

# Chapter 1<sup>1</sup>

---

## GENERAL PROVISIONS AS TO OFFICIALS

- 1.01 Elected Officials
- 1.02 Appointed Officials
- 1.03 Oaths and Bonds
- 1.04 Removals
- 1.05 Vacancies
- 1.06 Salaries
- 1.07 Receipt of Gifts and Gratuities
- 1.08 Wards, Districts, and Voting Polls
- 1.10 Mayor and Aldermen
- 1.11 Assessor
- 1.12 City Administrator/Utilities Manager
- 1.13 City Clerk/Treasurer
- 1.14 Director of Public Works
- 1.140 Director of Public Safety
- 1.145 Water Utility Field Coordinator
- 1.147 Department of Public Works Field Coordinator
- 1.15 Utility Field Supervisor
- 1.16 Building and Plumbing Inspector
- 1.17 Police Chief
- 1.18 Fire Chief
- 1.19 City Attorney
- 1.21 Deputy City Administrator
- 1.25 Public Utility
- 1.26 Park Commission
- 1.27 Board of Review
- 1.28 Library Board
- 1.29 City Plan Commission
- 1.30 Board of Police and Fire Commissioners
- 1.31 Board of Appeals

---

<sup>1</sup> Amended by Ordinance No. \_\_-2000/01, Enacted April \_\_, 2001.

- 1.32** Historic Preservation Commission
- 1.33** Housing Authority
- 1.34** Architectural Review Board
- 1.35** Wisconsin Retirement Fund
- 1.36** Employee Residency Requirement
- 1.37** Public Records
- 1.38** Purchasing Procedures
- 1.39** City Eye Wear Reimbursement Policy
- 1.40** Personal Use of Public Vehicles Prohibited
- 1.41** Department Head Work-Time Policy
- 1.42** Establishing Travel and Vacation Policy for City Employees
- 1.43** Criminal History Record Information Searches Authorized

### 1.01 Elected Officials

The elected officials of the City shall be a Mayor and 2 Aldermen from each aldermanic district who shall hold office for 2-year terms and until successors are elected and qualified.

### 1.02 Appointed Officials

The following City officials shall be appointed in the manner and for the term indicated in this section:

	<u>Official</u>	<u>How Appointed</u>	<u>Term</u>
(1) <sup>2</sup>	Director of Administrative Services/Clerk/Treasurer	Mayor, subject to confirmation by 2/3 of all Council members	Indefinite
(2) <sup>3</sup>	Assessor	Mayor, subject to confirmation by 2/3 of all Council members	Indefinite
(3)	Utility Field Supervisor	Mayor, subject to confirmation by 2/3 of all Council members	Indefinite
(4) <sup>4</sup>	Director of Public Works	Mayor, subject to confirmation by 2/3 of all Council members	Indefinite
(5) <sup>5</sup>	Building and Plumbing Inspector	Mayor, subject to confirmation by 2/3 of all Council members	Indefinite
(6)	Police Chief	Board of Police & Fire Commissioners	Indefinite
(7)	Fire Chief	Board of Police & Fire Commissioners	Indefinite

<sup>2</sup> Amended by Ordinance No. 3-1994/95, enacted July 18, 1994.

<sup>3</sup> Amended by Ordinance No. 3-1994/95, enacted July 18, 1994.

<sup>4</sup> Amended by Ordinance No. 3-1994/95, enacted July 18, 1994.

<sup>5</sup> Amended by Ordinance No. 3-1994/95, enacted July 18, 1994.

---

	<u>Official</u>	<u>How Appointed</u>	<u>Term</u>
(8)	City Attorney	Mayor, subject to confirmation by 2/3 of all Council members	1 year
(9) <sup>6</sup>	Director of City Services	Mayor, subject to confirmation by 2/3 of all Council members	Indefinite
(10) <sup>7</sup>	Public Works Field Supervisor	Mayor, subject to confirmation by 2/3 of all Council members	Indefinite
(11) <sup>8</sup>	Director of Public Safety	Mayor, subject to confirmation by 2/3 of all Council members	Indefinite

**1.03 Oaths and Bonds**

Elected and appointed officials shall take and file the official oath within 10 days after notice of their election or appointment as provided in Wis. Stat. § 62.09(4)(a), and shall execute and file the official bond as required by state statutes and this Municipal Code.

**1.04 Removals**

(1) Elected Officials -

Elected officials may be removed by the City Council as provided in Wis. Stat. §§ 17.12(1)(a), 17.16.

(2) Appointed Officials -

Appointed officials may be removed as provided in Wis. Stat. §§ 17.12(1)(c), 17.16.

**1.05 Vacancies**

(1) How Occurring -

Vacancies in elective and appointive positions are caused as provided in Wis. Stat. §§ 17.03, 17.035.

---

<sup>6</sup> Amended by Ordinance No. 3-1994/95, enacted July 18, 1994.

<sup>7</sup> Amended by Ordinance No. 3-1994/95, enacted July 18, 1994.

<sup>8</sup> Amended by Ordinance No. 4-2004/05, enacted July 20, 2004.

(2) How Filled -

Vacancies in elective and appointive offices shall be filled as provided in Wis. Stat. § 17.23.

**1.06 Salaries**

The salaries of all elected and appointed officials, including members of boards and commissions, shall be as determined by the City 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 Wis. Stat. § 66.196.)

**1.07 Receipt of Gifts and Gratuities**

(1) Restricted -

No City employee or official shall receive or offer to receive, either directly or indirectly, any gift, gratuity or other thing of value which he is not authorized to receive from any person who:

- (a) Has or is seeking to obtain contractual or other business or financial relationships with the City or City Council.
- (b) Conducts operations or activities which are regulated by the City or City Council.
- (c) Has interests which may be substantially affected by the City or City Council.

(2) Penalty -

The receipt of any gift, gratuity or other thing of value as denoted above is contrary to public policy of the City and is punishable as provided in Wis. Stat. § 946.12. Such conduct shall also be punishable under Section 25.04 of this Municipal Code.

**1.08 Wards, Districts, and Voting Polls<sup>9 10</sup>**

(1) Division Into Wards -

The City is hereby divided into nine wards, the areas of which shall be made up as follows:

Ward 1

Ward 1 - Starting at the intersection of C.T.H. C (Fond du Lac Avenue) and River Oaks Drive, thence South along River Oaks Drive to Richardson Avenue, thence East along Richardson Avenue to Westwood Drive, thence North along Westwood Drive to Western Avenue, thence East along Western Avenue to Second Street, thence North along Second Street to Leavens Avenue, thence West along Leavens Avenue to C.T.H. C (Fond du Lac Avenue), thence West along C.T.H. C (Fond du Lac Avenue) to the point of beginning.

<sup>9</sup> Section 1.08 created by Ordinance No. 6-1991/92, adopted August 10, 1991.

<sup>10</sup> Repealed and recreated by Ordinance No. 3-2011/2012. Enacted July 19, 2011

Ward 2

Ward 2 - Starting at the intersection of Old County Road PP and Concord Drive, thence South along Concord Drive to the Southern Lot Line of Lot 59, thence West along the Southern Lot line of Lot 59 to the City Limit Line, thence South and Counterclockwise along the City Limit line to CTH PPP, thence Northeasterly along CTH PPP to Old County Road PP, thence West along Old County Road PP to the City Limit Line, thence Southwesterly and Counterclockwise along the City Limit Line to Old County Road PP, thence Northwesterly along Old County Road PP to the point of beginning.

Ward 3

Ward 3 - Starting at the intersection of C.T.H. PPP and Pine Street, thence Easterly and Counterclockwise along City Limit Line to the intersection with Township Line of The Township of Sheboygan Falls and Town of Lima, thence Easterly along said line to S.T.H. 32 (Giddings Avenue), thence Northerly along S.T.H. 32 (Giddings Avenue) to Summer Street, thence Westerly along Summer Street to Pine Street, thence Northeasterly along Pine Street to Buffalo Street, thence Northwesterly along Buffalo Street to C.T.H. PP (Monroe Street), thence Westerly along C.T.H. PP (Monroe Street) to C.T.H. PPP, thence Southwesterly along C.T.H. PPP to the point of beginning.

