

TITLE 2

Government and Administration

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Chapter 1

City Government; Elections

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Sec. 2-1-1 City Government.

(a) Mayor-Council Government. The City of Prescott is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 62 and 66 of the Wisconsin Statutes, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The City of Prescott operates under the Mayor-Council form of government under Chapter 62, Wis. Stats.

(b) Division of Responsibilities.

- (1) Legislative Branch. The Common Council is the legislative branch of City Government. Its primary business is the passage of laws in the form of ordinances or resolutions which shall prescribe what the law shall be not only in relation to the particular facts existing at the time but as to all future cases arising under it. The Common Council shall establish the salaries of all officers and employees of the City, and be charged with the official management of the City's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the City.
- (2) Executive Branch. The Mayor shall be the chief executive officer. He shall take care that all City ordinances and state laws are observed and enforced and that all City officers, boards, committees and commissions discharge their duties. When present, he shall preside at the meetings of the Common Council. He shall from time to time give the Council such information and recommend such measures as he may deem advantageous to the City.

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

Sec. 2-1-2 Official Newspaper.

At its annual organizational meeting, the Common Council shall designate an official City newspaper and all ordinances, notices and proceedings of the City required by law to be published shall be published herein, except where legal posting is utilized.

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

Sec. 2-1-3 Elections.

- (a) Annual City Election. The annual City election shall be held on the first Tuesday in April.
- (b) Hours.
 - (1) General Elections. The polls at general elections in the City shall be opened at 7:00 a.m. and closed at 8:00 p.m.
 - (2) Other Elections. The polls at primary and special elections in the City shall be opened at 9:00 a.m. and closed at 8:00 p.m.
 - (3) Notice. Notice of all elections, stating the prescribed polling hours, shall be given by publication in the official newspaper at least ten (10) days before the election.
 - (4) Polling Places. The designated polling place for all wards of the City of Prescott shall be at the Prescott City Hall, Pierce County, Prescott, Wisconsin.

Sec. 2-1-4 Non-Partisan Primary for City offices.

Whenever three (3) or more candidates file nomination papers, candidates for elective City offices may be nominated by a non-partisan primary conducted pursuant to Sec. 8.05(4), Wis. Stats. Such candidate shall file with his nomination papers a declaration that he will qualify for the office to which he may be elected.

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

Sec. 2-1-5 Election Officials.

Pursuant to the Wisconsin Statutes, there is hereby established one (1) set of election officials to conduct all elections in the wards of the City which shall consist of seven (7) election inspectors. However, the City Clerk-Treasurer shall have the power to limit the number of election officials. The Clerk-Treasurer shall determine in advance of each election whether the number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the Clerk-Treasurer shall further redistribute duties among the remaining officials.

Sec. 2-1-6 Alderman Districts.

Alderman districts are hereby created pursuant to Sec. 62.08, Wis. Stats., as follows:

WARD 1:

Beginning at the East corporate boundary line of the City of Prescott on U.S. Highway 10; thence southwesterly to Dexter Street; thence Southwesterly along Dexter Street to Walnut Street; thence southwesterly to Linden Road; thence southwesterly along Linden Road to Ash Street; thence southwesterly along Ash Street to Flora Street South; thence southwesterly along Flora Street to Monroe Street; thence southwesterly along Monroe St. South; thence northeasterly along Jefferson Street/State Road 35 to the East corporate boundary line.

WARD 2:

Beginning at the East corporate boundary line of the City of Prescott south of Jefferson Street/State Road 35; thence southwesterly along Jefferson Street/State Road 35 to the St. Croix/Mississippi River to an imaginary line parallel to Orange Street; thence

southeasterly to the CBQ railroad crossing; thence northeasterly along Kinnickinnic Street to Dakota Street South; then southeasterly along Dakota Street South to Walnut Street; thence northeasterly along Walnut Street to Linden Road; thence southwesterly along Linden Road to Ash Street; thence northwesterly along Ash Street to Flora Street South; thence southwesterly along Monroe Street South to Jefferson Street.

WARD 3:

Beginning at the Mercord Mill Parking lot northwesterly along US HWY 10; thence northeasterly along U.S. Highway 10 to Hilton Street; thence southeasterly along Hilton Street to Pearl Street; thence southeasterly along Pearl Street to St. Croix Street; thence southeasterly along St. Croix Street to Monroe Street; thence southwesterly along Monroe Street to Walnut Street; thence southwesterly along Walnut Street to Dakota Street South; thence northwesterly along Dakota Street South to Kinnickinnic Street; thence northwesterly along Kinnickinnic Street to the point of beginning.

WARD 4:

Beginning at the intersection of Dexter Street and U.S. Highway 10; thence southwesterly along U. S. Highway 10 to Campbell Street; thence southeasterly along Campbell Street to St. Croix Street; thence northeasterly along St. Croix Street to Monroe Street; thence southeasterly along Monroe Street to Walnut Street; thence northeasterly along Walnut Street to Dexter Street; thence northwesterly along Dexter Street to point of beginning.

