, what is the correct title/title currently used?

Decision:

- Use Community Media Committee.
- Use Broadband Telecommunications Citizens Commission.
- Make no changes; two different bodies are referred to.

H. Section 18-19C(2)(e) refers to the Parks Gifts Committee. This Committee is not otherwise referenced in this chapter; is it a currently existing Committee?

Decision:

- Delete § 18-19C(2)(e), Parks Gifts Committee.
- Revise as follows: _____
- Retain as written.

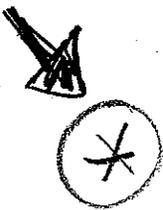
Ch. 29, Citations

Title 1, Ch 2, of the 1994 Code

- A. We have updated § 66.119, Wis. Stats., to § 66.0113, Wis. Stats., in §§ 29-1 and 29-6.
- B. The list of officials authorized to issue citations in § 29-5B should be reviewed to ensure it reflects current practice.

Decision:

- Revise as follows: _____
- Retain as written.



Ch. 36, City Government

§ 2-1-1, of the 1994 Code

No changes are recommended.

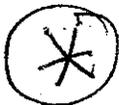
Chapter 36
CITY GOVERNMENT

§ 36-1. City government.

[HISTORY: Adopted by the Common Council of the City of Monona as § 2-1-1 of the 1994 Code. Amendments noted where applicable.]

§ 36-1. City government.

The City of Monona is a body corporate and politic, with the powers and privileges of a municipality at common law and conferred by Chapter 62, Wis. Stats., other acts of the Legislature, the Constitution of the State of Wisconsin and Charter Ordinance 7-68-327.



Ch. 63, Finance and Taxation

Art. I, Finance

Title 3, Ch. 1, of the 1994 Code

- A. In § 63-8A we have updated the reference to § 66.042, Wis. Stats., to § 66.0607, Wis. Stats.
- B. In §§ 63-8H and 63-9 we have updated the reference to § 66.04(2), Wis. Stats., to § 66.0603(1m), Wis. Stats.
- C. Regarding the internal subsection references in § 63-18: certain references in Subsections F through J of this section seem possibly off by one subsection. Some of the references are to the subsection they are *in*, which are obviously incorrect. We have updated the references as seems appropriate, but please review the subsection references in Subsections F through J and confirm that they are correct.

Decision:

Internal subsection references are correct as they appear. *mh*

Revise as follows: _____

[Handwritten signature]

(1) We were unsure about the subsection references in Subsection G, which reads as follows:

G. In the event of a request for hearing, the City Clerk shall set the date and time for hearing upon receiving a written request under Subsection F.

Decision:

Revise "under Subsection F or G" to: "under Subsection F." *mh*

Other: _____

- D. Section 63-18A and H refer to § 66.60(16), Wis. Stats., which subsection was repealed by 1999 Act 150. Should this reference be updated to § 66.0627, Special charges for current services, or § 66.0703, Special assessments?

Decision:

Revise to § 66.0703, Special assessments.

Revise to § 66.0627, Special charges for current services.

- E. Section 63-18E contains an outdated reference to the Administrative Code, §§ PSC 113.132 and 113.133. Chapter PSC of the Administrative Code is titled "Service Rules for Electrical Utilities" and does not contain these sections. We were unable to determine the correct reference.

Decision:

Revise as follows: _____

Art. II, Special Assessments and Charges

Title 3, Ch. 2, of the 1994 Code

A. Section 63-20, Subsections C, D and F contain references to § 66.60, Wis. Stats., which subsection was repealed by 1999 Act 150. We have updated these references to § 66.0703, Special assessments.

(1) Section 66.0703(12) provides that an appeal of the determination shall be taken within 90 days after the date of the notice or of the publication of the final resolution. Should Subsection F be revised to change "40 days" to "90 days"?

Decision:

Change "40 days" to "90 days." *wh*

Revise as follows: _____

Make no change.

B. In § 63-21C, we have made the following updates:

"This section is adopted pursuant to ~~Sec. 66.62~~ § 66.0701, Wis. Stats. Except as provided above, the provisions of ~~Sec. 66.60~~ § 66.0703, Wis. Stats., including provisions regarding notice and hearing, shall apply to special assessments levied against multi-parcel developments in the City."

Art. III, Hotel-Motel Room Tax

Title 3, Ch. 5, of the 1994 Code

A. The definition of "gross receipts" in § 63-22 references the definition in § 77.51(4), Wis. Stats. That subsection was repealed by 2009 Act 2. Section 77.51 no longer contains a definition of "gross receipts."

Decision:

Delete definition of "gross receipts."

Revise as follows: _____

B. In § 63-23 we have updated the reference to § 66.75, Wis. Stats., to § 66.0615, Wis. Stats.

(C) Section 63-23 states "Effective January 1, 1998, 30% or a maximum of \$35,000 of such tax shall be appropriated to the Monona Community Development Authority for purposes of

*For
Atty
Review (AL)
General Code*

City of Monona, WI

promoting economic developments.” This provision should be reviewed in accordance with 2015 Act 55 (state budget act) which amended § 66.0615 to delete wording allowing the tax to be spent directly by the municipality for tourism promotion; the tax now must be forwarded to a commission created under the statute or, if the municipality has not created a commission, to a tourism entity. The definition of "tourism entity" was also changed, and a new annual reporting requirement for municipalities (to the Department of Revenue) was imposed starting in 2017.

Decision:

- Revise as follows: (attach revisions separately)
- Retain as written.

For
Atty
Review (AL)

D.

Section 63-28 reads in part "...who fails to obtain a permit as required in Section 3-5-4(b) or (c)..." There are no subsections in original Section 3-5-4, which is now § 63-25. Although there are no subsections, § 63-25 does mention permits.

Decision:

- Update the reference to § 63-25.
- Update the reference as follows: _____

stop

Art. IV, Licenses

Title 7, Ch. 12, of the 1994 Code

Note that there are several references to an original but absent "Subsection (d)" in this article. We've updated these references based on subject matter to original Subsection (c), which is now § 63-31. Please confirm.

Decision:

- Retain as written.
- Revise as follows: _____

Ch. 70, Fire Department

Title 5, Ch. 2, of the 1994 Code

Provided that it reflects the current organization and procedures of the Fire Department, this chapter appears satisfactory as written.

Chapter 63

FINANCE AND TAXATION

ARTICLE I
Finance

- § 63-1. Fee for returning checks with insufficient funds; reimbursement of collection costs.
- § 63-2. Duplicate treasurer's bond eliminated.
- § 63-3. City budget system.
- § 63-4. Changes in budget.
- § 63-5. City funds to be spent in accordance with appropriation.
- § 63-6. Fiscal year.
- § 63-7. Public depositories.
- § 63-8. Disbursements and financial claims.
- § 63-9. Temporary investment of funds not immediately needed.
- § 63-10. Receiving money; receipt for same.
- § 63-11. Statement of real property status.
- § 63-12. Accounts receivable billing procedures.
- § 63-13. Annual audits.
- § 63-14. Liability of the City for acts of agents.
- § 63-15. Preparation of tax roll and tax receipts.
- § 63-16. Purchases by City Administrator.
- § 63-17. Public work without bids.

- § 63-18. Special charges/assessments for delinquent utility bills.

ARTICLE II
Special Assessments and Charges

- § 63-19. Special assessments; payment in installments.
- § 63-20. Use of alternative special assessment procedures.
- § 63-21. Repayment of special assessments for multiple parcel developments.

ARTICLE III
Hotel-Motel Room Tax

- § 63-22. Definitions.
- § 63-23. Imposition of tax.
- § 63-24. Collection of tax.
- § 63-25. Security required.
- § 63-26. Records to be maintained.
- § 63-27. Confidentiality maintained.
- § 63-28. Penalties.

ARTICLE IV
Licenses

clerk

- § 63-29. Payment of claims as condition of license or permits.
- § 63-30. Applicability.
- § 63-31. Appeals; notice and hearing.
- § 63-32. Other license denial appeals.

[HISTORY: Adopted by the Common Council of the City of Monona as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Finance

[Adopted as Title 3, Ch. 1, of the 1994 Code]

§ 63-1. Fee for returning checks with insufficient funds; reimbursement of collection costs.

- A. There shall be a fee as prescribed by Section 7-15-1 for processing checks made payable to the City that are returned because of insufficient funds in the account in question.
- B. Collection costs and attorneys fees shall be added to the principal amounts of unpaid bills owed to the City that are placed with collection agencies.

Change Language to _____

§ 63-2. Duplicate treasurer's bond eliminated.

- A. Bond eliminated. The City of Monona elects not to give the bond on the City Administrator in his capacity as City Treasurer-Finance Director as provided for by Sec. 70.67(1), Wis. Stats.
- B. City liable for default of treasurer. Pursuant to Sec. 70.67(2), Wis. Stats., the City shall be obligated to pay, in case the City Treasurer shall fail to do so, all state and county taxes required by law to be paid by such City Treasurer to the County Treasurer.

§ 63-3. City budget system.

- A. Budget preparation.
 - (1) Budget schedule. The Finance Committee shall recommend and the Council shall adopt a schedule for the preparation and consideration of the budget for the next fiscal year. The budget schedule shall include specific dates for:
 - (a) Completion of commission, committee and board consideration of the budget;
 - (b) Public review by the Finance Committee on a consolidated budget of expenditures and revenues;
 - (c) Common Council Committee of the Whole and public hearing on the budget as recommended by the Finance Committee;
 - (d) A recommendation by the Finance Committee and action by the Council for any referendum pertaining to the budget; and
 - (e) The public hearing on the budget as required by the Wisconsin Statutes.
 - (2) Commission, committee, board and authority recommendations. Each of the various boards, committees and commissions, authorities and departments shall prepare a list of expenditures and anticipated revenues for the next fiscal year together with recommended policy changes and priorities. Department heads are encouraged to work closely with their respective commissions, committees and

boards, and the general public is to be encouraged to participate in deliberations on the budget.

- (3) Finance committee deliberations. The Finance Committee shall prepare a consolidated budget of expenditures and anticipated revenues, and hold a public review on the consolidated budget. Department heads, commission chairs, and commission members are to be encouraged to participate in the Finance Committee deliberations and reviews.
- (4) Council committee of the whole and hearing. The Common Council shall convene as a Committee of the Whole to discuss the proposed financial budget, recommended policy changes, and priorities as recommended by the Finance Committee concurrently with a public hearing.
- (5) Recommendation for a referendum. The Finance Committee shall recommend and the Common Council shall take action on any request for a public referendum pertaining to the budget.
- (6) Council public hearing. The Common Council shall hold a public hearing on the budget in accordance with the Wisconsin Statutes and Subsection C below.

B. Contents of budget.

- (1) Indebtedness; appropriations; revenue. Such budget shall list all existing indebtedness and all anticipated revenue from all sources during the ensuing year and shall likewise list all proposed appropriations for each committee, commission, authority and department, and any activity accounts during the ensuing year.
- (2) Actual and projected revenue and expenditures. Such budget shall also show actual revenues and expenditures for the preceding year, actual revenues and expenditures for not less than the first six months of the current year and estimated revenues and expenditures for the balance of the current year.
- (3) Salaries. Such budget shall also show in a separate schedule the proposed salary for each salaried employee of the City. This schedule shall be considered part of the budget when adopted.
- (4) Unexpended funds. Such budget shall also show for informational purposes any anticipated, unexpended, or unappropriated balances and surpluses.

C. Public inspection and hearing.

- (1) Applicability. This Subsection pertains only to the Council public hearing referred to in Subsection A(6) above.
- (2) Notice. A summary of such budget and notice of the place where such budget is available for public inspection and notice of the time and place for holding the public hearing thereon shall be published in the official City newspaper at least 15 days prior to the time of such public meeting. All notices and copies of the budget summary shall indicate that a detailed budget is available for inspection at the office of the City Clerk.

- (3) Hearing. Not less than 15 days after the publication of the proposed budget and the notice of hearing thereon, a public hearing shall be held at the time and place stipulated, at which time any resident or taxpayer of the City shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time.
- (4) Budget summary. Copies of the summary budget shall be available to all who attend the public hearing or who make a specific request following the above fifteen-day notice. Copies of the detailed budget shall be made available to the press prior to the public hearing, and at least three copies of the detailed budget shall be available for the public at the hearing.