Ward 4

Ward 4 - Starting at the intersection of S.T.H 32 and S.T.H. 28, thence Southerly and Counterclockwise along City Limit Line to the Intersection of S.T.H 28 and C.T.H. EE (Broadway Street), thence Northwesterly along C.T.H. EE (Broadway Street) to Buffalo Street, thence Northwesterly along Buffalo Street to Pine Street, thence Southwesterly along Pine Street to Summer Street, thence Southeasterly along Summer Street to S.T.H. 32 (Giddings Avenue), thence Southwesterly along S.T.H. 32 (Giddings Street) to the point of beginning.

Ward 5

Ward 5 - Starting at the intersection of C.T.H. PP (Monroe Street) and Buffalo Street, thence Southeasterly along Buffalo Street to Broadway Street, thence Southeasterly along Broadway Street to the City Limit Line, thence Northeasterly along City Limit Line to C.T.H. C (Fond du Lac Avenue), thence Southwesterly along C.T.H. C (Fond du Lac Avenue) to Poplar Street, thence Southwesterly along Poplar Street to C.T.H. PP (Monroe Street), thence West along C.T.H. PP (Monroe Street) to the point of beginning.

Ward 6

Ward 6 - Starting at the intersection of S.T.H. 32 (North Main Street) and C.T.H. C (Fond du Lac Avenue), thence West along C.T.H. C (Fond du Lac Avenue) to Leavens Avenue, thence Southeasterly along Leavens Avenue to Second Street, thence South along Second Street to Western Avenue, thence East along Western Avenue to First Street, thence North along First Street to Broadway Street, thence Easterly along Broadway Street to Buffalo Street, thence Southerly along Buffalo Street to Monroe Street, thence Easterly along Monroe Street to Poplar Street, thence Northeasterly along Poplar Street to Fond du Lac Avenue, thence West on Fond du Lac Avenue to State Street, thence North along State Street to Michigan Street, thence South along Michigan Street to Richmond Street, thence West along Richmond Street to Wisconsin Street, thence South along Wisconsin Street to Fond du Lac Avenue, thence West along Fond du Lac Avenue to Crocker Avenue, thence Northwesterly along Crocker Avenue to S.T.H. 32 (North Main Street), thence South along S.T.H. 32 (North Main Street) to the point of beginning.

Ward 7

Ward 7 - Starting at the intersection of C.T.H. C (Fond du Lac Avenue) and S.T.H. 32 (North Main Street), thence Northwesterly along S.T.H. 32 (North Main Street) to Crocker Avenue, thence East along Crocker Avenue to Fond du Lac Avenue, thence Southeasterly along Fond du Lac Avenue to Wisconsin Street, thence North along Wisconsin Avenue to Richmond Street, thence East along Richmond Street to Michigan Street, thence North along Michigan Street to State Street, thence East along State Street to Fond du Lac Avenue, thence East along Fond du Lac Avenue to Rangeline Road, thence North along Rangeline Road to Forest Avenue, thence West along Forest Avenue to S.T.H. 32 (North Main Street), thence North along S.T.H. 32 (North Main Street) to City Limit Line, thence West and Counterclockwise along City Limit Line to C.T.H. C (Fond du Lac Avenue), thence East along C.T.H. C (Fond du Lac Avenue) to the point of beginning.

Ward 8

Ward 8 - Starting at the intersection of S.T.H. 32 (North Main Street) and Forest Avenue, thence Easterly along Forest Avenue to City Limit Line, thence North and Counterclockwise along City Limit Line to S.T.H. 32 (North Main Street), thence South along S.T.H. 32 (North Main Street) to point of beginning.

Ward 9

Ward 9 - Starting at the intersection of Monroe Street and Buffalo Street, thence Northerly along Buffalo Street to Broadway Street, thence westerly along Broadway Street to First Street, thence South along First Street to Western Avenue, thence West along Western Avenue to Westwood Drive, thence South along Westwood Drive to Richardson Avenue, thence West along Richardson Avenue to River Oaks Drive, thence North along River Oaks Drive to C.T.H. C (Fond du Lac Avenue), thence Easterly along C.T.H. C (Fond du Lac Avenue) to City Limit Line, thence Northerly and Counterclockwise along City Limit Line to

Southern Lot Line of Lot 59, thence East along Southern Lot Line of Lot 59 to Concord Drive, thence North along Concord Drive to Old County Road PP, thence East along Old County Road PP to City Limit Line, thence North and Clockwise along City Limit Line to Old County Road PP, thence Easterly along Old County Road PP to City Limit Line, thence Northerly and Clockwise along City Limit Line to Monroe Street, thence Northeasterly along Monroe Street to the point of beginning.

(2) Division Into Aldermanic Districts -

The City is hereby divided into three aldermanic districts consisting of the following wards:

Aldermanic District No. 1

Aldermanic District No. 1 shall consist of Wards 1, 2 and 9.

Aldermanic District No. 2

Aldermanic District No. 2 shall consist of Wards 3, 4 and 5.

Aldermanic District No. 3

Aldermanic District No. 3 shall consist of Wards 6, 7 and 8.

(3) Voting Polls -

All nine municipal wards and three aldermanic districts designated above will vote at the Municipal Building, 375 Buffalo Street, in the City of Sheboygan Falls, Sheboygan County, Wisconsin.

## OFFICIALS

### 1.10 Mayor and Aldermen

(1) Election and Term -

See Section 1.01

(2) Duties and Powers -

(a) Mayor -

See Wis. Stat. § 62.09(8).

(b) City Council -

The Aldermen shall constitute the City Council and shall have such duties and powers as are enumerated in Wis. Stat. ch. 62, and elsewhere in the statutes.

(c) Police Powers -



---

See Section 4.05 of this Municipal Code.

(3) Authority -

The City Council shall have all powers of the City not specifically given to some other body or officer. Except as otherwise provided by law, the City Council shall have the management and control of the City property, finances, highways, streets, utilities and the public service and may 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, imposition of forfeiture and other necessary or convenient means. The City Council may appoint such officers from time to time as may be deemed necessary for the benefit of the community. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

(4) Other Provisions -

See also Chapter 2 of this Municipal Code.

**1.11 Assessor**

(1) Appointment and Term -

See Section 1.02(2) of this Chapter.

(2) Applicable Statute -

See Wis. Stat. § 62.09(1).

(3) Duties and Powers -

(a) Statutory Duties -

See Wis. Stat. §§ 70.12, 70.13, 70.17, 70.18, 70.23, 70.29, 70.30, 70.32, 70.325, 70.34, 70.345, 70.35, 70.365, 70.43, 70.44, 70.45, 70.48, 70.49, 70.50, 70.501, 70.503, in particular.

(b) Other Duties Prescribed by Law -

He shall perform such other duties as shall be prescribed by state law, supervisory personnel of the State Department of Revenue and the City Council, including attendance at all meetings of the Board of Review.

(4) Deputy Assessor -

The City Assessor, with confirmation of the Council, shall appoint a Deputy City Assessor and Assistant General Property City Assessor for a term of one year.

**1.12<sup>11</sup> CITY ADMINISTRATOR/UTILITIES MANAGER.**

---

<sup>11</sup> Repealed and recreated by Ordinance No. 12-2015/2016. Enacted February 16, 2016.

(1) Creating Position.

In order to provide the City with an efficient, effective and responsible government under a system of part-time Mayor and part-time Common Council (hereinafter referred to as "Council") at a time when city government is becoming increasingly complex, there is hereby created the Office of City Administrator/Utilities Manager for the City of Sheboygan Falls (hereinafter referred to as "Administrator"). All references to the Director of Administrative Services/Clerk/Treasurer or Director of City Services in other parts of the Municipal Code of the City of Sheboygan Falls or other City policy documents shall now hereby apply to the position of "City Administrator/Utilities Manager."