WARD 5:

Beginning at Easterly corporate boundary line of the City of Prescott; thence north of U.S. Highway 10 to North corporate boundary line ; thence southwesterly along North corporate boundary line, except that part of the City of Prescott lying north of the north line of the S ½ of the S ½ Section 3, T26N, R20W to the St. Croix River; thence southeasterly along the St. Croix River to U.S. Highway 10 car bridge; thence northwesterly along U.S. Hwy 10 to Hilton Street; thence northeasterly along Hilton Street to Pearl Street; thence southeasterly along Pearl Street to St. Croix Street; then northeasterly along St. Croix Street to Campbell Street; thence northwesterly along Campbell Street to U.S. Highway 10; thence northeasterly along U. S. Highway 10 to the point of beginning.

WARD 6:

Part of the City of Prescott lying north of the north line of the S ½ of the S ½ of Section 3, T26N, R20W; commonly known as St. Croix Bluffs Subdivision.

Sec. 2-1-7 Election Machines

(a) If the City is conducting an election for another party, and the other party underestimates the amount of electronic ballots needed by greater than 100, compensation for election officials will be triple their regular rate for the time spend tallying election returns. All charges shall be reimbursed by the third party.

Chapter 2

Mayor; Common Council

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Sec. 2-2-1 Common Council.

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

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

Sec. 2-2-2 Alderspersons.

(a) There shall be six (6) Alderspersons elected to the Common Council One (1) representing Wards 1 & 2, one (1) representing Wards 3 & 4, one (1) representing Wards 5 & 6 and three (3) members elected at large.

(b) Wards 3 & 4 Aldersperson and the Aldersperson At-Large #1 and Aldersperson at large #3 shall be elected in even-number years. Wards 1 & 2 Aldersperson and Wards 5 & 6 Aldersperson and the At-Large #2 shall be elected in odd-number years. Each will serve a two (2) year term of office.

(c)The provisions of Wisconsin Statutes with reference to primaries and municipal elections are hereby incorporated herein by reference and shall apply.

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

Sec. 2-2-3 Mayor.

(a) Election. The Mayor shall be elected in even-numbered years for a term of two (2) years

(b) Duties.

(1) The Mayor shall be the Chief Executive officer of the City. He shall take care that City ordinances and the State Statutes are observed and enforced

(2) The Mayor shall, from time to time, provide the Council such information and recommend such measures as he may deem advantageous to the City. When present, he shall preside at the meetings of the Council.

(3) The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.

(c) Veto Power. The Mayor shall have the veto power as to all acts of the Council except such as to which it is expressly or by necessary implications otherwise provided. All such acts shall be submitted to him by the City Clerk-Treasurer, and shall be enforced upon his/her approval, evidenced by his/her signature, or upon his/her failing to approve and disapprove within five (5) days, which fact shall be certified thereon by the City Clerk-Treasurer. If the Mayor disapproves, he/she shall file his objection with the City Clerk-Treasurer, who shall present it to the Council at its next regular meeting. A two thirds (2/3) vote of all the members of the Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.

(d) Mayoral Appointments.

(1) Wherever in this Code of Ordinances the Mayor is required to appoint citizens to committees, commissions and/or boards, the Mayor shall give written notice by executive letter to the Common Council at least seven (7) days prior to the Council meeting at which such appointment shall be made. In the event the Common Council by a majority vote of the council present at the meeting Mayor's appointment, the same name may not be submitted for the same job for a period of twelve (12) months after the refusal of such appointment.

(2) In the event a vacancy occurs in any committees, board or commission requiring the appointment of a citizen member and the Mayor does not nominate a successor thereof for a period of sixty (60) days after the vacancy occurs, the Common Council may then nominate an appointee to such position, subject to a majority vote of the council present at the meeting.

- (3) In the event the Council, by parliamentary practice, tables an appointment by the Mayor, such tabling action shall be effective for that meeting, but at the next regular meeting of the Common Council, such appointment shall be on the meeting agenda for further consideration, and the particular appointment involved may not be tabled a second time.

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

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

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

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

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

- (a) Standing Committees. At the organizational meeting of the Common Council in each year following the annual election, the Mayor shall appoint three (3) Alderpersons to each of the following committees, subject to Council confirmation, which shall have such duties and responsibilities as prescribed by the Mayor and this Code of Ordinances, and to make whatever recommendations to the Council as they deem appropriate or as may be directed by the Council:
 - (1) Finance Committee (Mayor and full Council).
 - (2) Public Works Committee [Three (3) Alderpersons].
 - (3) Health Committee [Three (3) Alderpersons].
 - (4) Ordinance Committee [Three (3) Alderpersons].
 - (5) Parks and Public Property Committee [Three (3) Alderpersons].
 - (6) Personnel Committee [Three (3) Alderpersons].
 - (7) License Committee [Three (3) Alderpersons].
- (b) Committee Appointments.
 - (1) Committee appointments shall be made pursuant to Section 2-2-3(d). The chairperson of each committee shall be designated by the Mayor. Each member shall serve as appointed unless excused by a majority of the members of the Council. All Alderpersons shall serve on at least one (1) standing committee. The Mayor shall be an ex officio member of each standing committee.