§ 63-4. Changes in budget.

Upon written recommendation of the Mayor or a standing committee of the Council, the Council may at any time, by a 2/3 vote of the entire membership, transfer any portion of an unencumbered balance of an appropriation to any other purpose or object. Notice of such transfer shall be given by publication within 10 days thereafter in the official newspaper of the City. However, transfers between budget line items shall not require such approval provided the total program expenditures are within the parameters of the approved budget.

§ 63-5. City funds to be spent in accordance with appropriation.

No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by § 63-4 of this chapter. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the Common Council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

§ 63-6. Fiscal year.

The calendar year shall be the fiscal year.

§ 63-7. Public depositories.

The Common Council shall designate by resolution the public depository or depositories within this state within which City funds shall be deposited, and when the money is deposited in such depository in the name of the City, the City Administrator, or other designated City officials, and bonding company shall not be liable for such losses as are defined by state law. The City Administrator shall invest and the interest arising therefrom shall be paid into the City treasury. A copy of the resolution designating public depositories shall be filed annually with the State Commissioner of Banking.

§ 63-8. Disbursements and financial claims.

- A. General requirements. All disbursements from the City Treasurer in satisfaction or payment of any bills, charges against the budget or other financial claims against the City shall be made pursuant to Sec. 66.0607, Wis. Stats., except as modified or supplemented by this section or other provision of this Code of Ordinances or the Wisconsin Statutes.
- B. Approvals required. The following approvals shall be required for disbursements from the City treasury:
- (1) Payments of each and every claim must be audited and approved by the City Clerk as a property charge against the treasury. The Clerk shall endorse his approval on each claim only after having determined that the following conditions have been complied with:
 - (a) That funds are available therefor pursuant to the budget approved by the Council.
 - (b) That the item or service covered by such claimant has been duly authorized by the proper City official or department head.
 - (c) That the item or service has been actually supplied or rendered in conformity to such authorization.
 - (d) That the claim is just and valid pursuant to law.
 - (e) That such proof and evidence necessary in the discretion of the Clerk to support the foregoing has been submitted.
 - (2) All claims submitted to and audited by the Clerk pursuant to Subsection B(1) above shall be submitted to the Finance Committee for approval or disapproval. The Clerk shall submit a list of the bills, charges, appropriations and claims showing the date of each claim, name and address of the claimant, purpose and amount. The Finance Committee may request proof and evidence to support the claim prior to its approval.
 - (3) Except as provided in Subsections G and H, payments made in any other manner than prescribed in Subsection B(1) and (2) shall be subject to the special vote and roll call requirements of this Code of Ordinances.
- C. Facsimile signatures authorized.
- (1) The signatures of the Mayor, Clerk and Treasurer affixed to order checks of the City shall be facsimile signatures of such officers adopted by them and approved by the Council on motion. The use of such facsimile signatures shall not relieve any of such officials from any liability to which they are otherwise subject including the unauthorized use thereof.
 - (2) Upon enactment of this section and Council approval of facsimile signatures adopted by the Mayor, Clerk and Treasurer, the City Clerk shall file a certified copy of this Subsection C and of the approved facsimile signatures with the public depositories of the City.

- D. Vouchers. All vouchers or orders against the City treasury shall be signed by the City Clerk attesting that the provisions of Subsection B have been complied with except where the provisions of Subsection B(3) apply.
- E. Bonds. The Clerk and Treasurer shall be covered by a fidelity bond of not less than \$5,000.
- F. Tort claims. Compliance with the provisions of this section shall not relieve any claimant from compliance with the provisions of Secs. 62.25, 893.80, or 895.46, Wis. Stats.
- G. Payment of regular wages or salaries. Payment of regular wages or salaries pursuant to the budget and salary schedule adopted by the Council shall be made by payroll, verified by the City Clerk under Subsection B(1) and filed in time for payment on the regular payday. The Clerk shall submit the schedule of salary and wage payments made to the Finance Committee.
- H. Investments. The provisions of this section shall not apply to disbursements of City funds for purposes of investment under Sec. 66.0603(1m), Wis. Stats.

§ 63-9. Temporary investment of funds not immediately needed.

The City Administrator and City Clerk may invest any City funds not immediately needed, pursuant to Sections 66.0603(1m) and 219.05, Wis. Stats.; provided that investment of surplus funds in the local government pooled investment or local government trust investment funds shall be subject to prior approval under § 63-8B(1) and (2).

§ 63-10. Receiving money; receipt for same.

- A. The City Clerk, Treasurer or their designees shall not receive any money into the treasury from any source except on account of taxes levied and collected during the fiscal year for which he or she may then be serving, without giving a receipt therefor in the manner specified by the Finance Committee.
- B. Upon the payment of any money (except for taxes as herein provided), the City Clerk, Treasurer or their designees shall make out a receipt in duplicate for the money so received. The City Clerk, Treasurer or their designees shall charge the amount thereof to the treasury and credit the proper account. The payment of the money to any receiving agent of the City or to the City or to the City Administrator shall be safeguarded in such manner as the Common Council shall direct.

§ 63-11. Statement of real property status.

The City Clerk or Treasurer are authorized to prepare a Statement of Real Property Status form to be used to provide information often requested for transfers of real property such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, outstanding water, and sewer bills, current water and sewer bills, contemplated improvements, floodplain status, violations of the building and health codes and similar information. Any such information sought shall be provided to the person requesting it

on said form. A minimum of one business day is required for preparation of a statement of real property status. There shall be a fee as prescribed by Section 7-15-1 for compiling such information, paid at the time of the request being made.

§ 63-12. Accounts receivable billing procedures.

Billings by the City may be paid within 30 days after billing without interest. Thereafter, interest may be charged at the rate of 1 1/2% per month or any fraction thereof, until the following 15th day of November, except in the case of ambulance billings. Bills not paid on or before the first day of November shall have added to the total amount due 1 1/2% of said charges shall be entered on the tax roll as a special charge and become a lien upon real estate.

§ 63-13. Annual audits.

- A. A firm of certified public accountants shall be employed each year by the City, subject to the confirmation of the Common Council to conduct a detailed audit of the City's financial transactions and its books, and to assist the City Administrator in the management of the City's financial affairs, including the City's public utilities. These auditors shall be employed on a calendar-year basis.
- B. The audit shall include a separate review of the financial records and a statement of opinion on the financial reports together with a management letter detailing improvements that can be made in the financial administration of the City, the City Water Utility, and the City Sewer Utility. If deemed necessary or advisable by the Finance Committee, the audit contract may be expanded to include an operational review of one or more aspects of the City, or City Water Utility or City Sewer Utility operations.
- C. Copies of the completed audit report shall be transmitted to the Mayor and Council members within 10 days of receipt. Copies will also be placed on file in the Monona Library and with the City Clerk.

§ 63-14. Liability of the City for acts of agents.

No agent of the City having authority to employ labor or to purchase materials, supplies or any other commodities, may bind the City or incur any indebtedness for which the City may become liable without approval of the Council. Each such employment or purchase order shall be drawn against a specific appropriation, the money for which shall be available in the City treasury and not subject to any prior labor claims or material purchase orders at the time when such employment is negotiated or purchase order drawn. The City Administrator shall keep a record of such employment and purchase orders and shall charge them against the proper appropriation.

§ 63-15. Preparation of tax roll and tax receipts.

- A. Tax roll preparation. Pursuant to Sec. 70.65(2), Wis. Stats., the City Clerk shall, in computing the tax roll, insert only the aggregate amount of state, county, school and

local taxes in a single column in the roll opposite the parcel or tract of land against which the tax is levied, or, in the case of personal property, in a single column opposite the name of the person against whom the tax is levied.

- B. Time for payment and penalty. Real estate taxes shall be paid in accordance with state law. Taxes may be paid in advance pursuant to State law.
- C. Receipt of tax monies. After noting the payment of taxes upon the tax roll, the City Clerk shall issue a signed receipt to the taxpayer, a duplicate thereof to be left in the book of receipts. The receipt shall show the aggregate amount of taxes in a single column and the separate proportion or rate of taxes levied for state, county, local, school or other purposes.

§ 63-16. Purchases by City Administrator.

- A. Subject to the limitations contained in Sec. 62.15, Wis. Stats., the City Administrator is authorized and empowered to make the following purchases in behalf of the City without the prior approval of the Common Council:
 - (1) Office machines, maintenance equipment and services and other specifically budgeted capital or operating items previously approved in the budget in a sum not to exceed the budgeted amount or \$10,000 each, whichever is lesser;
 - (2) Gasoline, road gravel, street patching material, salt, office supplies and other recurring expenses needed in the usual and ordinary operation of the City government and its several departments in a sum; not to exceed the budgeted amount for each such purchases;
 - (3) Supplies and miscellaneous equipment in a sum not to exceed the budgeted amount.
- B. The City Administrator may delegate the authority to make individual purchases not exceeding \$100 to duly appointed department heads for operating supplies, provided that the purchase amount is within the department operating budget.
- C. Approval of the Common Council shall be required for the following purchases:
 - (1) When the cost of an item exceeds \$10,000;
 - (2) When the cost of an item exceeds the budgeted amount or will cause the particular budget account to be overdrawn;
 - (3) When equipment other than that which was budgeted for is required;
 - (4) When a vendor has attempted to exert undue influence.
- D. All purchases made pursuant to this section, excepting Subsection B, shall be initiated by purchase order.
- E. Payment of invoices for purchases made pursuant to this section shall be in accordance with § 63-8.

F. The City Administrator may make line item budget adjustments that do not exceed \$1,000.

§ 63-17. Public work without bids.

Pursuant to Sec. 62.15(1), Wis. Stats., the Common Council, by vote of 3/4 of all the members thereof, may determine that any class of public construction or any part thereof may be done directly by the City without submitting the same for bids.

§ 63-18. Special charges/assessments for delinquent utility bills.

A. In addition to other methods provided by law, it is hereby provided that special charges/assessments for delinquent utility bills may be levied in accordance with the provisions of this section, which are hereby adopted pursuant to Sec. 66.60(16), Wis. Stats.

B. Delinquent utility bills and service charges shall be levied as a special assessment against the real property, shall become a lien thereon, and placed on the tax roll with the same effect as other City taxes unless the Common Council otherwise determines after notice and opportunity to be heard as hereinafter set forth.

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C. Charges for the following services rendered by the City of Monona and the City's public utilities shall be paid within 20 days of the date of billing, all other items within 30 days of the date of billing:

- (1) Snow and ice removal.
- (2) Weed elimination.
- (3) Garbage and refuse collection, disposal and landfill dumping fees.
- (4) Repair of sidewalks, curb and gutter.
- (5) Charges for water and sewer service.

D. If the amounts due to the City of Monona for services listed in Subsection C(1) through (4) are not paid when due, the City shall send a notice of the delinquent bill.

E. If the amount due to the City utilities for services listed in Subsection C(5) is not paid when due, the City utilities shall send a notice of the delinquent bill to the customer and to the property owner pursuant to PSC 113.132 and 113.133, Wis. Adm. Code. If the bill is still delinquent by the month of October of the billing year, the City utilities shall send a notice of the delinquent bill.

F. The notice referred to in Subsection D shall contain the following statement:

You are entitled to a hearing before the finance of the City of Monona to dispute the amount of this charge. You must request this hearing by notifying the City Clerk in writing within 10 days of the date of this notice.



Committee

- G. In the event of a request for hearing, the City Clerk shall set the date and time for hearing upon receiving a written request under Subsection F ~~and G~~.
- H. At the time of the hearing referred to in Subsection G, the hearing authority shall hear all evidence brought before it concerning the correctness of the amount billed by the City of Monona in accordance with this section. At the conclusion of this hearing, the hearing authority shall decide the amount due the City, and all parties in attendance shall be notified of the decision.
- I. If the amount determined to be due the City after the hearing referred in Subsection H is not paid within five days from the date of the hearing authority's decision, then this amount shall be a lien upon the real estate served by the services referred to in Subsection C. This shall be accomplished pursuant to the power granted to the City by Sec. 66.60(16), Wis. Stats.
- J. If a hearing is not requested in accordance with this section, the amount due the City of Monona or the City's public utilities shall become a lien upon the real estate served by the services referred to in Subsection C upon the expiration of ¹²/₁₀ days from the mailing of the notice referred to in Subsections E and F.