(2) Employment and Removal.

The City Administrator/Utilities Manager shall be employed by the Common Council upon the recommendation of the Mayor on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the Council. The City Administrator/Utilities Manager shall be an at-will employee of the City subject to termination at any time by a majority vote of the Council. This section, however, shall not preclude the Council from establishing other employment duties, terms and conditions as the Mayor and Council deem appropriate.

(3) Functions and Duties.

The Administrator, subject to the limitations defined in resolutions and ordinances of the City of Sheboygan Falls as well as federal and state law, shall be the chief administrative officer of the City, responsible only to the Mayor and the Council for the proper administration of the business affairs of the City, with power and duties as follows:

- (a) Carry out the directives of the Mayor and Council;
- (b) Be responsible for the administration of all day-to-day operations of the City government and utilities including the monitoring of all City ordinances, resolutions, Council meeting minutes and state statutes;
- (c) Establish necessary administrative procedures to increase the effectiveness and efficiency of City government;
- (d) Serve as an ex-officio nonvoting member of all boards, commissions and committees of the City, who shall not be

counted for purposes of determining whether a quorum is present, except as otherwise specified by the Council or Wisconsin Statutes;

(e) Represent the City and utilities in matters involving legislative and inter-governmental affairs as authorized and directed by the Mayor or Council;

(f) Act as the public information officer for the City with the responsibility of assuring that the news media are kept informed about the operations of the City and work with the City Clerk/Treasurer to assure that all open meeting laws and regulations are followed;

(g) Establish and maintain procedures to facilitate communications between citizens and City government to assure that complaints, grievances, recommendations, and other matters receive prompt attention by the responsible official, and to assure that all such matters are expeditiously resolved;

(h) Promote the economic well-being and growth of the City through public and private sector cooperation and by serving as the lead City representative for economic development projects;

(i) Cooperate with and assist as necessary the Police and Fire Commission, Library Board, Housing Authority or similar bodies in those areas where these Boards and Commissions are vested with authority by Wisconsin Statutes or the City Municipal Code of Ordinances, and the Administrator shall work closely with and through these Boards and Commissions in the administration of their respective departments;

(j) When designated in writing by the City Clerk/Treasurer shall act as the Deputy to the City Clerk/Treasurer.

(4) Responsibilities to the City.

The Administrator shall:

(a) Attend all meetings of the Council, unless excused by the Mayor, and assist the Mayor and the Council as required in the performance of their respective duties;

(b) In coordination with the Mayor, the Council and the City Clerk/Treasurer, ensure that appropriate agendas are prepared for all meetings of the Council, all Council Committees, and all other appropriate committees and commissions of the City;

- (c) Keep the Mayor and Council regularly informed about the activities of the Administrator's office by oral or written report at regular or special meetings of the Council;
- (d) Assist in the preparation of ordinances and resolutions as requested by the Mayor or the Council, or as needed;
- (e) Be responsible for the bi-weekly payroll processing and submittal to the City's auditing firm;
- (f) Serve as the risk manager and insurance officer for the City;
- (g) Be responsible for Workers Compensation reporting as required by Wisconsin laws and Administrative rules.

(5) Personnel.

The Administrator shall:

- (a) Be responsible for the administrative supervision, direction and coordination of all employees of the City and utilities;
- (b) Have direct supervision over the activities of the City Clerk/Treasurer, Police Chief/Director of Public Safety, Director of Public Works, Building Inspector/Assessor, Field Supervisors, Field Coordinators and any other applicable department heads. In addition, the Administrator shall assist, cooperate and work closely with the Police and Fire Commission and the Library Board in their personnel administration, evaluation and management of their respective departments;
- (c) Work closely with department heads to promptly resolve personnel problems or grievances and assist the Finance and Personnel Committee with personnel issues;
- (d) Serve as the Human Resources Manager for the City reporting to the Finance and Personnel Committee; maintain/update the employee handbook as needed;
- (e) Conduct job performance evaluations on all department heads and supervisors. Assist department heads with job performance evaluations on employees below the department head level;
- (f) Recommend to the Council the employment, promotion, and when necessary for the good of the City and utilities, the suspension or termination of department heads;

(g) After consultation with the appropriate department head, be responsible for the employment, promotion, and when necessary for the good of the City and utilities, the suspension or termination of employees below the department head level;

(h) Assist in labor contract negotiations and collective bargaining issues.

(6) Budgeting and Purchasing.

The Administrator shall:

(a) Be responsible for the preparation of the annual City budget, in accordance with guidelines as may be provided by the Finance and Personnel Committee and in coordination with the City Clerk/Treasurer and department heads;

(b) Administer the budget as adopted by the Council;

(c) Report regularly to the Mayor and Council on the current fiscal position of the City and utilities;

(d) Serve as the purchasing agent for the City and utilities, supervising all purchasing and contracting for supplies and services, subject to the purchasing procedures established by the Council and in compliance with Wisconsin laws

(7) Cooperation.

All officials and employees of the City and utilities shall cooperate with and assist the Administrator so that the City government and utilities shall function effectively and efficiently.”

### 1.13<sup>12</sup> CITY CLERK/TREASURER.

(1) Combined Offices.

The offices of the City Clerk and City Treasurer are hereby consolidated, and the duties of both offices shall be performed by the person appointed as City Clerk/Treasurer.

(2) Appointment and Removal.

The City Clerk/Treasurer shall be appointed by and serve at the pleasure of the Council. The City Clerk/Treasurer may be removed by the Council

---

<sup>12</sup> Repealed and recreated by Ordinance No. 12-2015/2016. Enacted February 16, 2016.

pursuant to section 1.04(2) of this Code.

(3) Term.

The City Clerk/ Treasurer of the City of Sheboygan Falls shall be appointed for an indefinite term of office, subject to removal as provided in subsection (2) above.

(4) Duties.

The City Clerk/Treasurer shall be responsible for performing those duties required by Sec. 62.09(9) and (11) of the Wisconsin Statutes and for the following additional duties:

- (a) Perform all election duties as required by Wisconsin Statute and keep and maintain all election records and all property used in conjunction with holding of elections;
- (b) Publish all legal notices unless otherwise provided, file and preserve all contracts, bonds, oaths of office and other documents not required to be filed elsewhere;
- (c) Issue all licenses required by ordinance or statute, except as otherwise provided;
- (d) Prepare the tax roll and tax notices required by the State of Wisconsin;
- (e) Attend meetings, take minutes and maintain files for the Common Council, and such other official boards and commissions as may be directed;
- (f) Maintain a file of all City records, ordinances, resolutions and vouchers;
- (g) Prepare and distribute reports for the Council and for federal and state agencies;
- (h) Audit and obtain approval on claims charged against City;
- (i) Prepare financial and bank statements;
- (j) Assist the City Assessor/Building and Plumbing Inspectors in maintaining property assessment records;
- (k) Administer oaths and affirmations;

- (l) Maintain fiscal records for the City and serve as City Comptroller;
- (m) Issue licenses to various vendors in City;
- (n) Make reports to the State on assessments;
- (o) Perform record keeping, billing, collections, banking, investments, accounting and financial reporting of all City operations;
- (p) Develop and implement improved internal control and financial reporting procedures as necessary or as requested;
- (q) Collect all taxes for the City and other taxing bodies;
- (r) Invest idle funds for maximum interest earnings;
- (s) Prepare monthly financial report;
- (t) Maintain payroll records and prepare payroll checks from approved employee time sheets;
- (u) Prepare check vouchers for payment of approved claims for signature;
- (v) Develop and implement improved internal control and financial reporting procedures as necessary or as directed;
- (w) Assist the Finance & Personnel Committee and the Administrator with the preparation and compilation of the annual City budget;
- (x) File financial and other reports with various state agencies;
- (y) File insurance claims on behalf of the City;
- (z) Make property tax settlements with the County Treasurer and turn over to school district and other taxing units, their proportionate share of property tax collections;
- (aa) Assist the Administrator to locate suppliers of goods or services and obtain quotes;
- (bb) Advertise for bids, receive them and summarize the results;
- (cc) Issue purchase orders;

- (dd) Identify and evaluate ideas to achieve more efficient and effective operation;
- (ee) Coordinate, supervise and conduct elections;
- (ff) Confer with Mayor, Administrator, department heads and Common Council and its committees about projects and problems;
- (gg) Assist the Administrator in maintaining personnel files;
- (hh) Perform such other duties as may be directed by the Mayor, Common Council, or Administrator.