- (2) The Mayor may declare the entire Council a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairman of the same.
 - (3) The Mayor may, from time to time, appoint such special committee or committees as may deem advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them.
- (c) Reference and Reports.
- (1) The Mayor shall refer new business coming before the Common Council to the appropriate committee, unless otherwise referred or disposed of by motion of the Council.
 - (2) The committee to which any matter is referred shall report its recommendation thereon in writing, at the first regular meeting after such reference, unless there is no objection by the Council to further time being taken. Action on the report of a committee shall be deferred until the next regular meeting by the request of three (3) Alderpersons present. Members dissenting from a report of a committee shall be so reported when they request it.
 - (3) The chairman of the committee shall report verbally to the Council at the meeting at which the report of the committee is to be made. Adoption of the committee report shall comprise final Council action on any ordinance, resolution or other matter recommended for adoption by the committee report.
 - (4) Formal committee recommendations will be placed on the agenda for Council action only if they are submitted to the City Clerk-Treasurer in written form by noon of the Friday prior to the meeting at which action is requested.
- (d) Cooperation of City Officers. All City officers shall, upon request of the chairman of the committee, confer with the committee and supply to it such information as may be requested in connection with any matter pending before the committee.

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

- (a) General. The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (b) The Common Council may acquire property, real or personal, within or without the City, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses,

- public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the City, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such City-owned property, except dedicated, platted parks.
- (c) Acquisition of Easements and Property Rights. Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase or condemnation under Ch. 32, Wis. Stats., any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sec. 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) City Finances. The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the City finances.
- (e) Construction of Powers. Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.
- (f) Vacancies. Pursuant to Section 62.09(5), Wis. Stats., if any officer be incapacitated or absent for any cause, the Common Council may appoint some person to discharge his/her duties until he/she returns or such disability has ended.

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

Sec. 2-2-7 Cooperation with other Municipalities.

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

State Law Reference: Sec. 66.30, Wis. Stats.

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

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

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

Sec. 2-2-9 Salaries.

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

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

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

(a) Annual Organization Meeting. Following a regular City election, the Common Council shall meet on the third Tuesday of April for the purpose of organization.

(b) Meetings. Regular meetings of the City Council shall be held on the second (2nd) and fourth (4th) Mondays of each calendar month, at of 7:00 p.m. Any regular meeting falling on a legal holiday shall be rescheduled or canceled by a majority vote of those present at the meeting immediately prior to the meeting falling on a legal holiday. All meetings of the Common Council, including special and adjourned meetings shall be held in the Prescott City Hall.

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

Sec. 2-2-11 Special Meetings.

(a) Special meetings may be called by the Mayor upon written notice of the time and purpose thereof to each member of the Council delivered to him/her personally or left at his/her usual place of abode at least six (6) hours before the meeting. The City Clerk-Treasurer shall cause an affidavit of service of such notice to be filed in his/her office prior to the time fixed for such special meetings. Special meetings shall comply with the notice provisions of the Wisconsin Open Meeting Law. In addition, a special meeting may be called by a written request signed by two (2) Alderpersons, which written notice for said special meeting shall be delivered to every member of the Council and the Mayor personally, or left at their abode at least six (6) hours before said meeting being called. If written consent is obtained, it shall be filed with the City Clerk-Treasurer prior to the beginning of the meeting.

(b) Non-governmental parties requesting a special meeting of the Council shall pay a fee equivalent to the Council's actual expenses for such meeting.

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

Sec. 2-2-12 Open Meetings.

Except as provided in Sec. 19.85, Wis. Stats., all meetings of the Common Council, committees thereof, and City boards, committees and commissions, shall be open to the public.

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

Sec. 2-2-13 Quorum.

(a) Four (4) members or more of the Common Council shall constitute a quorum, but a lesser number may adjourn if a majority is not present or compel the attendance of absent members. The Mayor shall not be counted in computing a quorum. No action shall be taken unless a quorum is present.

(b) The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour.

State Law Reference: Sec. 62.11(3)(b), Wis. Stats.

Sec. 2-2-14 Presiding Officers.

(a) Presiding Officer. The Mayor shall preside over all meetings of the Common Council. In the absence of the Mayor, the President of the Council shall preside.

(b) Presiding Officer; Duties. The Mayor, President of the Council, or the presiding officer, shall:

- (1) Open the session at the time fixed for the meeting, or at the time to which adjournment may be had, by taking the chair and calling the member to order.
- (2) Announce, at the conclusion of the roll call, the fact of the presence of a quorum, or not, as the case may be.
- (2) Announce the business before the Council in the order in which it is to be Acted upon.
- (4) Receive and submit, in proper manner, all motions and propositions presented by members.
- (5) Put to vote the questions which are regularly moved or which necessarily arise in the course of the proceedings, and announce the result.
- (6) Restrain the members while engaged in debate within the rules of order.
- (7) Enforce on all occasions the observance of order and decorum among the members.
- (8) Inform the Council when necessary, or when referred to for that purpose, on any point of order or practice.
- (9) Authenticate, by his signature, when necessary, all ordinances, resolutions, orders and proceedings of the meetings of the Council over which he presides.
- (10) Preserve order and decorum; speak to points of order in preference to others, rising from his seat for that purpose; and decide questions of order, subject to an appeal by any member.
- (11) Call a member to the chair, but such substitution shall not extend beyond an adjournment.

(c) Temporary Absence of Presiding Officer. In the absence of the Mayor and President of the Council, one (1) of its members shall be elected to preside temporarily until the return of the Mayor or President.

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

Sec. 2-2-15 Order of Business.