ARTICLE II

Special Assessments and Charges

[Adopted as Title 3, Ch. 2, of the 1994 Code]

§ 63-19. Special assessments; payment in installments.

- A. Whenever any special assessments shall be levied to defray the cost of any public improvement, such special assessments may be paid in annual installments as determined by the Council.
- B. The first installments shall include a proportionate part of the principal of the special assessment determined by the number of installments and interest accrued. All subsequent installments shall also include interest at a rate to be determined by the Council based upon borrowed money rates including an amount to cover City-related administrative costs at the time of the special assessments, on the unpaid balance of principal computed beginning 30 days after notification of the completion of the special assessment project by the City. Each subsequent installment shall include a like proportion of the principal and interest at the rate stated above upon the unpaid balance of such assessment.
- C. The first installment shall be entered in the first tax roll prepared after such installments have been determined as a special tax on the property upon which the special assessment was levied, and thereafter this tax shall be treated in all respects as any other municipal tax. All of the subsequent installments shall be entered in a like manner and with like effect in each of the annual tax rolls thereafter until all are levied.
- D. If any installment so entered in the tax roll shall not be paid to the Treasurer with the other taxes it shall be returned to the county as delinquent and accepted and collected by the county in the same manner as delinquent general taxes on real estate.

§ 63-20. Use of alternative special assessment procedures.

- A. In addition to other methods provided by law, special assessments for any public work or improvement or any current service may be levied in accordance with the provisions of this section.
- B. Whenever the Common Council determines that any public work or improvement or any current service shall be financed in whole or part by special assessments levied under this section, it shall adopt a resolution specifying this intention and the time, either before or after completion of the work or improvement, when the amount of the assessments will be determined and levied, the number of annual installments, if any, in which assessments may be paid, the rate of interest to be charged on the unpaid balance and the terms on which any of the assessment may be deferred while no use of the improvement is made in connection with the property.
- C. The provisions of § 66.0703, Wis. Stats., shall apply to special assessments levied under this section except that when the Common Council determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement or the rendering of the service, the report required by § 66.0703, Wis. Stats., shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.
- D. Notice of the time and place of the public hearing on any special assessment proposed to be levied and notice of the final assessment and terms of payment thereof shall be given in the manner prescribed in § 66.0703(7) and (8)(d), Wis. Stats.
- E. Any special assessment levied under this section shall be a lien against the property assessed from the date of the final resolution by the Common Council determining the amount of the levy.
- F. Any person against whose property a special assessment is levied under this section may appeal therefrom in the manner prescribed by § 66.0703(12), Wis. Stats., within 40 days of the date of the final determination by the Common Council.

§ 63-21. Repayment of special assessments for multiple parcel developments.

- A. In order to further assure the payment and collection of special assessments levied to pay the costs of the construction of public improvements to serve multi-parcel developments in the City, it is hereby provided that upon the sale of any part of the property assessed, the seller of the property will deliver or cause to be delivered to the City or its designated agent a bank cashier's check or certified check payable to the City or its designated agent in an amount equal to 125% of the portion of the outstanding amount of the special assessment which is attributable to the parcel of the property sold. The seller will continue to make such payments with respect to the remainder of its property until such time as the sum of all such payments, together with the amount of the special assessments otherwise paid by it, equals the total amount of the special assessments levied against the property, together with the interest which has been paid or is payable thereon. Any overpayment of special assessments by the seller to the City will be refunded to the seller.

- B. The City will enter into appropriate agreements with the owner in question to assure payment of such amounts in a timely manner.
- C. This section is adopted pursuant to § 66.0701, Wis. Stats. Except as provided above, the provisions of § 66.0703, Wis. Stats., including provisions regarding notice and hearing, shall apply to special assessments levied against multi-parcel developments in the City.

ARTICLE III
Hotel-Motel Room Tax
[Adopted as Title 3, Ch. 5, of the 1994 Code]

§ 63-22. Definitions.

In this chapter, the following definitions shall apply:

BED-AND-BREAKFAST ESTABLISHMENT — Any place of temporary lodging that provides four or fewer rooms for rent, which is open for rental more than 10 nights in a twelve-month period, is the owner's personal residence and is occupied by the owner at the time of rental, and in which the only meal served is breakfast.

GROSS RECEIPTS — Has the meaning as defined in Sec. 77.51(4)(a), (b) and (c), Wis. Stats., insofar as applicable.

HOTEL OR MOTEL — A building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, bed-and-breakfast establishments, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other building or group of buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than one month and accommodations furnished by any hospital, sanitariums or nursing homes or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.

TRANSIENT — Any person residing for a continuous period of less than one month in a hotel, motel or other furnished accommodations available to the public.

§ 63-23. Imposition of tax.

Pursuant to § 66.0615, Wis. Stats., a tax is hereby imposed on the privilege and service of furnishing, at retail, of rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of 8% of the gross receipts from such retail furnishing of rooms or lodgings. Such tax shall not be subject to the selective sales tax imposed by Sec. 77.52(2)(a)1, Wis. States. Effective January 1, 1998, 30% or a maximum of \$35,000 of such tax shall be appropriated to the Monona Community Development Authority for purposes of promoting economic developments.

§ 63-24. Collection of tax.

- A. Administration by city treasurer. This tax shall be administered by the City Treasurer who shall, at City expense, provide the necessary application and reporting forms at no cost to the taxpayer.
- B. Reporting periods. The tax imposed for the months of January, February and March, and for each calendar quarter thereafter is due and payable on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the City Treasurer, by those furnishing at retail such rooms and lodging, on or before the same date on which such tax is due and payable. Such return shall show the gross receipts of the preceding calendar quarter from such retail furnishing of rooms or lodging, the amount of taxes imposed for such period, and such other information as the City Treasurer deems necessary. Every person required to file such quarterly return shall, with his first return, elect to file an annual calendar year or fiscal year return. Such annual return shall be filed within 90 days of the close of each such calendar or fiscal year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall contain certain such additional information as the City Treasurer requires. Such annual returns shall be made on forms as prescribed by the City Treasurer. All such returns shall be signed by the person required to file a return or duly authorized agent, but need not be verified by oath. The City Treasurer may, for good cause, extend the time for filing any return, but in no event longer than one month from the filing date.
- C. Sale or conveyance of business. If any person liable for any amount of tax under this chapter sells out his business or stock of goods or quits the business, his successors or assigns shall withhold sufficient portion of the purchase price to cover such amount until the former owner produces a receipt from the City Treasurer that it has been paid or a certificate stating that no amount is due. If a person subject to the tax imposed by this chapter fails to withhold such amount of tax from the purchase price as required, he shall become personally liable for payment of the amount required to be withheld by him to the extent of the price of the accommodations valued in money.
- D. Determination of tax by audit.
- (1) The City Treasurer may, by office audit, determine the tax required to be paid to the City or the refund due to any person under this chapter. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within the City Treasurer's possession. One or more such office audit determination may be made of the amount due for any one or for more than one period.
 - (2) The City Treasurer may, by field audit, determine the tax required to be paid to the City or the refund due to any person under this chapter. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the City Treasurer's possession. The City Treasurer is authorized to examine and inspect the books, record, memoranda, and property of any person in order to verify the tax liability of that person or of another person. Nothing herein shall prevent the City Treasurer from making a determination of tax at any time.

- E. Failure to file return. If any person fails to file a return as required by this chapter, the City Treasurer shall make an estimate of the amount of the gross receipts under Subsections B and C. Such estimate shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the City Treasurer's possession or may come into the Treasurer's possession. On the basis of this estimate, the City Treasurer shall compute and determine the amount required to be paid to the City, adding to the sum thus arrived at a penalty equal to 10% thereof. One or more such determinations may be made for one or more than one period.
- F. Interest on unpaid taxes. All unpaid taxes under this chapter shall bear interest at the rate of 18% per year from the due date of the return until the first day of the month following the month in which the tax is paid or deposited with the City Treasurer. An extension of time within which to file a return shall not operate to extend the due date of the return for purposes of interest computations. If the City Treasurer determines that any overpayment of tax has been made intentionally or by reason of carelessness or neglect, or if the tax which was overpaid was not accompanied by a complete return, he shall not allow any interest thereon.
- G. Delinquent returns; late fee; penalty.
- (1) Delinquent tax returns shall be subject to a late filing fee, as prescribed in Section 7-15-1. The tax imposed by this chapter shall become delinquent if not paid:
 - (a) In the case of a timely filed return, within 30 days after the due date of the return, or within 30 days after the expiration of an extension period if one is granted.
 - (b) In the case of no return filed or a return filed late, by the due date of the return.
 - (2) If due to negligence no return is filed, or a return is filed late, or an incorrect return is filed, the entire tax finally determined shall be subject to a penalty of 25% of the tax, exclusive of interest or other penalties. If a person fails to file a return when due or files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this chapter, a penalty of 50% shall be added to the tax required to be paid, exclusive of interest and other penalties.

§ 63-25. Security required.

In order to protect the revenue of the City, the City Treasurer may require any person liable for the tax imposed by this chapter to place with him before or after a permit is issued such security not in excess of \$100 as the City Treasurer shall determine. If any taxpayer fails or refuses to place security, the City Treasurer may revoke or refuse to issue such permit. If any taxpayer is delinquent in the payment of the taxes imposed by this section, the City Treasurer may, upon 10 days' notice, recover the taxes, interest and penalties from the security placed with the said Treasurer by such taxpayer. No interest shall be paid or allowed by the City to any persons for the deposit of such security.

§ 63-26. Records to be maintained.

Every person liable for the tax imposed by this section shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the City Treasurer and this chapter shall require. Such records shall be retained and made available for a period of five years from the due date of a filing period.

§ 63-27. Confidentiality maintained.

- A. All tax returns, schedules, exhibits, writings or audit reports relating to such returns on file with the City Treasurer are deemed to be confidential, except the City Treasurer may divulge their contents to the following and no others:
- (1) The person who filed the return.
 - (2) Officers, agents or employees of the Federal Internal Revenue Service or the State Department of Revenue.
 - (3) Officers, employees or agents of the City Auditors.
 - (4) Such other public officials of the City of Monona when deemed necessary.
- B. No person having an administrative duty under this section shall make known in any manner the business affairs, operations or information obtained by an investigation of records of any person on whom a tax is imposed by this section or the amount or source of income, profits, losses, expenditures or any particulars thereof, set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as provided above.

§ 63-28. Penalties.

Any person who is subject to the tax imposed by this chapter who fails to obtain a permit as required in Section 3-5-4(b) or (c) or who fails or refuses to permit the inspection of his records by the City Treasurer after such inspection has been duly requested by such Treasurer, or who fails to file a return as provided in this chapter, or who violates any other provision of this chapter, shall be subject to a forfeiture pursuant to § 1-4. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

ARTICLE IV

Licenses

[Adopted as Title 7, Ch. 12, of the 1994 Code]

§ 63-29. Payment of claims as condition of license or permits.

The City shall not issue or renew any license or permit to transact any business within the City of Monona:

- A. For any purposes for which taxes or other fees, charges or other claims of the City are delinquent and unpaid.

B. For any person who is delinquent in payment:

- (1) Of any taxes or other claims owed the City; or
- (2) Of any forfeiture resulting from a violation of any City Ordinance.

§ 63-30. Applicability.

An application for renewal of a license subject to this chapter shall be denied pursuant to the provisions of § 63-29 only following notice and opportunity for hearing as provided by § 63-31 below.

§ 63-31. Appeals; notice and hearing.