(5) Bond.

The City Clerk/Treasurer shall execute to the City a surety company fidelity bond or such other security as the City may direct and in an amount determined by the Common Council.

(6) Deputy Clerk/Treasurer

The City Clerk/Treasurer may in writing, filed in the office of the Clerk/Treasurer, appoint a Deputy Clerk/Treasurer, who shall act under the direction of the Clerk/Treasurer and in the absence or disability of the Clerk/Treasurer or in case of a vacancy shall perform the duties of the Clerk/Treasurer and shall have the power to administer oaths and affirmations. The Deputy Clerk/Treasurer shall receive such compensation as the Council shall provide. The Clerk/Treasurer shall be liable on an official bond for the acts of such Deputy Clerk/Treasurer.

When acting in the capacity of Deputy Clerk/Treasurer, the City Administrator/Utilities Manager shall have the powers and duties provided by Wis. Stat. § 62.09(9) and 62.09(11), and by order of the Council.”

## 1.14 Director of Public Works

(1) Appointment and Term -

See Section 1.02(4) of this Chapter.

(2) Duties -

- (a) He shall be the head of all officers and employees as concerns streets, sidewalks, storm and sanitary sewers, street gutters and drains, water system, the City cemetery, City parks, weed control, and City sanitation, including garbage and trash collection.
- (b) He shall have all of the authority, duties, charges, and obligations over the care, maintenance, and construction of all streets, sidewalks, alleys, public ways, cemetery, parks, weed control, and sanitary facilities, provided such sanitary facilities are not assigned to any other public officer. He shall also have all of the duties and



responsibilities of the City Sexton.

- (c) He shall have the duties and responsibilities concerning all physical properties of the City, including parks, playgrounds, the cemetery, and all City-owned property which is not assigned to the care of another public officer.
  - (d) He shall be the custodian of all tools, equipment, and other personal property belonging to the City and not assigned to the care of any other public officer.
  - (e) He shall perform such other duties as the Mayor and Council may require.
- (3) Special Duties as Pertains to Cemetery Sexton -
- (a) He shall have charge of the cemetery and be responsible for keeping the grounds, walks, and avenues in good order and free from obstruction.
  - (b) He shall enforce the ordinances concerning the cemetery and report violations to the City Attorney for prosecution.
  - (c) He shall direct how and where any dead body shall be buried.
  - (d) He shall keep a record of all interments made in the cemetery, by name, sex, age, occupation, residence, and place of birth. Such reports and records shall be filed in the office of the City Clerk.
  - (e) He shall maintain an official cemetery map setting forth burial lots and ownership of lots. He shall attend or designate personnel to witness all interments made in the City cemetery.
  - (f) He shall stake the graves and be responsible for the showing, selling, and keeping records of such sales for lots and graves in the City cemetery with the cooperation of the City Clerk's office.
  - (g) He shall be responsible for providing the digging of graves.
  - (h) He shall be responsible for cemetery care and maintenance.
  - (i) He shall be responsible for obtaining the necessary equipment and personnel required to carry out all of the work to operate the cemetery.

### **1.140<sup>13</sup> Director of Public Safety**

- (1) Appointment and Term -

See Section 1.02, (11), of this Chapter.

- (2) Duties -

The Director of Public Safety shall carry out the duties set forth on the Director of Public

---

<sup>13</sup> Section 1.140 created by Ordinance No. 4 -2004/05.

Safety job description on file in the office of the Director of City Services/Clerk/Treasurer, which is hereby adopted by reference, and shall carry out such other responsibilities as may be assigned by the Mayor or as directed by the Council.

#### **1.145<sup>14</sup> 1.145 WATER UTILITY FIELD COORDINATOR.**

(1) Employment and Removal.

The Water Utility Field Coordinator shall be employed by the Common Council upon the recommendation of the Mayor on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the Council. The Water Utility Field Coordinator shall be an at-will employee of the City subject to termination at any time by a majority vote of the Council. This section, however, shall not preclude the Council from establishing other employment duties, terms and conditions as the Mayor and Council deem appropriate.

(2) Duties.

This position involves both supervision and on-site work in all areas of the Water Utility. Supervisory duties include personnel and maintenance of all water-related equipment and infrastructure. Installs, changes, repairs and tests water meters. Repairs and performs maintenance to water mains, valves, pumps, and fire hydrants. Conducts maintenance on water booster pump stations and their SCADA controls. Conducts maintenance on all water towers. Participates in meter reading and the preparation of departmental maps/records as needed. Participates in purchasing of equipment and field supplies. Assists in the resolution of customer complaints and public relation activities of the Water Utility. Oversees hydrant flushing and water main valve turning programs. Direct work can involve any department function during periods of manpower shortage. Shall ensure all water utility sampling requirements are met based on DNR/EPA guidelines. Performs year-end inventory and participates in the survey for the annual DNR review. This position is under the direct supervision of the Director of Public Works with additional duties as set forth on a job description on file with the City Administrator.

#### **1.147<sup>15</sup> DEPARTMENT OF PUBLIC WORKS FIELD COORDINATOR.**

(1) Employment and Removal.

<sup>14</sup> Repealed and recreated by Ordinance 12-2015/2016. Enacted on February 16, 2016.

<sup>15</sup> Section 1.147 created by Ordinance No. 12-2015/2016. Adopted February 16, 2016.

The Department of Public Works Field Coordinator shall be employed by the Common Council upon the recommendation of the Mayor on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the Council. The Department of Public Works Field Coordinator shall be an at-will employee of the City subject to termination at any time by a majority vote of the Council. This section, however, shall not preclude the Council from establishing other employment duties, terms and conditions as the Mayor and Council deem appropriate.

(2) Duties.

This position involves both supervision and on-site work in all areas of public works. Supervisory responsibilities include personnel, general street maintenance, repair and cleaning, sanding/salting, snow removal and other winter maintenance; sidewalk repair and maintenance; curbs and gutters; storm sewer cleaning and repair to include annual testing needed for the NR216 Compliance Annual Report; sanitary sewers system cleaning and maintenance. Compost facility operations; maintenance of City buildings and equipment; park and cemetery grounds and building maintenance. Oversees the maintenance on all sanitary lift and pumping stations along with their SCADA monitoring controls. Direct work can involve any department function during periods of manpower shortage. Participates in the preparation of departmental maps and record keeping. This position is under the direct supervision of the Director of Public Works with additional duties as set forth on a job description on file with the City Administrator.”

### 1.15 Utility Field Supervisor

(1) Appointment and Term -

See Section 1.02(3) of this Chapter.

(2) Duties -

The Utility Field Supervisor shall carry out the duties set forth on the Utility Field Supervisor Job Description on file in the office of the Director of Administrative Services/Clerk/Treasurer, which is hereby adopted by reference and shall carry out such other responsibilities as may be assigned by the Director of City Services or as directed by the Council.

### 1.16<sup>16</sup> Building and Plumbing Inspector

<sup>16</sup> Amended by Ordinance No. 3-1994/95, enacted July 18, 1994.

- (1) Appointment and Term -

See Section 1.02(5) of this Chapter.

- (2) Powers and Duties -

See Chapters 14, 17, and 20 of this Municipal Code.

**1.17 Police Chief**

- (1) Appointment and Term -

See Section 1.02(6) of this Chapter.

- (2) Powers and Duties -

See Chapter 4 of this Municipal Code.

**1.18 Fire Chief**

- (1) Appointment and Term -

See Section 1.02(7) of this Chapter.

- (2) Powers and Duties -

See Chapter 5 of this Municipal Code.