(a) Order of Business. At all regular meetings, the order of business shall be according to the tentative agenda prepared by the City Clerk-Treasurer. All matters to be considered at a regular or special Council meeting shall be submitted to the City Clerk-Treasurer at least by noon of the day prior to the meeting. All copies of the agenda shall be forwarded by the City Clerk-Treasurer to the representatives of the media have requested meeting agendas under the Open Meeting Law as part of his notice of such public meeting, and to members of the Council. The following order may be observed in the conduct of all meetings of the Council:

- (1) Call to Order by presiding officer.
- (2) Roll call.
- (3) Reading, correction and approval of the minutes of the last preceding meeting or meetings.
- (4) Unfinished business remaining from preceding sessions in the order in which it was introduced.
- (5) New business.
- (6) Reports of standing committees; including introduction of ordinances.
- (7) Communications.
- (8) Adjournment.

(b) Order to be Followed. No business shall be taken up out of order unless by majority consent of all aldermen and in the absence of any debate whatsoever.

(c) Citizen Comments. The Mayor or presiding officer shall determine at what point in a meeting citizens will be called upon to speak and may impose a limit on the length of time a citizen may address the Council. A written form may be provided by the City Clerk-Treasurer on which citizens may register to speak at a Council meeting. The subject to be addressed and/or agenda item shall be indicated.

Sec. 2-2-16 Introduction of Ordinances.

(a) Ordinances to be In Writing. All ordinances submitted to the Council shall be in writing and be titled. Upon passage by the Council, the City Clerk-Treasurer shall superintend the publication of the same. Any written material introduced may be referred to the appropriate committee pursuant to Section 2-2-5. any member of the Council may require the reading in full of any ordinance or resolution at any time it is before the Council.

(b) Subject and Numbering of Ordinances. Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if

the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect the purpose to amend or repeal.

(c) Notice.

(1) The Common Council may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.

(2) Ordinances will be placed on the agenda for Council action only if they are submitted to the City Clerk-Treasurer in written form not later than 5:00 p.m. on the Wednesday prior to the regular or special Council meeting at which action is requested.

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

(a) All general ordinances of the City and all regulations imposing any penalty shall be published in the official paper of the City once within fifteen (15) days of passage and shall be immediately recorded, with the affidavit of publication, by the City Clerk-Treasurer in a book kept for that purpose. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Common Council shall be prima facie proof of due passage, publication and recording thereof.

(b) All ordinances shall take effect and be in force from and after passage and publication, unless otherwise provided and published copies thereof shall have appended the date of first publication.

(c) The City Code of Ordinances shall be kept currently to date; and upon passage of any ordinance, the Clerk-Treasurer shall provide for incorporation of the same into the ordinance code.

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

Sec. 2-2-18 Conduct of Deliberations.

(a) Roll Call. When the presiding officer shall have called the members to order, the presiding officer shall proceed to call the roll in seating order, noting who are present, and who are absent. If, after having gone through the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month. If they do not, the Council shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner as provided by the Wisconsin Statutes or Sections 2-2-11 and 2-2-12.

(b) Meeting Attendance. All members of the Common Council shall attend all Council meetings, meetings of committees to which members have been appointed, and special or adjourned meetings when duly notified thereof. A member who does not appear in answer to his name when the roll is called at any regular meeting or any special or adjourned meeting when notified thereof shall be marked absent. Any member seeking to be excused from attending any regular or special meeting must notify the Mayor or City Clerk-Treasurer in advance of such meeting, explaining the reason for his absence and, upon complying with

- this requirement, such members shall be duly excused from attending said meeting.
- (c) Recognition for Debate.
- (1) When a member is to speak in debate, or deliver any matter to the Council, he shall respectfully address himself to the presiding officer, and confine his remarks to the question under debate, and avoid personalities.
 - (2) When two (2) or more members address the presiding officer at the same time, the presiding officer shall name the member who is to speak first.
- (d) Roll Call Vote Procedure. The ayes and nays shall be ordered upon any question at the request of any member of the Council, or the Mayor, and the City Clerk-Treasurer shall call the roll according to seating order, with subsequent roll call votes commencing with the next Alderperson and each subsequent call of roll shall begin with the name of the Alderman next on said alphabetical list of Alderpersons, such order of roll call shall be followed until the list of Alderpersons has been completed. Each time the list has been completed, the City Clerk-Treasurer shall again start on top of the seating order list and proceed on down through the list.
- (e) Reconsideration. When a motion has been decided, it shall be in order for any member who voted in the majority, to move a reconsideration thereof, at the same or next succeeding meeting and the Mayor shall call for a roll call of the Alderpersons. If a majority of the members present shall be in favor of a reconsideration, the subject shall be before the Council for further action.
- (f) Precedence of Motions. No motion shall be discussed or acted upon until it has been seconded; nor shall any motion be withdrawn without the consent of the person making the same and the person seconding it. When a question is under discussion, the following motions shall have precedence in the order listed:
- (1) To adjourn.
 - (2) To recess.
 - (3) To lay on the table.
 - (4) To move the previous question.
 - (5) To postpone to a day certain.
 - (6) To refer to a committee.
 - (7) To amend.
 - (8) To postpone indefinitely.
- (g) Rules of Parliamentary Procedure. The rules of parliamentary practice in Robert's Rules of Order; (Revised 1951), which is hereby incorporated by reference, shall govern the proceedings of the Council in all cases to which they are applicable and in which they are not inconsistent with these rules or with the laws of the State of Wisconsin.
- (h) Reconsideration of Questions. It shall be in order for any member, if in the majority, to move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular adjourned meeting. A motion to reconsider being put and lost shall not be renewed.
- (i) Call for the Previous Question. Any member desirous of terminating the debate may call the previous question when the question announced by the Mayor shall be "call the main question." If a majority of the members present vote in the affirmative, the main question shall be put to a vote without further debate, and its effect shall be to put an end

to all debate and bring the Council to a direct vote, first upon the pending amendment and then upon the main question.