Prior to any denial of an application for renewal of a license, including denials pursuant to § 63-29, the applicant shall be given notice and opportunity for a hearing as hereinafter provided:

- A. With respect to licenses renewable under Chapter 272, Intoxicating Liquor and Fermented Malt Beverages, Article I, Licenses and Permits, of the Code of the City of Monona, notice and opportunity for hearing shall be as provided by Section 125.12, Wis. Stats., as amended from time to time.
- B. With respect to licenses other than those described in § 63-29 herein, the License Review Committee shall notify the applicant in writing of the City's intention not to renew the license and shall provide the applicant with an opportunity for hearing. The notice shall state the reasons for the intended action and shall establish a date, not less than three days nor more than 10 days after the date of the notice on which the applicant shall appear before the License Review Committee. If the applicant shall fail to appear before the License Review Committee on the date indicated on the notice, the License Review Committee shall deny the application for renewal. If the applicant appears before the License Review Committee on the date indicated in the notice and denies that the reasons for nonrenewal exist, the License Review Committee shall conduct a hearing with respect to the matter. At the hearing, both the City and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. The applicant shall, upon request, be provided a written transcript of the hearing at the applicant's expense. If the License Review Committee determines the applicant shall not be entitled to renewal pursuant to § 63-29, the application for renewal shall be denied.

§ 63-32. Other license denial appeals.

Where an individual, business or corporation wishes to appeal the City Clerk's decision not to issue a license or permit under this Title on grounds other than those specified in §§ 63-29 through 63-31 above, the applicant may file a request in writing with the City Clerk that the matter be referred to the License Review Committee. A public hearing shall be scheduled within 14 calendar days by the License Review Committee. All parties may be represented by counsel. The License Review Committee shall consider all relevant information and shall render a decision which shall be binding.

Decision:

Retain as written.

Revise as follows: _____

Ch. 79, Grievance Procedures

→ *Attorney Review*

Art. I, Access to Public Buildings, Services and Employment

Title 15, Ch. 5, of the 1994 Code

The City may want to review this article to ensure that it conforms to current City procedures for compliance with the Americans with Disabilities Act. We note, for example, that § 79-1 states that an ADA Coordinator has been appointed and an ADA Compliance Committee has been established. We do not find that committee among those listed on the City's website.

Decision:

Revise as follows: (attach revisions separately)

Retain as written.

Ch. 94, Mayor and Common Council

Title 2, Ch. 2, of the 1994 Code

In § 94-2C we updated the reference to § 66.196, Wis. Stats., to § 66.0505, Wis. Stats. In § 94-3E we updated the reference to § 66.325, Wis. Stats., to § 323.14, Wis. Stats. Otherwise, if this chapter reflects the current procedures of the Council, no revisions are suggested.

Decision:

Revise as follows: (attach revisions separately)

see chapter

Retain as written.

Ch. 103, Officers and Employees

Title 2, Ch. 3, of the 1994 Code

- A. Section 103-3B(2) states that the Building Inspector shall serve as the Health Commissioner in accordance with § 141.015, Wis. Stats., which section was repealed by 1993 Act 27. The City might want to review Chapter 251, Wis. Stats., Local Health Officials; and the current wording of § 62.09(1), Wis. Stats., city officers, which reads in

Chapter 94

MAYOR AND COMMON COUNCIL

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| <p>§ 94-1. Mayor.</p> <p>§ 94-2. Common Council.</p> <p>§ 94-3. Powers of Common Council.</p> <p>§ 94-4. Meetings.</p> <p>§ 94-5. Presiding official.</p> <p>§ 94-6. Order of business.</p> <p>§ 94-7. Introduction of business.</p> <p>§ 94-8. Questions of order.</p> <p>§ 94-9. Presiding officer to preserve order.</p> <p>§ 94-10. Presiding officer shall remove himself.</p> | <p>§ 94-11. Addressing Council.</p> <p>§ 94-12. Motions.</p> <p>§ 94-13. Debate.</p> <p>§ 94-14. Rules suspended temporarily.</p> <p>§ 94-15. Voting.</p> <p>§ 94-16. Robert's Rules of Order to govern Council.</p> <p>§ 94-17. Council agenda, preparation and dissemination of.</p> <p>§ 94-18. Consent agenda.</p> <p>§ 94-19. Committee of the Whole.</p> |
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[HISTORY: Adopted by the Common Council of the City of Monona as Title 2, Ch. 2, of the 1994 Code. Amendments noted where applicable.]

§ 94-1. Mayor.

- A. Election. The Mayor shall be elected every two years, and his term of office shall commence on the third Tuesday of April in the year of election and continue for two years or until his successor is elected and qualifies.
- B. Duties. The Mayor shall by virtue of the office be a member of the Council and shall preside at all meetings of the Council, and sign all ordinances, rules, by-laws, regulations, commissions, licenses and permits adopted or authorized by the Council and all orders drawn on the treasury except as prescribed by law.
- C. Veto power. The Mayor shall have veto power over the acts of the Council as provided by Sec. 62.09(8)(c), Wis. Stats.
- D. Emergency powers. The Mayor shall have such emergency powers as set forth in § 94-3E of the Code of the City of Monona.
- E. Defense of city officials. The Mayor may authorize the City Attorney to defend any actions brought against any officer or employee of the City of Monona, or of any of its Boards or Commissions, under the following conditions:
 - (1) The Action arises from an act or acts done in the course of employment, or out of any alleged breach of duty of the officer or employee; and
 - (2) The action was not brought to determine the right of the officer or employee to hold or retain that person's office or position; and

- (3) The action was not brought by the City against the officer or employee. Any such authorized defense shall be conditioned upon the cooperation of the officer or employee with the City Attorney in the defense of the action. The Mayor shall promptly report the granting of any such authorization to the Common Council.

§ 94-2. Common Council.

- A. Composition. The Common Council of the City of Monona shall consist of six elected Council members whose term of office shall be two years, three of whom shall be elected each year. The Common Council is vested with all the powers of the City not specifically given to some other officer.
- B. Powers of the council. The Council shall preserve order at its meetings, compel attendance of members and punish non-attendance and shall be judge of the election and qualification of its members.
- C. Compensation. The salaries of all elected and appointed officials, including members of Boards and Commissions, shall be as determined by the Common Council from time to time, provided the salary of the Mayor and members of the Council shall not be increased during their terms of office (See Sec. 66.0505, Wis. Stats.). A 3/4 majority vote of the Council shall be required to increase the salary of the Council members or Mayor.
- D. Council members not to be interested in contracts. No Council member shall have a private interest in a contract with the City contrary to Sec. 946.13, Wis. Stats.
- E. Term of office. The term of office of all Council members shall be two years and until their respective successors are elected or appointed and qualify. The term of each Council member shall commence the third Tuesday of April in the year of election.
- F. Committees. Subcommittees of the Common Council shall be appointed at the Council's annual organizational meeting.

§ 94-3. Powers of Common Council.

- A. General powers. The Common Council shall have the management and control of City property, finances, highways, streets, navigable waters, and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit, and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, forfeiture and other necessary or convenient means. The powers herein referred to shall be in addition to all other grants and shall be limited only by express language.
- B. Power of acquisition and disposal of property. The Common Council may acquire property, real or personal, within or without the City, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas, and for any other public purpose; may acquire real property within or contiguous to the City, by means other than condemnation, for industrial sites; may improve and beautify the same; may

construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property.

- C. Powers to finance city government. The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally manage City finances.
- D. Construction of powers. All powers given herein shall be liberally construed in favor of the rights, powers and privileges of the City of Monona to promote the general welfare, peace, good order and prosperity of the City and the inhabitants thereof.
- E. Emergency powers. All powers enumerated in § 323.14, Wis. Stats., shall be reserved and exercised by the Common Council or the Mayor, as provided in § 323.14, Wis. Stats. The Mayor may designate temporary and permanent emergency routes, and may designate or suspend traffic control restrictions along such routes.
- F. Statutes and constitution. Sec. 62.11(5), Wis. Stats., and Article XI, Section 2, Wisconsin Constitution, shall apply to the governance of the City.

§ 94-4. Meetings.

- A. Time, date and notice. Regular meetings of the Common Council shall be held on the first and third Monday evening of each calendar month at 7:30 p.m. If the date of any regular meeting falls on a legal holiday, such meeting shall be held on the next following secular day, at the same place and at the same hour, unless canceled or rescheduled to another date or time by order of the Common Council. All meetings of the Common Council, including special meetings authorized under Subsection B, shall be held in compliance with Subchapter V of Chapter 19, Wis. Stats., the Wisconsin Open Meeting Law.
- B. Special meetings.
 - (1) Who may call. Special meetings of the Council may be called by any two members of the Council who file a written request with the City Clerk at least 24 hours prior to the time the meeting is to be called, stating the purpose and time of the meeting. The Mayor may also call a special meeting.
 - (2) Notice of special meeting. Immediately after the receipt of a request for a special meeting, the City Clerk shall notify each member of the Common Council by telephone or by delivering a written notice of the time and purpose of such meeting. If the Council member can not be found, a copy of the notice shall be left at the member's residence, at least six hours prior to the meeting.
 - (3) Special meetings held without notice. A special meeting can be held without notice being given when all of the members of the Council are present, or consent in writing. If all the members consent in writing each member shall file a written consent with the Clerk prior to the beginning of the meeting. This section does not, however, relieve the Council from the obligation of complying with the Wisconsin Open Meeting Law.

OK § 94-4

(4) Special meeting may become regular meeting. Any special meeting which is attended by all the members of the Council shall be a regular meeting for the purpose of transacting any business that may be presented by any member at any time.

§ 94-5. Presiding official.

The Mayor shall call the meeting to order, and if absent, the President of the Council shall preside, and if absent, the senior member present (based on the date of original election) shall preside until the Council, by motion, selects an acting President for that meeting. In the absence of the Clerk, the presiding officer shall appoint a Clerk for that meeting.

§ 94-6. Order of business.

A. At all meetings, the following order may be observed in disposing of business before the Council, unless otherwise provided for in the furnished agenda:

- (1) Call to order.
- (2) Roll call and pledge of allegiance.
- (3) Approval of previous minutes.
- (4) Public hearings.
- (5) Appearances.
- (6) Consent agenda.
- (7) Unfinished business (items requiring formal action by the Council; i.e., matters from previous meetings or committee reports ~~contained in the Thursday agenda~~).
- (8) Committee of the whole (motion required).
- (9) Any new business, including the introduction of ordinances, resolutions or other communications (items requiring formal action by the Council, i.e., action items in committee reports not included in the Friday agenda).
- (10) Appointments.
- (11) Reports of Committees, Commissions, Boards, Mayor and City Administrator (requiring no formal action by the Council).
- (12) Miscellaneous business.
- (13) Closed sessions under Sec. 19.85, Wis. Stats., (motion required).
- (14) Adjournment.

B. No business is to be taken up out of order, except by unanimous consent or suspension of the rules.

§ 94-7. Introduction of business.

- A. Ordinances, resolutions and communications to be in writing. All ordinances, resolutions, memorials, or other communications shall be in writing with a brief statement of their contents and title endorsed thereon, together with the name of the member presenting the same, and shall be delivered to the Clerk. The Mayor shall then refer the ordinance, resolution, or communication to the appropriate committee or to the appropriate place on the agenda. All ordinances, resolutions and contracts shall bear the name of the sponsor, the drafter, and the initials of the City Attorney as to form, and at the discretion of the Mayor shall contain a fiscal note as to the cost involved, if any, to the City. The Finance and Personnel Committee shall determine the form of the fiscal note.
- B. Ordinances, resolutions and appropriations to be given second reading. Ordinances, resolutions or requests for appropriations shall be introduced as items of new business at a Council meeting and then adopted or rejected as an item of unfinished business at the next Council meeting, unless the Council suspends the rules as provided in § 94-14 for the purpose of adopting or rejecting an ordinance without referring the ordinance to a subsequent meeting, and except as provided in Subsection E hereof.
- C. Subject, numbering and adoption of ordinances. No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable, all ordinances shall be introduced as amendments to existing ordinances or sections thereof.
- D. Financial claims. All bills and other financial claims against the City shall be audited and approved in accordance with this Code of Ordinances.
- E. Ordinances appropriating money. All ordinances and resolutions appropriating money or creating any charge against the City for payment of claims for purchases or work previously authorized by the Council shall be acted upon by the Council at the next regular meeting, provided that this provision may be suspended by 3/4 vote of all members of the Council. A roll call vote shall be taken and recorded on such appropriations.