**1.19 City Attorney**

- (1) Appointment and Term -

See Section 1.02(8) of this Chapter.

- (2) Powers and Duties -

See Wis. Stat. § 62.09(12).

**1.21 Deputy City Administrator<sup>17</sup>**

- (1) Employment -

The Common Council may employ a Deputy City Administrator, as an at-will employee, giving due regard to training, experience, administrative ability and general fitness for such employment, by a majority vote of the Common Council. The Deputy City Administrator shall be employed for an indefinite period of time subject to removal at any time by a majority vote

---

<sup>17</sup> Created by Ordinance No. 3-2015/2016, enacted August 4, 2015.

of the Common Council. The Common Council shall establish the compensation and other terms and conditions of the Deputy City Administrator's employment.

(2) Duties -

- (a) The Deputy City Administrator shall report to and be under the direct management and supervision of the Director of City Services. The Deputy Administrator shall assist and support the Director of City Services in all aspects of City government including, attendance at all Common Council meetings, all financial operations, accounts payable, payroll, personnel, licenses and permits, elections, cemetery, general office, general administration, utility operations and all other miscellaneous activities of the City.
- (b) A job description of the duties of the Deputy City Administrator is on file in the Office of the Director of Administrative Services/Clerk/Treasurer, including future amendments thereto, which are adopted and incorporated herein by reference.
- (c) All other duties or responsibilities as may be assigned or directed by the Mayor or Common Council.

## BOARDS AND COMMISSIONS

### 1.25 Public Utility<sup>18</sup>

(1) Purpose -

Pursuant to the provisions of Wisconsin Statute § 66.0819, there shall be a single public utility for the City which shall consist of the water works, electrical plant and system, and wastewater collection and disposal system.

(2) Government -

The control, management and operation of the public utility of the City is hereby vested in the Board of Public Works pursuant to the provisions of Wisconsin Statute § 66.085(6).

(3) Membership of Board of Public Works -

The Common Council hereby designates itself to act as and for the Board of Public Works.

### 1.26 Park Commission<sup>19</sup>

(1) Members -

The Board of Park Commissioners shall consist of seven voting members, six of which shall be City residents, who shall serve without compensation, and one Alderperson.

(2) Appointment -

---

<sup>18</sup> Recreated by Ordinance No. 8-1985-86

<sup>19</sup> Amended by Ordinance No. 6-2015/2016, enacted November 17, 2015

The City resident members of the Board shall be appointed by the Mayor and confirmed by the City Council. The Alderperson shall be appointed by the Mayor at the annual organizational meeting.

(3) Terms -

The full term of each City resident member shall be five years beginning on the 1st day of January next following their appointment and until their successor is appointed and qualified. In the month of December preceding the ending of any member's term, the Mayor shall appoint their successor for a full term and submit the appointment to the Council for confirmation. The Alderperson shall serve a term of one year.

(4) Powers and Duties -

The Board shall have the powers and duties and shall be ruled and governed according to Wis. Stat. ch. 27.

(5) Treasurer -

The City Clerk/Treasurer shall act as Treasurer of the Board.

**1.27 Board of Review<sup>20</sup>**

(1) Establishment -

Pursuant to Wis. Stat. § 70.46(1), the Board of Review of the City of Sheboygan Falls, consisting of three City residents, is hereby created and established.

(2) Members -

The three City resident members of the Board of Review shall be appointed by the Mayor and confirmed by the Common Council.

(3) Term -

Board of Review members shall be appointed for two-year terms which shall commence with the 1996 tax roll and run concurrently with the term of office of the appointing Mayor and Common Council.

(4) Technical Assistance -

The Director of Administrative Services/Clerk/ Treasurer, or his designee, shall provide technical assistance to the Board of Review and shall serve as the nonvoting Clerk of said Board who shall keep an accurate record of all its proceedings.

(5) Duties -

The Board shall carefully examine the tax roll or rolls and correct all apparent errors in description or computation, and shall add all omitted property as provided by statute. The

<sup>20</sup> Section 1.27 Amended by Ordinance No. \_\_\_\_-1996/97.

Board shall hear upon oath all persons who appear before it in relation to the assessment and determine from the evidence presented whether the assessor's valuation is correct. If too high or too low, it shall raise or lower the same accordingly, all as provided by Wis. Stat. § 70.47, including amendments or revisions thereto.

(6) Compensation -

Compensation for members of the Board of Review shall be established by the Common Council at the time of appointment/confirmation.

(7) Removal -

In addition to the procedure set forth in Wis. Stat. § 17.14, including any amendments or revisions thereto, the Common Council may remove any or all of the above-referenced members for cause by an affirmative vote of two-thirds of the Common Council.

## 1.28 Library Board

(1) Purpose -

A Library Board shall be created under Wis. Stat. § 43.54, by the City for the administration of the Sheboygan Falls Public Library.

(2) Members -

- (a) The Board shall consist of six members who shall be citizens of the City appointed by the Mayor with the approval of the Council. Each regular appointment shall be for a term of three years.
- (b) The Superintendent of the Public Schools of Sheboygan Falls shall be an additional member of the Board.
- (c) Not more than one member of the City Council shall at any one time be a member of the Library Board.
- (d) The Mayor, at his discretion, may appoint three ex-officio members on such Board to be confirmed by the City Council, however, no ex-officio member shall have voting rights on the official Board. Any Council committee designated as the Library Committee shall have ex-officio position on the Board unless one of such committee is appointed by the Mayor on the regular Board.

(3) Compensation -

No compensation shall be paid to members of the Library Board for services as such, but they may be reimbursed for actual and necessary expenses incurred in performing duties outside the City if so authorized by the Board.

(4) Quorum -

A majority of the Board is a quorum; but any Board may, by regulation, provide that three or more members thereof shall constitute a quorum.

- (5) Organization and Functions; Librarians and Assistants -

Wisconsin Stat. § 43.52(1), (2) and (4), are hereby adopted and made a part of this Chapter as if fully set forth herein.

- (6) Acquisition of Library Property -

Wisconsin Stat. § 43.52(3), is hereby adopted and made a part of this Chapter as if fully set forth herein.

## 1.29 City Plan Commission<sup>21</sup>

- (1) Purpose -

There is hereby created a City Plan Commission for the purpose of making and adopting 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 and over which it may by law function. The City Plan Commission shall also serve as the Architectural Review Board pursuant to Section 1.34 of this Code.

- (2) Members and Terms -

- (a) The City Plan Commission shall consist of seven members. All members of the Commission shall be appointed by the Mayor, who shall also choose the presiding officer. The Mayor may appoint himself or herself to the Commission and may appoint other City elected or appointed officials, except that the Commission shall always have at least three citizen members who are not City officials. The citizen members shall be persons of recognized experience and qualifications. Members shall receive no compensation for their services on the Commission.
- (b) The members of the Commission shall be appointed to hold office for a period of three years. Appointments shall be made by the Mayor during the month of April for terms that expire in April, or at any other time if a vacancy occurs during the middle of a term.
- (c) The City Plan Commission shall have power and authority to employ experts and a staff and to 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 such Commission by the legislative body, or placed at its disposal through gift and subject to any ordinances or resolution enacted by the City Council.
- (d) The City may, by ordinance, increase the number of members of the City Plan Commission so as to provide that the Building and Plumbing Inspector<sup>22</sup> shall serve as a member thereof.

- (3) Functions and Operations -

---

<sup>21</sup> Amended by Ordinance No. 7-2007/08, enacted November 6, 2007.

<sup>22</sup> Amended by Ordinance No. 3-1994/95, enacted July 18, 1994.



---

The functions and operations of the Commission shall be governed by the rules and regulations of Wis. Stat. § 62.23, and all acts amendatory thereof and supplemental thereto relating to City plans which are adopted as a portion of this Chapter so far as applicable, except as otherwise provided by City ordinance.

**1.30 Board of Police and Fire Commissioners**

(1) Members -

The Board of Police and Fire Commissioners shall consist of five citizens, three of whom shall constitute a quorum.