(1) Amendment of Rules. The rules of this Section shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Council.

(k) Suspension of Rules. Any of the provisions of this Section may be suspended temporarily by a recorded vote of two-thirds (2/3) of the Council members present at any meeting.

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

Chapter 3

Municipal Officers and Employees

- 2-3-1 General Provisions
- 2-3-2 Appointed Officials
- 2-3-3 Administrator - City Clerk
- 2-3-4 Finance Officer - Treasurer
- 2-3-5 Director of Public Works
- 2-3-6 City Attorney
- 2-3-7 Chief of Police
- 2-3-8 Fire Chief
- 2-3-9 Assessor
- 2-3-10 Building Inspector; Plumbing Inspector; Heating, Ventilating and Air Conditioning Inspector; Electrical Inspector
- 2-3-11 Zoning Administrator
- 2-3-12 Weed Commissioner
- 2-3-13 Municipal Judge; Municipal Court
- 2-3-14 Clerk of the Municipal Court
- 2-3-15 City Forester
- 2-3-16 Eligibility for Office
- 2-3-17 Removal from Office
- 2-3-18 Custody of Official Property
- 2-3-19 Oath of Office; Bonds of Officer
- 2-3-20 Residency Requirements

Sec. 2-3-1 General Provisions.

- (a) General Powers. Officers of the City of Prescott shall have generally the powers and duties prescribed for like officers of cities, towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Mayor, shall perform such duties as shall be required of him by the Council. Officers whose powers and duties are not enumerated in Chapter 62 of the Wisconsin Statutes shall have such powers and duties as are prescribed by law for like officers or as are directed by the Council.
- (b) Rules. All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- (c) Applicability of Ethics Statutes. The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to City officers,
- (d) Legal Representation. Whenever any City official in his/her official capacity proceeded against or obliged to proceed before any civil court, board, committee or commission, to defend or maintain his/her official position, or because of some act arising out of the performance of his/her official duties, and he has prevailed in such

proceedings, or the Council has ordered the proceedings discontinued, the Council may provide for payment to such official such sum as it sees fit, to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

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

Sec. 2-3-2 Appointed Officials.

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

Official	How Appointed	Term
(1) Attorney	Mayor, subject to confirmation by Council	1 year
(2) Building Inspector	Mayor, subject to confirmation by Council	1 year
(3) City Assessor	Mayor, subject to confirmation by Council	1 year
(4) City Engineer	Mayor, subject to confirmation by Council	1 year

(b) **Officials Hired by a Board or Commission**

(1) Librarian	Majority vote of Library Board	indefinite
(2) Chief of Police	Majority vote of the Police Commission, subject to Council confirmation	Indefinite
(3) Ambulance Director	Mayor, subject to confirmation by Council	1 year
(4) Fire Chief	Majority vote of Fire Department, subject to Council confirmation	1 year

(c) **Officials Hired by the City Council**

(1) Clerk- Administrator	Mayor, subject to confirmation by 2/3 of Council	Indefinite
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(2)	Finance Officer-Treasurer	Mayor, subject to	Indefinite
(3)		confirmation by 2/3 of Council	
(3)	Zoning Administrator	Mayor, subject to confirmation by 2/3 of Council	Indefinite
(4)	Director of Public Works	Mayor, subject to confirmation by 2/3 of Council	Indefinite
(5)	Animal Control Officer	Mayor, subject to confirmation by Council	1 year
(6)	City Forester	As provided in Chapter 27, Wis. Stats.	Indefinite

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

Sec. 2-3-3 Administrator

A. Appointment, term of office and removal. The Administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by majority vote of the Council. After a probationary period, set by the Common Council, the Administrator shall hold the office for an indefinite term subject to removal for cause by an affirmative vote of 2/3 of all members of the Council. This section however shall not preclude the Council from establishing other employment terms and conditions not inconsistent with the provision of the chapter or the Code of the City of Prescott.

B. Residency. The Administrator shall become a resident of the City of Prescott within one year following the date of appointment, unless this requirement is specifically waived or varied by the City ordinance or by contract authorized by the Council and entered into with the Administrator, covering the terms and conditions of residency.

C. Function and duties of the Administrator. The administrator, subject to limitation as defined in resolutions and ordinance of the City of Prescott and Wisconsin States, shall be the chief administrative officer of the city, responsible only to the Mayor and Council for proper administration of business affairs of the City, pursuant to the statues of the State of Wisconsin, the ordinances of the City of Prescott, and the resolutions and directives of the Council, with power and duties as follows.