§ 94-8. Questions of order.

The presiding officer shall decide all questions of order, in accordance with § 94-13 subject to an appeal to the Council. No appeal shall be debatable and the appeal may be sustained by a simple majority of the members present, exclusive of the Mayor.

§ 94-9. Presiding officer to preserve order.

The presiding officer shall preserve decorum; and if any member transgresses the rules of the Council, the presiding officer shall, or any member may, call such offending member to order in which case the member called to order shall immediately sit down and be silent, unless permitted to explain and the Council, if appealed to, shall decide the matter.

§ 94-10. Presiding officer shall remove himself.

The presiding officer shall vacate the chair and designate a member to preside temporarily whenever he desires to speak upon any question, or make any motion.

§ 94-11. Addressing Council.

No member shall address the Council until recognized by the presiding officer. Such member shall address himself to the presiding officer. When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first, and no person other than a member shall address the Council except by vote of a majority of the members present, except during the public appearances portion of the agenda.

§ 94-12. Motions.

- A. Motions in possession of the council. When a motion is made and seconded, it shall be deemed to be in possession of the Council, and shall be stated by the presiding officer, or, being in writing, shall be delivered to the Clerk, and read by him previous to debate.
- B. Motions without debate. A motion to adjourn shall always be in order, and a motion to adjourn, lay on the table, and a call for the previous question shall be decided without debate.
- C. Unanimous consent. Any motion may be disposed of by unanimous consent of the Council.

§ 94-13. Debate.

- A. Actions in order. When a question is under discussion, no action shall be in order except to adjourn, to lay on the table, to postpone to a certain day, to refer to a committee, to amend, or to postpone indefinitely. All such motions shall have precedence in the order listed. A motion to call for the previous question shall require a 2/3 vote of the members present.
- B. Termination of debate. Any member wishing to terminate the debate may move to put the question before the Council. The presiding officer shall announce the question "Shall the main question now be put?". If a 2/3 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 bringing the Council to a direct vote, first upon pending amendments, and then upon the main question.

§ 94-14. Rules suspended temporarily.

These rules in this chapter or any part thereof may be suspended temporarily in connection with any matter under consideration by a recorded vote of 3/4 of the members present.

§ 94-15. Voting.

- A. Role call vote. Any member may demand a roll call vote on any matter, and such vote shall be entered in the proceedings and every member shall vote when a question is put unless the Council by majority vote of those present shall excuse him for special cause. Abstentions for conflicts of interest shall be considered a vote of the member under this section. Roll call votes are required for ordinances or resolutions approving contracts or appropriations of \$500 or more.
- B. Majority prevails. The majority vote of the members present shall be necessary for passage of an ordinance or resolution or approval of an appointment unless a larger number is required by Statute or this Code of Ordinances.
- C. Reconsideration of the vote. Any member voting in the majority may move for a reconsideration of the vote of any question at that meeting or at the next succeeding regular meeting. A member may not change his vote on any question after the results have been announced. A motion to reconsider being put and lost shall not be renewed.

§ 94-16. Robert's Rules of Order to govern Council.

In the absence of a standing rule, the Council shall be governed by Robert's Rules of Order, Newly Revised.

§ 94-17. Council agenda, preparation and dissemination of.

- A. Proposed agenda. A proposed agenda, together with relevant materials and communications, shall be prepared by the City Administrator. The Mayor, acting upon the Administrator's proposed agenda, shall set the agenda. Any two Aldermen may also have an item placed on the agenda by filing a written request with the City Administrator no later than 5:00 p.m. on the Monday preceding the meeting. The agenda shall be delivered to the Mayor and Council members on the Thursday prior to a regular Council meeting, unless special circumstances preclude such schedule. A similar agenda shall be prepared for special meetings of the Council under § 94-4B of the Code of the City of Monona.
- B. Availability for public inspection.
 - (1) The proposed agenda, with the relevant materials and communications, shall be available at the City Clerk's office for public inspection and copying by 4:00 p.m. Friday prior to a regular Council meeting. The agenda and materials for a special Council meeting shall be available as soon as prepared and assembled by the City Clerk.
 - (2) The City Clerk shall upon request make copies of the agenda and accompanying material available for distribution and shall make a charge therefor sufficient to recover the City's expense, provided one copy shall be made available without charge to a representative of a recognized news medium having general circulation within the City. The Mayor may authorize the distribution of additional copies at no charge.

- C. Final agenda. Additions to or deletions from the proposed agenda may be made by the City Clerk and/or City Administrator and by other City officers upon request or approval of the Mayor, until 12:00 noon of the Friday before the Council meeting. At such time the City Clerk and/or City Administrator shall prepare a set of materials to include materials not previously delivered for the Mayor and each member of the Council, which shall be available for them in the Clerk's office until 5:00 p.m. the day of the Council meeting and available at the meeting place of the Council 1/2 hour prior to the time scheduled for convening the Council. No item may be acted on by the Council unless it is on the final agenda by unanimous consent of the Council or by suspension of the rules under § 94-14.

§ 94-18. Consent agenda.

The City Clerk, subject to approval of the Mayor, shall place on the consent agenda items which in his judgment are routine. No separate discussion or debate on matters on the consent agenda shall be permitted. A single motion, seconded and adopted by majority vote of the Council shall be sufficient to approve, adopt, enact or otherwise favorably resolve any matter listed on the consent agenda without separate discussion thereof. When the consent agenda is reached, any Council member may request removal of any item from the consent agenda, and such item shall be removed without further debate or vote. Any item or part thereof removed from the consent agenda by action of the Council shall be considered separately at the appropriate time in the Council's regular order of business, under unfinished business.

§ 94-19. Committee of the Whole.

By majority vote at any regular or special meeting in the regular order of business as provided in § 94-6A(8), the Council may resolve itself into a Committee of the Whole. Resolving into the Committee of the Whole as a special order of business other than in the regular order of business shall require unanimous consent of those present at the meeting. Standing rules of the Council acting as a Committee of the Whole shall be deemed advisory only and shall not authorize any official act by any officer, employee, agent or representative on behalf of the City. The Mayor shall preside over the Committee of the Whole. The Council may not adjourn any meeting or conduct an executive session in the Committee of the Whole.

Decision:

Retain as written.

Revise as follows: _____

Ch. 79, Grievance Procedures

Art. I, Access to Public Buildings, Services and Employment

Title 15, Ch. 5, of the 1994 Code

The City may want to review this article to ensure that it conforms to current City procedures for compliance with the Americans with Disabilities Act. We note, for example, that § 79-1 states that an ADA Coordinator has been appointed and an ADA Compliance Committee has been established. We do not find that committee among those listed on the City's website.

Decision:

Revise as follows: (attach revisions separately)

Retain as written.

Ch. 94, Mayor and Common Council

Title 2, Ch. 2, of the 1994 Code

In § 94-2C we updated the reference to § 66.196, Wis. Stats., to § 66.0505, Wis. Stats. In § 94-3E we updated the reference to § 66.325, Wis. Stats., to § 323.14, Wis. Stats. Otherwise, if this chapter reflects the current procedures of the Council, no revisions are suggested.

Decision:

Revise as follows: (attach revisions separately) *see chapter*

Retain as written.

Ch. 103, Officers and Employees

Title 2, Ch. 3, of the 1994 Code

A. Section 103-3B(2) states that the Building Inspector shall serve as the Health Commissioner in accordance with § 141.015, Wis. Stats., which section was repealed by 1993 Act 27. The City might want to review Chapter 251, Wis. Stats., Local Health Officials; and the current wording of § 62.09(1), Wis. Stats., city officers, which reads in

City of Monona, WI

part "...a local health officer, as defined in s. 250.01(5), or local board of health, as defined in s. 250.01(3),..." Note that §§ 263-9E and 296-7 of the Code refer to the "Health Officer."

Decision:

Revise as follows: *WV*

(2) Health ~~Commissioner~~ Officer. The Building Inspector shall serve as Health Commissioner ~~Officer~~ in accordance with Sec. 141.015, Wis. Stats as defined in § 250.01(5), Wis. Stats.

Revise as follows: _____

B. Section 103-6, Municipal Judge and Municipal Court.

- (1) To conform to the wording in § 755.03, Wis. Stats., the following revision should be made in Subsection A(4): "...and a certified copy of the oath is filed with the ~~office of the State Administrator of Courts~~ office of Director of State Courts as required by Sec. 755.03, Wis. Stats."

Decision:

Revise as indicated. *WV*

Make no change.

- (2) It would seem that Subsection B(1) could be revised as follows, since § 755.02 specifically pertains to the term of office of the Judge (already provided for in Subsection A) and is covered under the reference to "Chapter 755":

(1) Court established. The Municipal Court for the City of Monona is established pursuant to Sec. 755.02 and Chapter 755, Wis. Stats.

Decision:

Revise as indicated. *WV*

Retain as written.

- (3) Section 800.03, Wis. Stats., was *repealed* and § 800.04, Wis. Stats., was *repealed/renumbered in part* to § 800.035 by 2009 Act 402. The City should review the current provisions of Ch. 800 Wis. Stats., and indicate how the wording/references in the following Subsection C(1) and (2) should be revised.

(1) Deposit schedule to be established. The Municipal Judge shall establish and submit to the Common Council for approval in accordance with Sec. 800.03(3), Wis. Stats., a schedule of deposits for violations of City ordinances, resolutions and bylaws except traffic regulations which are governed by Sec. 345.27, Wis. Stats., and boating violations governed by Sec. 30.77, Wis. Stats. When approved by the Council, such deposit schedule shall be posted in the office of the Municipal Court Clerk and the Monona Police Department.

(2) *Stipulation and deposit in lieu of court appearance. Persons cited for violations of City ordinances, resolution or bylaws for which a deposit has been established under this Subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Secs. 800.03, 800.04 and 800.09, Wis. Stats.*

Decision:

Revise as follows: (write in revisions above)

Revise as follows: (attach specific revisions separately)

in chapter 103

C. In § 103-12B we have updated the reference to § 66.98, Wis. Stats., to § 66.0517, Wis. Stats.

D. Residency requirements.

(1) Section 103-16 requires City officials must be residents of the City. Section 66.0502, Wis. Stats., added by 2013 Act 20, prohibits the imposition of residency requirements on county or municipal employees, except that law enforcement, fire or emergency personnel (but not volunteers) may be required to live within 15 miles.

Decision:

Revise § 103-16 as follows: (write-in revisions below)

§ 103-16. Qualifications for elected officials.

No person shall be eligible for election as an official of the City of Monona unless he is a citizen of the United States and a resident of the City _____.

Retain as written. *(bc)*

(2) Section 103-18C also requires appointed officials to be City residents.

Decision:

Revise § 103-18C as follows: (attach revisions separately).

Delete § 103-18C.

Retain as written.

E. Section 103-20 states "Elected and appointed officials shall take and file the official oath within five days after notice of their election or appointment as provided in Sec. 61.21, Wis. Stats." Note that § 61.21 pertains to *villages*; § 62.09(4), which pertains to cities, states that "Every person elected or appointed to any office shall take and file the official oath within 10 days after notice of election or appointment."

City of Monona, WI

Decision:

- Revise § 103-20 to read as follows: "Elected and appointed officials shall take and file the official oath within 10 days after notice of their election or appointment as provided in § 62.09(4), Wis. Stats."
- Revise as follows: _____
- Retain as written.

Ch. 112, Police and Fire Commission

Title 5, Ch. 1, of the 1994 Code; amended in its entirety by Ord. No. 7-14-661

This chapter was recently revised; it appears suitable as written.

Decision:

- Retain as written.
- Revise as follows: _____

Ch. 119, Property, Lost, Abandoned and Surplus

Title 3, Ch. 4, of the 1994 Code

In § 119-2B(1)(c) we will update the reference to the Alcohol, Tobacco and Firearms Bureau of the United States Department of the Treasury to the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice. Otherwise this chapter appears satisfactory as written, provided that it reflects current procedures.