(2) Wisconsin Statutes -

All of the provisions of Wis. Stat. § 62.13, relating to Board of Police and Fire Commissioners, are adopted and incorporated herein and made a part of this chapter by reference.

(3) Appointment and Terms -

Annually, on the last Monday of April and the first Monday of May, the Mayor shall, subject to the approval of the Council, appoint in writing to be filed with the Secretary of the Board, one member for a term of five years so as to effect a continuity of office in conformity with the election of the first Commissioners.

(4) Political Parties -

No appointment shall be made which shall result in more than three members of the Board belonging to the same political party.

(5) Compensation -

The Board members shall receive no compensation.

(6) Records -

The Board shall keep a record of its proceedings.

(7) Officers -

The Board shall elect a president and secretary out of its membership.

**1.31 Board of Appeals**

(1) How Constituted -

The Board of Appeals shall consist of five members appointed by the Mayor, subject to confirmation by the Council, for terms of three years, pursuant to Wis. Stat. § 62.23(7).

(2) Alternate Members -

The Mayor may appoint, for staggered three-year terms, two alternate members of the Board

of Appeals. 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 act because of interest or 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.

(3) Powers and Duties -

See Chapters 17, 20, 26 and 27 of this Municipal Code.

### 1.32 Historic Preservation Commission<sup>23</sup>

(1) Purpose -

There is hereby created a Historic Preservation Commission for the purpose of administering the historic preservation regulations set forth in Chapter 29 of this Code.

(2) Members and Terms -

(a) The Historic Preservation Commission shall consist of not less than three (3) nor more than six (6) members who shall be appointed by the Mayor subject to confirmation by the Common Council.

(b) The members of the Commission shall be appointed to hold office for a period of three years. Appointments shall be made by the Mayor and confirmed by the Council during the month of April for terms that expire in April, or at any other time if a vacancy occurs during the middle of a term. The initial members shall be appointed for staggered three-year, two-year, and one-year terms.

(3) Functions and Operations -

The functions and operations of the Commission shall be governed by the rules and regulations of Wisconsin Statute § 62.23(7)(em), Chapter 29 of this Code, and any amendments or additions thereto.

### 1.33 Housing Authority

(1) Establishment -

The Council has previously declared by resolution that there is need for an authority to function in the City, and therefore, created the Housing Authority of the City of Sheboygan Falls, a public body corporate and politic.

(2) Members -

The Housing Authority shall consist of five persons appointed by the Mayor and confirmed by the Council.

(3) Term -

---

<sup>23</sup> Section 1.32 Created by Ordinance No. \_\_\_-2000/2001.

Housing Authority commissioners shall be appointed for terms of five years. The first five commissioners shall be designated by the Mayor to serve for terms of one, two, three, four and five years respectively from the date of their appointment. A commissioner shall hold office until his or her successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term in the same manner as other appointments. Three commissioners shall constitute a quorum. The Mayor shall file with the Director of Administrative Services/Clerk/Treasurer a certificate of the appointment or reappointment of any commissioner and the certificate is conclusive evidence of the proper appointment of that commissioner, if that commissioner has been confirmed by the Council and has taken and filed the official oath before entering office.

(4) Technical Assistance -

The Director of Administrative Services/Clerk/Treasurer, or his designee, shall provide technical assistance to the Housing Authority and shall serve as a non-voting clerk of said Commission who shall keep an accurate record of its proceedings.

(5) Duties -

The Housing Authority of the City of Sheboygan Falls is a public body and a body corporate and politic, exercising public power, and has all the powers necessary or convenient to carry out and effectuate the purposes and provisions of Wisconsin Statute §§ 66.1201 to 66.1211, including the specific powers enumerated in Wisconsin Statute § 66.1201(9).

(6) Compensation -

No compensation shall be paid to the Housing Authority commissioners for services as such, but they may be reimbursed for actual and necessary expenses incurred in performing duties outside the City if so authorized by the Council.

### 1.34 Architectural Review Board<sup>24</sup>

(1) Purpose -

The Architectural Review Board is established to promote the compatible, orderly and aesthetically pleasant development of the Business Park District (BPD), Commercial District (C2), and Highway Commercial District (C3) within the City of Sheboygan Falls.

(2) Membership -

(a) Members -

The Architectural Review Board shall consist of seven (7) members, appointed to the City Plan Commission.

(b) Term -

Membership on the Architectural Review Board shall coincide with the member's term of office on the City Plan Commission.

---

<sup>24</sup> Created by Ordinance No. 7-2007/08, enacted November 6, 2007.

(c) Chairperson -

The Mayor shall appoint one member as Board Chairperson, subject to Common Council approval.

(3) Organization -

The Architectural Review Board shall adopt an application and procedural rules for its own governance in accordance with the following provisions:

(a) Meetings -

Meetings shall be held at the call of the Chairperson, or when requested by the Building Inspector or any two (2) members. A meeting must be held within thirty (30) days after an application is filed or a formal request is made which requires a decision of the Architectural Review Board.

(b) Minutes -

Minutes shall be kept showing all action taken, and the basis for each decision, which shall be filed with the City Clerk.

(c) Quorum -

A quorum shall be four (4) members.

(4) Powers and Duties -

The Architectural Review Board shall have the authority and responsibility to:

(a) Hear and decide applications for permission to erect, move, remodel, reconstruct, expand or alter the exterior of any structure in the Business Park District (BPD), Commercial District (C2) or Highway Commercial District (C3), as required by this Code.

(b) Approve, conditionally approve, or deny an application, and request such modifications as the Board deems necessary.

(c) The Board may request assistance and input from other City officers, departments, boards, committees and commissions.

(d) Request such initial and supplemental information from the applicant, which shall enable the Board to make an informed decision.

(5) Timeliness -

The Architectural Review Board shall decide all applications within forty-five (45) days of the initial meeting at which an application is heard, unless the time is extended by mutual agreement. A copy of the decision shall be mailed to the applicant within seven (7) days of issuance. Failure of the Board to timely decide upon an application shall be deemed as approval.

(6) Appeals -

Any person aggrieved by a decision of the Architectural Review Board may appeal the decision to the City Board of Appeals by filing a notice with the City Clerk within thirty (30) days after the filing of the Architectural Review Board's decision with the City Clerk.

(7) Compensation -

There shall be no compensation paid to members for service on the Architectural Review Board.

## OTHER PROVISIONS

### 1.35 Wisconsin Retirement Fund

(1) Eligible Personnel -

Pursuant to Wis. Stat. § 200.43, the City hereby elects to include eligible personnel under the provisions of the Wisconsin Municipal Retirement Fund in accordance with the terms thereof.

(2) Service Credits -

Election is hereby made to provide prior service credits at rates equal to two times the rates of municipal credits for current service, to be applicable to employees as defined by Wis. Stat. § 200.43, who are employed by the City on December 20, 1948.

(3) Effective Date -

The effective date of participation shall be January 1, 1949.

### 1.36 Employee Residency Requirement<sup>25</sup>

(1) All regular full-time employees of the City of Sheboygan Falls shall, within six months from the date of commencement, establish and maintain their personal residence as hereinafter provided:

(a) All bargaining unit employees shall meet the residency requirements set forth in their respective labor agreements.

(b) All management employees shall maintain their residences within the City or within five miles of the City limits.

(2) Upon the recommendation of the department head, the appointing authority may waive the residence requirement for positions requiring technical or professional knowledge or when the efficiency of the service would be promoted thereby, on the condition that the employee maintains his or her residence within a reasonable distance of the City.

---

<sup>25</sup> Section 1.36 Amended by Ordinance No. 6-1989/90.