D. General duties. In his/her capacity as City Administrator, the Administrator shall:

- (1) Carry out directives of the Mayor and Council which require administrative implementation, reporting promptly to the Mayor and Council any difficulties encountered therein;
- (2) Be responsible for the administration of all day-to-day operation of the City government, including the monitoring of all City ordinances, resolutions, Council meeting minutes, and state statutes;
- (3) Prepare a plan of administration, including an organization, which defines authority and responsibility for all nonstatutory positions of the city; and submit to the Common Council for adoption as the official organization and administrative procedure plan for the City;
- (4) Establish when necessary administrative procedures to increase the effectiveness and efficiency of the City government according to current practices of local government not inconsistent with directives of the Mayor and Council;
- (5) Serve as ex officio nonvoting member of all boards, commission and committees of the City, except as specified by the Council or Wisconsin State Statues;
- (6) Keep informed concerning current federal, state and county legislation and administrative rules affecting the City and submit appropriate reports and recommendation thereon to the Council;
- (7) Keep informed concerning the availability of federal, state and county funds for local programs and assist department heads and the Council in obtaining these funds under the direction of the Mayor and the Council;
- (8) Represent the City in matter involving legislative and intergovernmental affairs as authorized and directed as to that representation by the Mayor and Council;
- (9) Act as public information officer for the City with the responsibility of assuring that the news media are kept informed about the operation of the City and that all open meeting rules and regulations are followed;
- (10) 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;
- (11) Promote the economic wellbeing and growth of the City through public and private sector cooperation and work out developer agreement as per City ordinances and policies with prospective industrial, commercial and residential developers;

- (12) Work with the City Building Inspector to assure compliance with local, state and federal building codes and standards.

E. Responsibilities to the Common Council.

(1) The Administrator shall:

- (a) Attend all meetings of the Council, assisting the Mayor and the Council as required in the performance of their duties;
- (b) In coordination with the Mayor, the Council and the City staff, ensure that appropriate agendas are prepared for all meetings of the Council, and all Council committees and all other appropriate committees and commission of the City, together with such supporting material as may be required, with nothing herein being construed as to give the Administrator to limit or in any way prevent matters from being considered by the Council, or any of its committees and commissions;
- (c) Assist in the preparation of ordinances and resolutions as requested by the Mayor or the Council, or as needed;
- (d) Keep the Mayor and Council regularly informed about the activities of the Administrator's office by oral or written report at regular and special meetings of the Council;
- (e) In the event that action normally requiring Council approval is necessary at a time when the Council cannot meet, the Administrator shall receive directives from the Mayor.

F. Personnel. The Administrator shall:

- (1) Be responsible for the administrative direction and coordination of all employees of the City according to the established organization procedures;
- (2) Recommend to the Council the appointment, promotion, and when necessary for the good of the city, the suspension or termination of department heads;
- (3) In consultation with the appropriate department head, recommend to the Council the appointment, promotion, and when necessary for the good of the City, the suspension or termination of employees below the department head level;
- (4) Serve as the personnel office for the City with responsibilities to see that complete and current personnel records, including specific job descriptions, for all City employees are kept; evaluate in conjunction with department heads the performance of all employees on a regular basis, recommend salary and wage scales for City employees not covered by collective bargaining agreements; develop and enforce high standards of performance by City employees; assure that City employees have proper working conditions, work closely with department heads to promptly resolve personnel problems or grievances;
- (5) Assist in labor contract negotiations and collective bargaining issues;
- (6) Work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job related knowledge and skills and act as the approving authority for request by employees to attend conferences, meetings, training schools, etc., provided the funds have been budgeted for these activities.
- (7) Direct supervision of Finance Officer, Building Inspector, clerical office, Assessor's duties and all department heads when not in contradiction to Wisconsin Statutes.

G. Budgeting and purchasing. The Administrator shall:

(1) Be responsible for the preparation of the annual City budget, in accordance with guidelines as may be provided by the Common Council and in coordination with department heads, and pursuant to state statutes, for review and approval by the Mayor and the Council;

(2) Administration the budget as adopted by the Council for all City departments;

H. Other Duties; changes in duties: The Administrator shall perform such other and further duties and responsibilities as are assigned to the office from time to time by the Common Council or Mayor. In addition, the Common council shall prepare a job description which conforms with this ordinance; however, it reserves the right to alter said job description from time to time, both in terms of adding to or taking away job duties from said office

I. Cooperation. All officials and employees of the City shall cooperate and assist the Administrator so that the City government shall function effectively and efficiently.

2-3-3.1 City Clerk

A. How appointed. See Section 135-2 of the municipal code.

B. Powers and Duties. The city clerk shall have the powers and duties provided by Section 62.09 (11), Wis. Stats., and other duties as may be adopted from time to time by the city council in the form of a job description.

Sec. 2-3-4 Treasurer

A. How appointed. See Section 135-2 of the municipal code.

B. Powers and Duties. The Treasurer shall have the powers and duties provided by Section 62.09 (9), Wis. Stats., and other duties as may be adopted from time to time by the city council in the form of a job description.

Section 2-3-4.2 Deputy Treasurer

The City Administrator may appoint a Deputy Treasurer subject to confirmation by a majority of the member of the Common Council. The Deputy Treasurer shall act under the Treasurer direction and who, during the temporary absence or disability of the Treasurer or during a vacancy in such officer, shall perform the Treasurers duties as described in Wis. Stats. 62.09 (9). The Common Council shall set the salary of the Deputy Treasurer.

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

(a) Selection. The Director of Public Works shall be appointed by the Common Council. Selection shall be made solely on merit upon the basis of general qualifications and fitness for performing the duties of the position. The Director of Public Works shall be employed for an indefinite term.