Decision:

- Retain as written.
- Revise as follows: _____

Ch. 128, Records

Title 3, Ch. 3, of the 1994 Code

A. The definition of "record" in § 19.32, Wis. Stats., was amended by 2013 Act 171 as follows:

"Record" means any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or

Chapter 103

OFFICERS AND EMPLOYEES

ARTICLE I City Officers

- § 103-1. City Administrator.
- § 103-2. City Clerk.
- § 103-3. City Building Inspector.
- § 103-4. City Engineer.
- § 103-5. City Attorney.
- § 103-6. Municipal Judge.
- § 103-7. Chief of Police.
- § 103-8. Fire Chief.
- § 103-9. Library Director. *Economic*
- § 103-10. City Planning and Development Director. *Coordinator*
- § 103-11. ~~Community~~ *Parks and* Recreation Director. *X*

- § 103-12. Weed Commissioner.
- § 103-13. Assessor.
- § 103-14. Senior Center Director.
- § 103-15. Director of Public Works.

ARTICLE II General Rules for Elected Officials, City Officers and Employees

- § 103-16. Qualifications for elected officials.
- § 103-17. Vacancies and absentees.
- § 103-18. Removal from office.
- § 103-19. Bonds to be filled by city officers.
- § 103-20. Oaths of office.
- § 103-21. Rule making authority.

[HISTORY: Adopted by the Common Council of the City of Monona as Title 2, Ch. 3, of the 1994 Code. Amendments noted where applicable.]

ARTICLE I City Officers

§ 103-1. City Administrator.

A. Appointment. In order to coordinate and improve the various municipal services rendered to the citizens of Monona, there is created the position of City Administrator. The City Administrator shall be employed by the Common Council and shall serve according to the terms of the contract signed by the Administrator and the Council. The Mayor and Personnel Committee shall review applications for the position of City Administrator. The Mayor shall appoint the City Administrator, subject to confirmation by the Common Council. Approval of the contract for the employment of the Administrator shall constitute approval of the appointment.

B. Authority. The City Administrator shall have the following authority:

- (1) To have the overall direction and administrative control of the Department of Inspections, Finance, Public Works, ~~Engineering~~, Planning, and ~~Community~~ *Parks and* Recreation. *and Economic Development X*

- (2) To recommend the selection and removal of all supervisors subject to the authority of the Mayor and the Council, consistent with the general principles of personnel systems based upon merit, except the Police and Fire Chiefs who shall be selected by the Police and Fire Commission.
 - (3) In cooperation with the Mayor, preparation and submission of the annual Executive City Budget.
 - (4) Budget implementation, including authority to transfer up to \$1,000 between items, except capital accounts. The Administrator shall report any such transfer to the Finance Committee at its next regularly scheduled meeting.
 - (5) To recommend to the Mayor and Common Council measures for adoption which are deemed appropriate to deal with significant municipal problems, with the right to participate in all discussions on such measures with the Mayor and Common Council, subject to Council rules or procedures.
- C. Duties and responsibilities. The City Administrator shall have all of the following duties and responsibilities:
- (1) To attend all Council meetings.
 - (2) To submit annually to the Mayor and Council and make available to the public, complete reports on the financial affairs of the City and the status of municipal programs.
 - (3) To make monthly reports to the Mayor and Council concerning the operation of all City departments, offices and special programs.
 - (4) To keep the Mayor and Council fully advised as to the financial condition and future financial needs of the City.
 - (5) To make such recommendations to the Mayor and Council concerning the overall management of the City as necessary.
 - (6) To establish and maintain a centralized purchasing system in the City.
 - (7) To prepare Council agendas in cooperation with the Mayor and City Clerk.
 - (8) To serve as the chief personnel officer of the City.
 - (9) To prepare and continually update a capital improvement program for the City.
 - (10) To supervise and coordinate development of a comprehensive community planning program.
 - (11) To serve as the coordinator for securing state and federal grant and loan assistance for all City programs.
 - (12) To analyze, evaluate and measure the performance of the City administration and make recommendations to the Mayor and Council for the most efficient operation of the City government.

- (13) To submit recommendations to the Mayor and Council for new or changed programs that would improve the quality of life in Monona.
- (14) To serve as comptroller in accordance with Sec. 62.09(1), Wis. Stats.
- (15) To perform any other duties prescribed by the State Statutes or as may be lawfully ordered by the Common Council.
- (16) Submit an annual report and such other periodic reports as requested by the Mayor, Council.
- (17) To serve as City Treasurer in accordance with Sec. 62.09(9), Wis. Stats.

D. Responsible to the Mayor and Council.

- (1) The City Administrator shall be directly responsible to the Mayor subject to the control and management of the Council as a body and not as individuals.
- (2) The Mayor, in writing, may delegate to the City Administrator the responsibility of receiving day-to-day reports from the Chief of Police and Fire Chief.

E. Removal. The Administrator may be removed for cause as provided in Secs. 17.13(1), 17.13(3) and 17.16, Wis. Stats., or otherwise as provided in the contract of employment between the City Administrator and the City.

§ 103-2. City Clerk.

- A. Appointment. The City Clerk shall be appointed by the Mayor upon recommendation of the City Administrator. Approval of the employment contract for the City Clerk shall constitute confirmation by the Common Council.
- B. Duties and responsibilities. The City Clerk shall have all of the following duties and responsibilities:
 - (1) Perform the duties of Clerk as prescribed in Sec. 62.09(11), Wis. Stats., and such other duties as prescribed by State Statute or the Council.
 - (2) Submit an annual report and such other periodic reports as requested by the Mayor, Council and/or City Administrator.
 - (3) The City Clerk or his/her designee shall be responsible for the enforcement of all ordinances relating to licenses unless other provision is made by the Council for the enforcement.
 - (4) Perform all duties as set forth in the job description of City Clerk.
 - (5) Fulfill such other duties as may be directed by the Mayor or City Administrator.
- C. Responsible to the City Administrator. The City Clerk shall be responsible to the City Administrator, subject to the policy direction of the Mayor and Council.

- D. Removal. The City Clerk may be removed for cause as provided in § 103-18 of the Code of the City of Monona, or as otherwise provided in the contract of employment between the City Clerk and the City.

§ 103-3. City Building Inspector.

- A. Appointment. The City Building Inspector shall be appointed by the Mayor upon recommendation of the City Administrator subject to confirmation by the Council. Approval of the contract for the employment of the City Building Inspector shall constitute approval of the appointment.
- B. Duties and responsibilities.
- (1) As Building Inspector. The duties of the Building Inspector shall be to enforce the Building, Electrical, Plumbing and Heating, Ventilating and Air Conditioning Codes of the City, and perform any other duties prescribed by the Common Council.
 - (2) Health Commissioner. The Building Inspector shall serve as Health Commissioner in accordance with Sec. 141.015, Wis. Stats.
 - (3) Other. To perform any other duties prescribed by State Statute or as may be lawfully ordered by the Mayor or Council, and to submit an annual report and such other periodic reports as requested by the Mayor, Council and/or City Administrator.
- C. Responsible to City Administrator. The City Building Inspector shall be responsible directly to the City Administrator, subject to the control of the Mayor and the policy direction of the Common Council.
- D. Removal. The Building Inspector may be removed by the Mayor upon recommendation of the City Administrator subject to confirmation by the Common Council, after compliance with review procedures established by the Common Council or as otherwise provided in the contract of employment between the Building Inspector.

§ 103-4. City Engineer. [Amended 2-7-2011 by Ord. No. 1-11-625]

- A. Appointment. The City Engineer shall be appointed by the Mayor upon recommendation of the City Administrator subject to confirmation by the Council. Approval of the contract for the employment of the City Engineer shall constitute approval of the appointment.
- B. Duties and responsibilities. The City Engineer shall:
- (1) Provide professional engineering services to the City as requested by the Mayor, Common Council and/or City Administrator.
 - (2) Perform such other functions and duties as may be required by the City Administrator.

- (3) Perform any other duties prescribed by State Statute or as may be lawfully ordered by the Mayor or Council.
 - (4) Submit an annual report and such other periodic reports as requested by the Mayor, Council and/or City Administrator.
- C. Responsible to Public Works Director. The City Engineer shall be responsible directly to the Public Works Director, subject to the control of the Mayor and the policy direction of the Common Council.
- D. Removal. The City Engineer may be removed by the Mayor upon recommendation of the City Administrator, subject to confirmation by the Common Council, after compliance with review procedures established by the Common Council or as otherwise provided in the contract of employment between the City Engineer and the City.

§ 103-5. City Attorney.

- A. Appointment. The City Attorney shall be appointed or employed by the Council, and the term of the Attorney's office shall commence upon appointment and continue until his successor is appointed and qualifies. Approval of the contract for the employment of the City Attorney shall constitute approval of the appointment.
- B. Duties and responsibilities.
- (1) The City Attorney shall be responsible for the conduct of all legal services of the City in accordance with Sec. 62.09(12), Wis. Stats., and shall serve as legal advisor to the Mayor, Council, and all Committees, Commissions and Boards. The Attorney shall represent the City in matters in which the City is interested before any court or tribunal and shall perform such other duties as may be required by the Mayor or Council. The Attorney shall call to the attention of the Mayor and Council all matters of law affecting the City.
 - (2) The City Attorney shall submit an annual report and such other periodic reports as requested by the Mayor, Council and/or City Administrator.
 - (3) The City Attorney shall perform any other duties prescribed by the State Statutes or as may be lawfully ordered by the Council.
- C. Responsible to Mayor. The City Attorney shall be responsible to the Mayor, subject to the policy direction of the Common Council. The City Attorney shall work closely and coordinate activities with the City Administrator. Requests for legal opinions shall be made through the Mayor and/or City Administrator pursuant to City policy.
- D. Removal. The City Attorney may be removed from office by the Common Council, after compliance with review procedures established by the Council, and in accordance with an contractual rights between the Attorney and the City.

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§ 103-6. Municipal Judge. [Amended 1-3-2011 by Ord. No. 1-11-622]

A. Municipal Judge.

- (1) Office created. Pursuant to Sec. 755.01, Wis. Stats., there is created the office of Municipal Judge for the City of Monona.
- (2) Election; term. The Municipal Judge shall be elected at large at the spring election in even numbered years for a term of four years, or until a successor is elected and qualifies. The term of office shall commence on May 1 next succeeding the election. Mid-term vacancies in the office of Municipal Judge shall be filled by special election to be held not less than 55 nor more than 70 days after the order of the Council therefor.
- (3) Salary. The Municipal Judge shall receive a salary as determined from time to time by the Common Council, which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during the term of office for which he has not executed and filed the official bond and oath as required by Subsection A(4) below.
- (4) Bond; oath. The Municipal Judge shall execute and file with the Clerk of Courts for Dane County the oath prescribed by Sec. 757.02, Wis. Stats., and a bond in the penal sum of \$2,000. The Judge shall not be qualified to act until a certified copy of the bond is filed with the City Clerk and a certified copy of the oath is filed with the office of the State Administrator of Courts as required by Sec. 755.03, Wis. Stats.
- (5) Jurisdiction. The Judge shall have jurisdiction as provided by law and Sec. 755.045, Wis. Stats., and exclusive jurisdiction of violations of City ordinances, resolutions and by-laws.

B. Municipal Court.

- (1) Court established. The Municipal Court for the City of Monona is established pursuant to Sec. 755.02 and Chapter 755, Wis. Stats.
- (2) Hours. The Municipal Court shall be open as determined by order of the Municipal Judge.
- (3) Location. The Municipal Judge shall hold court in the Monona ~~Community Center~~, unless otherwise provided by the Common Council.
- (4) Procedure. The procedure in Municipal Court for the City shall be as provided by this section and state law including, without limitation because of enumeration, Chapters 755, 799, 800 and Sections 23.66 to 23.99, and 345.20 to 345.53, Wis. Stats.
- (5) Collection and return of forfeitures. The Municipal Judge shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding before the court and shall pay over such moneys to the City Treasurer within 30 days of collection. At such time the Municipal Judge shall also report to the City

Public Library Municipal Room

X

Treasurer the title, nature of offenses and total amount of judgments imposed in actions and proceedings in which such moneys were collected.