- (3) An employee may live outside the City but within Sheboygan County any time within the last four years preceding his or her scheduled retirement date.
- (4) If the herein requirements work a unique hardship upon any employee, the appointing authority may recommend to the Common Council of the City that a hardship exclusion from the herein requirements be granted for a period of one year. If the cause of such hardship continues to exist, the appointing authority may extend the period of exclusion on an annual basis, providing the employee's permanent residence is within a reasonable distance of the City.
- (5) The appointing authority may grant one extension of not more than six months to permit a new employee an additional period of time to establish his or her residence within the City.
- (6) Whenever an appointing authority finds that an employee is not a resident of the City within the meaning of the provisions of this section, he shall send a letter to the employee by certified mail advising him that he has 60 days in which to comply with the provisions of this section. If the employee does not comply with the provisions of this section within the 60 days, the appointing authority shall terminate him. Such employee shall have the right to appeal the decision of the appointing authority in accordance with any applicable existing ordinances and laws.
- (7) For purposes of the administration and enforcement of this section, the appointing authority shall be as follows:
  - (a) The Library Board for employees of the library.
  - (b) The Finance and Budget Committee for all other employees.

### 1.37 PUBLIC RECORDS<sup>26</sup>

- (1) Definitions -
  - (a) "Authority" means any of the following city entities having custody of a city record: an office, elected official, agency, board, commission, committee, council, department, or public body corporate and politic created by constitution, law, ordinance, rule, or order; or a formally constituted subunit of the foregoing.
  - (b) "Custodian" means that officer, department head, division head, or employee of the City designated under subsection (3) or otherwise responsible by law to keep and preserve any City records of file, deposit, or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.
  - (c) "Record" means any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority.

"Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer

<sup>26</sup> Section 1.37 created by Ordinance No. 11-1982/83, adopted December 6, 1982.

printouts. "Record" does not include drafts, notes, preliminary computations, and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent, or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

(2) Duty to Maintain Records -

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

(3) Legal Custodian(s) -

- (a) Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.
- (b) Unless otherwise prohibited by law, the City Clerk or the Clerk's designee shall act as legal custodian for the Common Council and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the Common Council.
- (c) For every authority not specified in subsections (a) or (b), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.
- (d) Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee.

Alternative -

- (a) The City Clerk, or in his or her absence or disability or in case of vacancy, the Deputy Clerk, is hereby designated the legal custodian of all City records.
- (e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Wis. Stat. subch. II of ch. 19, and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

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



adopt, prominently display, and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of Wis. Stat. § 19.31. This subsection does not apply to members of the Common Council.

(5) Access Procedures -

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

(6) Limitations on Right to Access -

- (a) As provided by Wis. Stat. § 19.36, the following records are exempt from inspection under this section:
  - 1. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
  - 2. Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if

exemption from disclosure is a condition to receipt of aids by the state;

3. Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and
  4. A record or any portion of a record containing information qualifying as a common law trade secret.
- (b) As provided by Wis. Stat. § 43.30, public library circulation records are exempt from inspection under this section.
- (c) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the City Attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Any denial may be reviewed by the Common Council. Examples of matters for which disclosure may be refused include, but are not limited to, the following:
1. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
  2. Records of current deliberations after a quasi-judicial hearing.
  3. Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any City officer or employee, or the investigation of charges against a City officer or employee, unless such officer or employee consents to such disclosure.
  4. Records concerning current strategy for crime detection or prevention.
  5. Records of current deliberations or negotiations on the purchase of City property, investing of City funds, or other City business whenever competitive or bargaining reasons require nondisclosure.
  6. Financial, medical, social, or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
  7. Communications between legal counsel for the City and any officer, agent, or employee of the City, when advice is being rendered concerning strategy with respect to current litigation in which the City or any of its officers, agents, or employees is or is likely to become involved, or communications which are privileged under Wis. Stat. § 905.03.
- (d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the City Attorney prior to releasing any such record and shall follow the guidance of the City Attorney when separating out the

exempt material. If in the judgment of the custodian and the City Attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

(7) Destruction of Records -

- (a) City officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the bureau of municipal audit or an auditor licensed under Wis. Stat. ch. 442, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the state public records board pursuant to Wis. Stat. § 16.61(3)(e), and then after such shorter period:
  1. Bank statements;
  2. Canceled checks;
  3. Receipt forms;
  4. Vouchers, etc.
- (b) City officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the bureau of municipal audit or an auditor licensed under Wis. Stat. ch. 442, subject to state public service commission regulations, but not less than seven years after the record was effective unless a shorter period has been fixed by the state public records board pursuant to Wis. Stat. § 16.61(3)(e), and then after such a shorter period, except that water stubs, receipts of current billings, and customers\* ledgers may be destroyed after two years:
  1. Contracts;
  2. Excavation permits;
  3. Inspection records.
- (c) City officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the state public records board pursuant to Wis. Stat. § 16.61(3)(e), and then after such a shorter period.
  1. Old insurance policies;
  2. Election notices;
  3. Canceled registration cards.
- (d) Unless notice is waived by the state historical society, at least 60 days notice shall be given the state historical society prior to the destruction of any record as provided by

Wis. Stat. § 19.21(4)(a).

- (e) Any tape recordings of a governmental meeting of the City may be destroyed, erased, or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

(8) Preservation Through Microfilm -

Any City officer, or the director of any department or division of City government may, subject to the approval of the Common Council, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Wis. Stat. §16.61(7)(a) and (b), and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of subsections (4) through (6) of this ordinance.

(9) Severability -

The provisions of this ordinance are severable. If a section, subsection, paragraph, sentence, clause, or phrase shall be adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance.

**1.38 Purchasing Procedures<sup>27</sup>**

The purchasing procedures for purchases by or on behalf of the City shall be as follows:

- (1) Approval Shall First be Obtained, if Required, as Outlined Below:

<u>Type of Purchase</u>	<u>Approval Prerequisite</u>
(a) Budgeted Line Items	No Approval Required
(b) Budgeted Capital Items	Standing Committee Approval Required
(c) Non-Budgeted Items	Full Council Approval Required

- (2) Use of a Written Purchase Order<sup>28</sup> -

- (a) Requirement Defined -

A written purchase order is required for all purchases which will obligate the City to pay for \$250.00 or more of goods or services from all vendors involved in the purchase transaction.

- (3) Approved Vendors -

<sup>27</sup> Section 1.38 created by Ordinance No. 10-1989/90.

<sup>28</sup> Amended by Ordinance No. \_\_\_-1996/97.

The City does not distinguish any vendors with preferential standing regarding purchases.

(4) Duty of Purchasers -

No purchaser may accept anything of value from a vendor for him/herself or his/her department in return for placing an order. Any items of value provided by a vendor for placing an order must be turned over to the City for disposal.

(5) Approval of Purchases -

The City will specify procedures from time to time in such form as it considers useful to define how expenditures must be approved. Such procedures do not alter the requirement to use a written purchase order as defined in this Ordinance.

### 1.39 City Eye Wear Reimbursement Policy<sup>29</sup>

Subject to the conditions and limitations hereinafter stated, the City agrees that it will reimburse any full-time employee who, during the course of his or her employment, breaks or damages his or her personal eyeglasses for any expense to replace the same with "safety lens" glasses. Volunteer firemen may seek similar reimbursement if their eyeglasses are damaged during any period of response to or while at a fire call except such replacement will be for regular lens glasses. The reimbursement herein provided is subject to the following:

- (1) The damage was not intentionally caused or did not arise out of incidents of horseplay;
- (2) Advance approval by the involved department head shall have been first obtained; and
- (3) The expenses reimbursed shall not exceed \$150.00 for each occasion where replacement is required.

### 1.40 Personal Use of Public Vehicles Prohibited<sup>30 31</sup>

(1) Definitions - In this Section:

- (a) "Public Vehicles" means all City-owned motor vehicles.
- (b) "Personal Use" means all use of a public vehicle that is not related to nor required for City employment or purposes.
- (c) "Permitted Personal Use" means the personal use and privilege to take home public vehicles supplied by the City to the Public Works Director and the Utility Field Supervisor employed as of the date of the enactment of this ordinance. This permitted personal use of public vehicles is strictly limited

<sup>29</sup> Section 1.39 initially created by Ordinance No. 1-1988/89, as Section 1.37, adopted June 6, 1988, and renumbered by Ordinance No. \_\_\_-2000/01, adopted \_\_\_\_\_.