(b) Powers and Duties. Subject to the direction of the Mayor and Common Council, the Director of Public Works shall have the following duties:

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

- j. Perform such other duties as may be directed by the Common Council.
- (4) Parks Administration.
- a. Supervise the maintenance of City parks;
 - b. Be responsible for long range and master plans for park and recreational activity including plans for acquisition of park property as required;
 - c. Assist in recruitment and hiring of all full-time, part-time and seasonal personnel required for the work;
 - d. Direct subordinates in planning and designing major park projects and improvements including landscape development;
 - e. Be responsible for planning, organizing, developing, executing and evaluating a year-round comprehensive recreation program;
 - f. Prepare and submit an annual budget and control for conformance to the final budget as authorized;
 - g. Coordinate recreation programs and facilities with schools and other community recreation and beautification programs;
 - h. Perform such other duties as directed by the Common Council and as set forth in this Code of Ordinances.

Sec. 2-3-6 City Attorney ³

- (a) Selection. The City Attorney shall be appointed pursuant to Section 2-3-2.
 - (b) Duties. The City Attorney shall have the following duties;
 - ~~(1) The Attorney shall conduct all of the law business in which the City is interested, and shall serve as legal advisor to the Mayor, Common Council and officers of the City.~~
 - ~~(2) Shall when requested by City officers, give written legal opinions, which shall be filed with the City.~~
 - ~~(3) He shall draft ordinances, bonds and other instruments as may be required by officials.~~
 - ~~(4) He may appoint an assistant, who shall have power to perform his duties and for whose acts he shall be responsible to the City. Such assistant shall receive no compensation from the City, unless previously provided by ordinance.~~
 - ~~(5) The Common Council may employ and compensate special counsel to assist in or take charge of any matter in which the City is interested.~~
 - ~~(6) The City Attorney shall perform such other duties as provided by State law and as designated by the Common Council.~~
- (1) Serving as legal advisor shall include, consistent with conflict of interest and all other ethical considerations, as well as issues of confidentiality and appropriateness of public disclosure under the circumstances then and there existing, providing unsolicited information, advice, clarification, direction and/or instruction on a matter at hand when the City Attorney is in attendance at a meeting for which any business is conducted on behalf of the City of Prescott, and the discussion or potential direction being or to be

³ Updated 7/25/05

taken by the Mayor, Common Council or Committee or officers of the City is not legally sound or advisable.

(2) The duty of the City Attorney and his/her actions is to provide legal advice for the protection of the City of Prescott, its elected officials and officers when so directed by the Mayor or the City Council while acting within the scope of their position, which duty and actions shall be consistent with conflict of interest and all other ethical considerations.

(3) Shall when requested by City Officers, provide legal opinions, which shall be filed with the city.

(4) The city attorney shall provide drafted ordinances when requested by the Common Council or Mayor specific to the conditions and needs of the City of Prescott. Drafted ordinances will take into account all corresponding and current Federal, State and County regulations.

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

Sec. 2-3-7 Chief of Police.

(a) Appointment.

(1) The Chief of Police shall be appointed by the Police Commission, subject to Council confirmation, and shall hold office during satisfactory performance, subject to suspension or removal pursuant to law.

(2) The compensation to be paid the Chief of Police for his services, the hour of active duty, rest days, vacation periods and other involvement of his or her employment shall be such as may be determined by the Common Council from time to time.

(b) General Duties. The Chief of Police shall:

(1) Have command of the Police Department of the City under direction of the Mayor;

(2) Have general administration and control of the Department;

(3) Be responsible for the Department's government, efficiency and general good conduct;

(4) Perform all duties prescribed to him by laws of the State and ordinances of the City.

(5) Develop Department policies and procedures;

(6) Maintain Department ethics and discipline;

(7) Delegate special assignments or duties to police officers, and monitor to see that responsibilities are carried out

(8) Perform all the duties of a police officer during a portion of every regular schedule

(9) Identify and evaluate ideas to achieve more efficient and effective operation;

(10) Prepare Department budget requests and maintains expenditures within approved budgetary levels;

(11) Authorize overtime work for police officers, with supporting justification provided to the Mayor and Common Council, or committee thereof;

(12) Participate in the recruitment, testing and selection of new personnel;

- (13) Supervise and participate in the advanced and continuing training of police officers and non-sworn Department employees;
- (14) Cooperate with county, state and federal officials, and other municipal law enforcement agencies;
- (15) Make special reports to the Common Council on request; and advise and cooperate with other City departments in matters of public safety;
- (16) Submit weekly and annual reports to the Mayor;
- (17) Perform other miscellaneous duties as assigned.

Sec. 2-3-8 Fire Chief.

- (a) Appointment. The Fire Chief shall be appointed pursuant to Section 2-3-2.
- (b) Duties and Powers.
 - (1) The Chief shall have general supervision of the Fire Department personnel, apparatus and equipment. He, or his designee, shall be present at fires and command all fire-fighting operations. The Fire Chief may make such further rules, regulations and policies for the government of the Fire Department as he may deem necessary, provided such rules and regulations shall not be inconsistent with the laws of the State of Wisconsin or Department bylaws. The Fire Chief shall, by virtue of his office, hold the office of Fire Inspector or he may delegate a member of the Department to serve as the Fire Inspector.
 - (2) He shall enforce all fire prevention ordinances of the City and State laws and regulations pertaining to fire prevention, and shall keep citizens informed on fire prevention methods, and on the activities of the Department.
- (c) Reports of Chief. The Fire Chief shall report to the Common Council from time to time at his discretion or upon the request of said Common Council on matters concerning departmental matters and shall perform such other duties in conformance with his office as may from time to time be required of him by the Common Council.