- (6) Contempt of Court. The Municipal Judge may punish a person for contempt of court in accordance with the provisions of section 800.12 of the Wisconsin Statutes.

C. Stipulation and deposits in Municipal Court.

- (1) Deposit schedule to be established. The Municipal Judge shall establish and submit to the Common Council for approval in accordance with Sec. ~~800.03(3)~~, Wis. Stats., a schedule of deposits for violations of City ordinances, resolutions and bylaws except traffic regulations which are governed by Sec. 345.2~~X~~ Wis. Stats., and boating violations governed by Sec. 30.77, Wis. Stats. When approved by the Council, such deposit schedule shall be posted in the office of the Municipal Court Clerk and the Monona Police Department. 800.037 X
- (2) Stipulation and deposit in lieu of court appearance. Persons cited for violations of City ordinances, resolution or bylaws for which a deposit has been established under this Subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Secs. ~~800.03, 800.04 and 800.09~~, 800.035(6) X Wis. Stats.
- (3) Traffic and boating deposits. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chapters 23 and 345, Wis. Stats., shall apply to stipulations and deposits for violations of traffic regulations in accordance with Sec. 345.27 and boating regulations enacted in accordance with Sec. 30.77, Wis. Stats.
- (4) When not permitted. Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt.

§ 103-7. Chief of Police. [Amended 5-7-2012 by Ord. No. 5-12-639]

- A. Appointment. The Chief of Police shall be appointed by the Police and Fire Commission and shall hold office during good behavior subject to suspension or removal by the Commission for cause. An employment contract may be required.
- B. Duties and responsibilities.
 - (1) To exercise general supervision of the Police Department and be responsible for the personnel and general efficiency of the department.
 - (2) To enforce all ordinances of the City.
 - (3) To have the powers outlined in Sec. 62.09(13), Wis. Stats., including the duties of Constable.
 - (4) To perform any other duties prescribed by the State Statutes or as may be lawfully ordered by the Council.

- (5) Submit an annual report and such other periodic reports as requested by the Mayor, Council and/or City Administrator.
 - (6) The Chief of Police or designees are authorized to run a Wisconsin criminal history records check for any lawful purpose; including but not limited to, on any applicant for a City of Monona license or employment position to assist in determining whether the applicant possesses the necessary qualifications, and for any law enforcement investigative purpose.
- C. Responsible to the Mayor. The Chief of Police shall be responsible to the Mayor, subject to the policy direction of the Council. The Chief of Police shall work closely and coordinate activities with the City Administrator.
- D. Removal. The Chief of Police may be removed from office by the Police and Fire Commission for cause.

§ 103-8. Fire Chief. [Amended 11-16-2009 by Ord. No. 10-09-608]

- A. Appointment. The Fire Chief shall be appointed by the Police and Fire Commission, and shall hold office during good behavior subject to suspension or removal by the Commission for cause. An employment contract may be required.
- B. Duties and responsibilities.
- (1) To exercise general supervision of the Fire and EMS Departments, and be responsible for the personnel and general efficiency of the departments.
 - (a) Be responsible for daily administrative duties associated with the EMS Department.
 - (b) Act as the departmental training officer and coordinate training programs for the Fire and EMS Departments.
 - (c) Supervise Fire and EMS Personnel.
 - (2) To have control of the apparatus used by the Department and be responsible for its proper maintenance.
 - (3) To have complete command of and entire responsibility for all fire fighting operations, to plan the control of the same, direct the action of the Department when at a fire, to grant leaves of absence at a fire when deemed proper, and see that the fire apparatus is kept in proper condition at all times.
 - (4) To serve as Fire Inspector, with power to appoint one or more Deputy Fire Inspectors.
 - (5) To enforce all fire prevention ordinances of the City and state laws and regulations pertaining to fire prevention and keep citizens informed on fire prevention methods and on the activities of the Department.

- (6) Submit an annual report and such other periodic reports as request by the Mayor, Council and/or City Administrator relating to the condition of the various pieces of apparatus and appurtenances, the number of fires occurring since the previous report, the date of same and loss occasioned thereby, and the total number of active members in the Department. The Chief shall also report upon the drill and training program of the Department, together with other pertinent information including recommendations of such improvements as is deemed proper and necessary for the operation of the Department.
 - (7) To perform any other duties prescribed by State Statute or as may be lawfully ordered.
 - (8) Annually update the department's comprehensive set of standards, operating policies, procedures, and practices as well as the system to evaluate the same on a wide variety of topics. These departmental standards, operating policies, procedures, and practices seek to conform to those established by the National Fire Protection Association (NFPA).
 - (9) Every three years update a comprehensive three year strategic plan that sets goals and timetables for the department.
- C. Responsible to the Mayor. The Fire Chief shall be responsible to the Mayor, subject to the policy direction of the Council. The Fire Chief shall work closely and coordinate activities with the City Administrator.
- D. Removal. The Fire Chief may be removed from office by the Police and Fire Commission for cause.¹

Delete phrase

§ 103-9. Library Director.

- A. Appointment. The Library Director is appointed by the Library Board, ~~subject to confirmation by the Common Council.~~
- B. Duties and responsibilities.
 - (1) To exercise general supervision of the Library and be responsible for the personnel and general efficiency of the Library.
 - (2) To be responsible for the maintenance and improvement of the Library collection.
- C. Responsible to the Library Board. The Library Director shall be responsible to the Library Board. The Library Director shall work closely with and coordinate activities with the City Administrator.
- D. Removal. The Library Director may be removed by the Library Board, ~~subject to confirmation by the Common Council,~~ after compliance with review procedures

¹ Editor's Note: Former Sec. 2-3-9, Director of Fire Prevention/EMS Director, which immediately followed this subsection, was repealed 11-16-2009 by Ord. No. 10-09-608.

established by the Common Council or as otherwise provided in the contract or employment, if any, between the Library Director and the City.

Economic

X § 103-10. City Planning and Development ~~Coordinator~~. Director (change title)

- A. Appointment. The City Planning and Development Coordinator shall be appointed by the Mayor, upon recommendation of the City Administrator, subject to confirmation by the Common Council.
- B. Duties and responsibilities.
- (1) To enforce the Master Plan and Zoning Code of the City.
 - (2) To coordinate current and long range planning, as well as providing input to the Common Council on the overall development of the City.
 - (3) To serve as staff to the City Plan Commission and Community Development Authority.
- C. Responsible to City Administrator. The City Planning and Development Coordinator shall be responsible to the City Administrator, subject to the policy direction of the Mayor, Council and Community Development Authority.
- D. Removal. The City Planning and Development Coordinator may be removed by the Mayor, upon recommendation of the City Administrator subject to confirmation by the Common Council, after compliance with review procedures established by the Common Council or as otherwise provided in the contract of employment between the City Planning and Development Coordinator and the City.

Parks and

§ 103-11. ~~Community~~ Recreation Director. (change title)

- A. Appointment. The Community Recreation Director shall be appointed by the Mayor, upon recommendation of the City Administrator, subject to confirmation by the Common Council.
- B. Duties and responsibilities.
- (1) To oversee the operation and coordinate the use of the Monona Community Center.
 - (2) Develop and implement recreation programs involving the Community Center, Senior Center, park facilities and other City and community facilities.
 - (3) Serve as Director of the Monona Municipal Swimming Pool.
- C. Responsible to City Administrator. The Community Recreation Director is directly responsible to the City Administrator, subject to the control of the Mayor and the policy direction of the Common Council.
- D. Removal. The Community Recreation Director may be removed by the Mayor upon recommendation of the City Administrator, subject to confirmation by the Common

Council, after compliance with review procedures established by the Common Council, or as otherwise provided in the contract of employment, if any, between the Community Recreation Director and the City.

§ 103-12. Weed Commissioner.

- A. Appointment. The Weed Commissioner shall be appointed by the Mayor upon recommendation of the City Administrator, subject to confirmation by the Common Council.
- B. Duties and responsibilities. The Weed Commissioner shall have the duties and responsibilities outlined in § 66.0517, Wis. Stats.

§ 103-13. Assessor.

- A. Pursuant to the Wisconsin Statutes, the City elects not to be governed by those portions of the statutes which relate to the selection and tenure of the City Assessor, and which are in conflict with this section.
- B. Instead of being elected, the Assessor, or assessing firm, shall be appointed by the Mayor, subject to Council confirmation. Said person or firm so appointed to perform the duties of such office shall have a term as determined by contract. A corporation or an independent contractor may be appointed as the City Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he has been granted the appropriate certification under Sec. 73.09, Wis. Stats. For purposes of this Subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

§ 103-14. Senior Center Director.

- A. Appointment. The Senior Center Director shall be appointed by the Mayor upon recommendation of the City Administrator, subject to confirmation by the Common Council.
- B. Duties and responsibilities. The Senior Center Director shall perform the following duties:
- (1) To oversee the operations of the Monona Senior Center.
 - (2) Maintain the financial and operational records of the Monona Senior Center.
 - (3) Fulfill such other duties as may be directed by the Mayor or City Administrator.

- C. Responsible to the City Administrator. The Senior Center Director shall be responsible to the City Administrator, subject to the policy direction of the Mayor and Council.
- D. Removal. The Senior Center Director may be removed in accordance with the provisions of § 103-18 of the Code of the City of Monona, after compliance with review procedures otherwise provided any contract of employment between the Senior Center Director and the City.

§ 103-15. Director of Public Works. [Added 2-7-2011 by Ord. No. 1-11-625]

- A. Appointment. The Director of Public Works shall be appointed by the Mayor upon recommendation of the City Administrator subject to confirmation by the Common Council. Approval of the contract for the employment of the Director of Public Works shall constitute approval of the appointment.
- B. Duties and responsibilities. The Director of Public Works shall:
 - (1) Appoint all personnel under his direction, subject to approval of the City Administrator and consistent with City personnel policies.
 - (2) Manage and direct public works and utility programs of the City.
 - (3) Perform such other functions and duties as may be required by the City Administrator.
 - (4) Perform any other duties prescribed by State Statute or as may be lawfully ordered by the Mayor or Common Council.
 - (5) Perform the duties of Water Superintendent.
 - (6) Prepare and submit an annual capital improvement budget and five year capital plan.
 - (7) Manage and direct the public works operating programs of the city, including water, sewer, streets, parks and sanitation.
 - (8) Perform the duties of Street Commissioner.
 - (9) Submit an annual report and such other periodic reports as requested by the Mayor, Common Council and/or City Administrator.
- C. Responsible to the City Administrator. The Director of Public Works shall be responsible directly to the City Administrator, subject to the control of the Mayor and the policy direction of the Common Council.
- D. Removal. The Director of Public Works may be removed by the Mayor upon recommendation of the City Administrator, subject to confirmation by the Common Council, after compliance with review procedures established by the Common Council or as otherwise provided in the contract of employment between the Director of Public Works and the City.

ARTICLE II

General Rules for Elected Officials, City Officers and Employees**§ 103-16. Qualifications for elected officials.**

No person shall be eligible for election as an official of the City of Monona unless he is a citizen of the United States and a resident of the City.

§ 103-17. Vacancies and absentees.

- A. Vacancies in elective and appointive positions are caused as provided in Secs. 17.03 and 17.035, Wis. Stats.
- B. Vacancies shall be filled as provided in Sec. 17.23, Wis. Stats.
- C. If any officer be absent or temporarily incapacitated for any cause, the Council may appoint some person to discharge his duties until he returns or until such disability is removed.
- D. A Council member shall be eligible for appointment as Mayor to fill an unexpired term.

§ 103-18. Removal from office.