<sup>30</sup> Section 1.40 created by Ordinance No. 10-1991/92.

<sup>31</sup> Repealed and recreated by Ordinance No. 6-2013/2014. Enacted January 7, 2014.

to use during regular City business hours or other actual working hours of the Public Works Director or the Utility Field Supervisor and may include, but is not limited to, transportation to doctors, dentists, schools and commuting to and from each employees' home. The commuting value of the permitted personal use shall be calculated and added to each employees' wages. The permitted personal use of public vehicles as provided by this section shall terminate upon the retirement or separation from City employment of the current Public Works Director or Utility Field Supervisor.

(d) "Regular City Business Hours" shall mean all regularly scheduled working hours or any other actual working hours.

(2) Prohibition -

All personal use of public vehicles shall be prohibited during non-regular City business hours. City employees shall return public vehicles to the designated area when the employee is on vacation for more than one day in order to make vehicles available for use by other employees.

(3) Permitted Personal Use -

Occasional permitted personal use of public vehicles shall be allowed during regular City business hours.

(4) Vehicle Designation -

All public vehicles shall be clearly marked and designated as "City of Sheboygan Falls" vehicle.

#### **1.41 Department Head Work-Time Policy<sup>32</sup>**

The City policy on the work hours of department heads is as follows:

- (1) A department head is expected to schedule his or her time as required to complete his or her work and the work of his or her department.
- (2) A department head does not earn any credit for time worked outside of normal work hours. In particular, the City does not recognize any form of compensatory time (also known as "comp time").
- (3) If a department head must routinely work longer than he or she considers is justified by his or her position, he or she is expected to notify the Council through the appropriate committee.

<sup>32</sup> Section 1.41 initially created by Ordinance No. 3-1989/90 as Section 1.37 and renumbered by Ordinance No. \_\_\_\_-2000/01, enacted \_\_\_\_\_.

- (4) The Council permits a department head to perform personal business from time to time during normal work hours if, in the judgment of the department head, this does not interfere with the safe, efficient, and effective operation of the department.
- (5) The Council maintains the right to evaluate the judgment of any department head in any matter relating to work performance and may revoke this permission at any time.
- (6) A department head does not have the authority to alter the normal hours of work for himself or herself or for his or her department without Council approval.
- (7) This policy recognizes the operation of the Police Department to be unique (24 hours per day, 7 days per week). The Chief of Police will have the flexibility to schedule his hours to meet the needs of the Department.

### **1.42<sup>33</sup> Establishing Travel and Vacation Policy for City Employees**

City employees are eligible for, and may submit requests for reimbursement of expenses resulting from Council-approved travel. Reimbursement requests must be made in writing and submitted to the City Administrator's office. Requests not submitted in accordance with the provisions of this section and on the prescribed forms will be denied by the City Administrator.

(1) Definitions -

For purposes of this section, the terms:

- (a) "Hourly Employees" shall be deemed to include members of bargaining units, namely Public Works/Public Utility Employees and members of the Police Association; all hourly compensated employees; and all volunteer personnel (excluding Fire Chief and Assistant Chief).
- (b) "Salaried Employees" shall be deemed to include the Mayor, Common Council Members, all department managers, the Fire Chief, Assistant chief, and any other employees not compensated with hourly pay.

(2) Authorization to Travel -

All employees must receive written approval to travel prior to engaging in travel outside of the City for periods of one work day or longer.

- (a) Employees must request and gain approval for travel from the Common Council.
- (b) Requests must be signed by the respective Chairperson or Supervisor.
- (c) All signed approval requests will be filed with the City Administrator's office and retained for a period of three (3) years.

Travel outside the City for periods of less than one day (not involving an overnight stay) is subject to verbal approval of the Chairperson or Supervisor.

---

<sup>33</sup> Amended by Ord. No. 10-2015/16. Enacted Jan. 19, 2016.

## (3) Reimbursable Expenses -

Approved travel and related expenses are reimbursable as herein specified:

## (a) Meal Allowance -

1. Maximum daily allowance – \$38.00 (breakfast \$8.00, lunch \$10.00, dinner \$20.00).
2. Salaried employees traveling outside the City in excess of one (1) day will receive maximum daily allowance; submission of written receipt verification is not required.
3. The following meals shall not be eligible for reimbursement:
  - a. meals included in price of lodging.
  - b. meals included in registration fee.
  - c. provided meals.

## (b) Travel Allowance -

1. Any long distance travel by other than personal vehicle (i.e., air, rail, bus) should be directly billed to the City.
2. Employees using personal vehicles will be reimbursed at the applicable ~~optional~~ business standard mileage rate as established by the Internal Revenue Service (IRS) for all miles accumulated in the course of City business. Use of the standard mileage rate includes reimbursement for vehicle depreciation, maintenance and repairs, tires, gasoline (including all taxes thereon), oil, insurance (including any deductibles thereon) and registration fees.
3. Reimbursement for mileage for using personal vehicles will only be allowed if the employee has filed with the City Administrator, a declaration sheet showing that the employee has automobile insurance on their personal vehicle in at least the following amounts:

\$100,000/person  
\$300,000/incident  
\$100,000/property damage

The employee/claimant is responsible to make sure that the filing is kept current at all times. No reimbursement will be made to any employee who uses his/her personal vehicle when a City-owned vehicle in working condition is assigned to that employee's department and made available to the employee by his/her supervisor.

## (c) Lodging -

1. Customary and prevailing area rates are reimbursable.
2. Employees have the obligation of securing lodging in the immediate area of the event they are attending (five mile radius), making reasonable efforts to minimize



lodging expense.

3. Teams, committees, pairs, or other multiple person travel groups are required to lodge a minimum of two individuals to a room.
4. Under no circumstances are unmarried employees to cohabit while on City business.
5. All lodging expenses are either to be directly billed to the City or written receipt verification submitted with a request for reimbursement.

(d) Miscellaneous -

1. Expenses such as, but not limited to, parking, tips, tolls, and telephones are reimbursable.
2. Request for miscellaneous reimbursement in excess of \$10.00 per occurrence or item must have written receipt verification.

(4) Vacation -

(a) Times for taking vacations of all City employees require prior written approval.

1. Hourly Employees – must submit requests to and gain approval of immediate supervisor.
2. Salaried Employees – must advise their respective chairperson or the Mayor.

(b) Hourly employees' accumulation of days is subject to terms of bargaining unit agreements, or the department unit agreement if the individual is not part of a bargaining unit. Salaried employees will be subject to the terms and conditions as included in the most recently adopted salary Ordinance.

(c) The City Administrator's Office shall be notified of all vacation days approved and spent in the course of the year. The City Administrator will maintain vacation records for each employee throughout the term of their employment with the City.

(d) Volunteer and part-time employees, including the Mayor and Common Council, do not qualify for paid vacation unless hereafter authorized by Council Resolution.

### 1.43 Criminal History Record Information Searches Authorized<sup>34</sup>

- (1) If requested by the Mayor, Director of Administrative Services/Clerk/Treasurer, Director of City Services, Director of Public Works or Director of Public Safety, the City of Sheboygan Falls Police Department may conduct a criminal background search on the following persons:
  - (a) alcohol license and permit applicants
  - (b) taxicab license applicants

<sup>34</sup> Section 1.43 created by Ordinance No. 2009-3, adopted May 19, 2009.

- (c) an officer or partner of any corporate or partnership applicant for a license or permit
  - (d) transient merchant license applicants
  - (e) Fire Department applicants
  - (f) first responder applicants
  - (g) applicants for city employment
- (2) If requested by the Mayor, the City of Sheboygan Falls Police Department may conduct a criminal background search on any other person. A request under this subsection must be based on a reasonable belief that the criminal history information is necessary to assist in the safe, orderly and efficient operation of city government.
- (3) The criminal background search fee shall be as provided in the City of Sheboygan Falls Code of General Ordinances.