- A. Elected officials. Elected officials may be removed as provided in Sec. 17.12(1)(a), Wis. Stats., and Sec. 17.16, Wis. Stats.
- B. Appointed officials. Appointed officials may be removed as provided in Secs. 17.13(1) and 17.16, Wis. Stats.
- C. Qualifications of appointed officials.
 - (1) All citizen appointees to City committees, commissions, or boards shall be residents of the City. If an individual moves from the City during the course of his term of appointment, this shall constitute grounds for immediate removal from that particular committee, commission, or board and the Mayor shall appoint a replacement with Council confirmation.
 - (2) Nonresident members may be appointed to City committees, commissions, or boards upon the recommendation of the Mayor and approval of 2/3 of the Council that the best interests of the City will be served by such appointment.
- D. Attendance at Committee, Commission or Board meetings. All citizen appointees are expected to attend all scheduled committee, commission, or board meetings. Three unexcused absences or six absences over a six-month period of time from regularly scheduled meetings shall constitute grounds for removal from that particular committee, commission, or board and the Mayor shall appoint a replacement with Council confirmation.

§ 103-19. Bonds to be filed by city officers.

Every bond required of a City officer shall be executed with sufficient sureties in a sum fixed by the Council when not otherwise prescribed and be approved by the Mayor. Whenever the Council shall deem any bond insufficient, it may require an additional bond to be executed and filed in a sum and within a time to be set by them. No City officer shall be accepted as a surety on any bond, note, or other obligation of the City.

§ 103-20. Oaths of office.

Elected and appointed officials shall take and file the official oath within five days after notice of their election or appointment as provided in Sec. 61.21, Wis. Stats.

§ 103-21. Rule making authority. [Amended 2-7-2011 by Ord. No. 1-11-625]

- title change*
- A. Authorization for department heads. Heads of departments of the City including, without limitation by enumeration, the City Administrator, City Clerk, Community Recreation Director, Chief of Police, Fire Chief, and Director of Public Works, may make rules, regulations, or directives for the administration of their departments but not for the conduct of the general public.
- B. Approval of rules by City Administrator.
- (1) Any proposed departmental rule, regulation, or directive from the Police and Fire Departments shall be referred to the City Administrator for review. Within 15 days of formal presentation to the City Administrator, the City Administrator shall forward the proposed rule along with his recommendations to the Mayor for review.
 - (2) Any proposed departmental rule, regulation, or directive other than those proposed by the Police and Fire Departments shall be referred to the City Administrator for review. Within 15 days of formal presentation to the City Administrator, the City Administrator shall either forward the proposed rule along with recommendations to the Mayor for review, or return the proposed rule to the department along with suggested revisions. Any rule, or any part thereof, returned by the City Administrator to the department head shall be deemed to be unacceptable and not in force.
- C. Time of taking effective. All proposed rules, regulations, or directives shall be effective 30 calendar days after presentation to the City Administrator, unless returned by either the City Administrator or the Mayor, or the Common Council acts by resolution to nullify such rule. In emergency situations requiring immediate actions, rules may become effective immediately; but all rules so enacted shall be reported to the City Administrator, the Council, and the Mayor within 24 hours, with the reasons for the necessity of immediate implementation. All emergency rules are temporary in nature, and must be formally presented as required in Subsection B to become permanent rules.
- D. Notice. All proposed rules shall be posted by the department in the work area of all employees subject to any such rule within 24 hours of presentation to the City

Administrator. The department shall file one copy of the proposed rule with the City Clerk, who shall maintain such copy for general public inspection. The City Clerk shall provide the Common Council with copies of any proposed rule for its review. The City Clerk shall distribute copies of such proposed rules to all Council members and to the members of the appropriate advisory committee, commission, or board within 72 hours of the promulgation of the proposed rule by the Department.

- E. Effect of failure to comply with rule. Each employee subject to any rule shall comply with such rule. Failure to comply with such rule shall be cause for disciplinary action.

City of Monona, WI

Decision:

- Revise § 103-20 to read as follows: "Elected and appointed officials shall take and file the official oath within 10 days after notice of their election or appointment as provided in § 62.09(4), Wis. Stats."
- Revise as follows: _____
- Retain as written.

Ch. 112, Police and Fire Commission

Title 5, Ch. 1, of the 1994 Code; amended in its entirety by Ord. No. 7-14-661

This chapter was recently revised; it appears suitable as written.

Decision:

- Retain as written.
- Revise as follows: _____

Ch. 119, Property, Lost, Abandoned and Surplus

Title 3, Ch. 4, of the 1994 Code

In § 119-2B(1)(c) we will update the reference to the Alcohol, Tobacco and Firearms Bureau of the United States Department of the Treasury to the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice. Otherwise this chapter appears satisfactory as written, provided that it reflects current procedures.

Decision:

- Retain as written.
- Revise as follows: _____

Ch. 128, Records

Title 3, Ch. 3, of the 1994 Code

A. The definition of "record" in § 19.32, Wis. Stats., was amended by 2013 Act 171 as follows:

"Record" means any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or

Chapter 119

PROPERTY, LOST, ABANDONED AND SURPLUS

§ 119-1. Disposal of surplus city property.

§ 119-2. Lost and abandoned property.

[HISTORY: Adopted by the Common Council of the City of Monona as Title 3, Ch. 4, of the 1994 Code. Amendments noted where applicable.]

§ 119-1. Disposal of surplus city property.

A. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

SURPLUS CITY PROPERTY —

- (1) That property which is owned by the City of Monona and which has no further usefulness to the City. An item of property shall be considered to have no further usefulness when:
 - (a) The item or its function has been totally replaced by other City property and no probable future function exists for it; or
 - (b) The City no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item; or
 - (c) The item is no longer able to reliably or economically perform the work required of it.
- (2) Surplus property as defined in this chapter shall not include land or buildings but shall include fixtures and such salvage as may be taken from a building without structural damage when such fixtures and salvage are not part of a demolition contract. Surplus City property shall not include property which is obtained by the City as a result of abandonment or loss by the property's original owner. Surplus City property shall not include items of property which are traded in for newer items. Surplus City property shall not include library materials used by the public library for lending purposes.

B. Determination of surplus city property.

- (1) Whenever an item of City property is determined to be surplus City property on the basis that the City no longer performs the service for which the item was purchased, the City Administrator, upon the recommendation of the pertinent department head, shall determine whether or not the item is surplus City property.
- (2) Whenever the fair market value of the item is more than \$10,000, the City Administrator, upon the recommendation of the pertinent department head, shall determine whether or not the item is surplus City property.

C. Disposition of surplus City property.

- (1) Whenever the City Administrator, upon the recommendation of the pertinent department head, determines that an item of property is surplus City property, it shall dispose of such property as it determines.
- (2) Whenever the fair market value of an item is more than \$10,000 and the City Administrator, upon the recommendation of the pertinent department head, has determined, pursuant to the previous Subsection, that the item is surplus City property, the department head responsible for the items shall dispose of the property by:
 - (a) Donation to a nonprofit organization within the City or to a governmental agency;
 - (b) Public auction;
 - (c) Sale by sealed bid; or
 - (d) Negotiated sale.
- (3) In the event of a public auction or sale by sealed bid, the item will be sold in "as-is" condition to the person submitting the highest bid provided, however, that a lower bid submitted by a nonprofit organization or governmental agency may be accepted by the City. The department head responsible for the item shall determine the time in which the successful bidder must remove the item. In the event the item is not removed within that time, the item shall revert to the City and the amount of the bid shall be forfeited to the City. In the event no bids are received, the item shall be disposed of as directed by the City Administrator.
- (4) No public auction or awarding of bids shall occur under this chapter unless a description of the item to be sold and an advance notice of the time and place for such auction or bid submission is first published as a Class 2 notice in the official City newspaper.
- (5) Whenever the fair market value of an item is \$10,000 or less and the Common Council has determined, pursuant to the previous Section, that it is surplus City property, the item shall be either disposed of as set forth in Subsection C(2) above or destroyed.

D. Determination of fair market values. Whenever this chapter requires a determination of the fair market value of an item of property, that determination shall be made by the department head responsible for the property, whose decision shall be final.

E. Authority to dispose of property.

- (1) Except for library materials used by the public library for lending purposes, only the City Administrator may dispose of City property which is not surplus City property.
- (2) Whenever this section provides for an auction or other disposition of any property, the City Administrator shall be authorized to hire an auctioneer or take such other

action as is necessary to properly dispose of the property provided, however, that the fees of such auctioneer and all such costs, other than those for City labor and the use of City property, do not exceed the payment received by the City from the auction or sale of the property.

§ 119-2. Lost and abandoned property.

A. City custody of lost or abandoned property.

- (1) Property which appears to be lost or abandoned, discovered by officers or turned in to the Chief of Police by citizens shall be disposed of according to this section.
- (2) Lost and abandoned property will be examined by the Chief of Police for identifying marks in an attempt to determine the owner. If identifying marks are present, they shall be used by the Chief of Police to attempt to contact the owner to return the property. If no identifying marks are present, the property shall be taken into custody by the Chief of Police.
- (3) No City employee shall keep for his or her own use property found in the course of duty, nor take possession of property during off-duty hours when the discovery was made while on duty.
- (4) The Chief of Police shall permit citizens to claim lost property if they can provide sufficient proof that they are rightful owners.
- (5) No City employee shall receive any lost, stolen, abandoned or other unclaimed property from the Chief of Police, unless that person receives a written receipt signed by the Chief of Police, a copy of which shall remain with the City Administrator.

B. Disposal procedures.

- (1) Classes of property. All property which has been abandoned, lost or remained unclaimed for a period of 30 days after the taking of possession of the same by the City shall be disposed of as follows, except that if the property is usable for City operations, the property need not be sold at auction, but may become the property of the City.
 - (a) Vehicles. Vehicles shall be disposed of as set forth in the applicable provisions of Chapter 342, Property Maintenance, Article I, Junked Vehicles and Appliances, and Chapter 420, Vehicles, Abandoned, of the Code of the City of Monona.
 - (b) Intoxicating liquor and fermented malt beverages. Intoxicating liquor and fermented malt beverages shall be destroyed.
 - (c) Firearms, ammunition and explosives. Firearms or ammunition shall be returned to their rightful owner, destroyed, or transferred to the State Crime Laboratory, the division of law enforcement services of the Department of Justice, the Federal Bureau of Investigation or the Alcohol, Tobacco and

Firearms bureau of the U.S. Department of Treasury, any explosive, flammable, or other material proving a danger to life or property may be disposed of immediately upon taking possession thereof. The Chief of Police and the Fire Chief, after consulting with the County Sheriff's Department, are hereby authorized to determine the disposal procedure, provided, however, that any such procedure will attempt to return to its rightful owner any such material which appears to have been stolen.

- (d) Other property with a fair market value of \$100 or less. An item of property with a fair market value of \$100 or less shall be destroyed or sold at public auction. Perishable property which deteriorates to a fair market value of less than \$100 shall be destroyed.
 - (e) Other property with a fair market value of over \$100. An item of property with a fair market value of more than \$100 shall be sold at public auction or by sealed bid.
 - (f) Illegal property. Property which cannot be legally possessed shall be destroyed.
- (2) Disposal by auction or sealed bid.
- (a) Whenever any property under this section is sold by public auction or sale or by sealed bid, such auction or the awarding of bids shall be preceded by a Class 2 notice describing the property and arranging the time and place for the auction or bid submission; such notice shall be published in the official City newspaper. The property auctioned or sold by sealed bid shall be sold in as-is condition to the highest bidder. No sale or auction shall occur until the Chief of Police has determined that the property has no value to any probable investigation or legal proceeding. The department head responsible for the property shall determine the time in which the successful bidder shall remove the property. In the event the property is not removed within that time, the property shall revert to the City and the amount of the bid be forfeited to the City.
 - (b) Any City official selling property under this section shall maintain for two years an inventory of any property not disposed of by auction or sale by sealed bid and shall include a record of the date and method of disposal, any payment received for the property, and the name and address of the person acquiring the property.
- (3) Lost property. Property which is found by persons and delivered to the Chief of Police for the purpose of locating the former owner shall not be considered abandoned or unclaimed under this section until 30 days after mailing to the person finding the property a notice that he may claim ownership of said property. The Chief of Police shall determine what portion, if any, of the property or its value shall be given the finder. This provision shall not apply to any City employee finding property in the regular course of his employment.

- (4) Payment to City Treasury. All sums received from the sale of property under this section shall be paid to the City Treasury.