Sec. 2-3-8 (A) AMBULANCE DIRECTOR

GENERAL STATE OF DUTIES:

The Ambulance Director is responsible for overseeing and initiating recruitment of volunteers and the operations of the EMS ambulance services.

The Ambulance Director is responsible to the Police and Fire Commission and shall report to the Commission directly or via the Police Chief as the Commission directs.

DUTIES AND RESPONSIBILITIES:

- 1. Recruits and trains sufficient volunteers to serve on the ambulance crews to ensure that an optimum response time is maintained on a 24 hour basis.
- 2. Maintain OSHA standards for vehicles, personnel, and facilities.

3. Compile an annual budget, cost analysis, and perform administrative duties related to the ambulance service and operation.
4. Maintain and schedule ambulance staff to ensure appropriate service; fill in as needed during staff shortages.
5. Maintain and record maintenance of equipment, facility, and vehicles.
6. Monitor and/or advise changes in the State Emergency Medical Service (EMS) rules and regulations.
7. Maintain equipment and instruct personnel in proper use.
8. Maintain and update Standard Operating Guidelines (SOG) and protocols.
9. Assure all Emergency Medical Technicians' (EMT) licenses are current and recorded.
10. Maintain records and policies as required by State and Ambulance Department.
11. Arrange and hold training sessions bimonthly.
12. Attend and/or schedule day and evening meetings.

13. Act as liaison between Medical Director and service for Continuing Quality Improvement (COI) and Quality Assurance (QA) programs.

Supervise employees and work with other agencies and the general public

Sec. 2-3-9 Assessor.

(a) Appointment.

- (1) The City of Prescott hereby elects not to be governed by those portions of Sec. 62.09(3)(b), Wis. Stats., relating to the method of selection of the City Assessor which are in conflict with this Section. (Charter Ordinance).
- (2) The City Assessor, or assessing firm, shall be appointed pursuant to Section 2-3-2.
- (3) A corporation or an independent contractor may be appointed as Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats.
- (4) No Assessor shall be appointed unless said Assessor is certified by the Wisconsin Department of Revenue as qualified to perform the functions of the office of Assessor.

(b) Duties. The Assessor shall perform all duties required of such office as provided by law and such other duties as are requested to be executed by such person by the Common Council from time to time.

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

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

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

- (a) Qualifications.
- (1) There are created the positions of Building Inspector; Electrical Inspector; Heating, Ventilating and Air Conditioning (HVAC) Inspector; and Plumbing Inspector. The Common Council may assign or consolidate the duties of each position with another inspection position.
 - (2) Each Inspector shall:
 - a. Possess such executive ability as is requisite for the performance of his duties and shall have a thorough knowledge of the standard materials and methods used in the installation of equipment in his area of responsibility;
 - b. Be well versed in approved methods of construction for safety to persons and property, the Statutes of the State of Wisconsin relating to work in his area of responsibility, and any orders, rules and regulations issued by authority thereof;
 - c. Have sufficient experience in the installation of equipment to enable him to understand and apply the appropriate codes adopted by the City of Prescott.
 - (3) Each Inspector shall be certified by the State of Wisconsin in his area of responsibility.
- (b) Appointment and General Powers.
- (1) A Plumbing Inspector, Electrical Inspector, HVAC Inspector and Building Inspector shall be appointed pursuant to Section 2-3-2.
 - (2) Each Inspector shall enforce the provisions of this Code of Ordinances and all other ordinances and laws and orders of the State of Wisconsin which relate to building construction, plumbing, HVAC and electrical installations, subject to the respective authority of each Inspector as set forth in this Section and other Chapters of the City Code of Ordinances.
 - (3) Any person feeling himself aggrieved by any order or ruling of an Inspector may, within twenty (20) days thereafter, appeal from such order or ruling to the Board of Appeals, as established in the Zoning Code, such an appeal to be in writing.
- (c) May Employ Additional Assistants. Each Inspector may employ, subject to approval of the Common Council, any assistant inspectors and clerical assistants necessary for the proper conduct of his office and the inspection of installations in his area of responsibility.
- (d) Authority to Enter Premises.
- (1) In the discharge of their respective duties, each Inspector under this Section or his authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection any may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his authorized agent while in the performance of his duties; and any person so

interfering shall be in violation of this Section and subject to a penalty as provided by Section 1-1-7

- (2) If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public for inspection purposes has been denied, the Inspector shall obtain a special inspection warrant under Sections 66.122 and 66.123, Wis. Stats.
- (e) Duties and Authority.
- (1) Building Inspector. The Building Inspector shall have such duties as are prescribed in this Section and Title 15, Chapter 1, of this Code of Ordinances.
 - (2) Electrical Inspector. In addition to such duties as are prescribed in Title 15, Chapter 1, of this Code of Ordinances, the Electrical Inspector may, during reasonable hours, enter any building or premises in the discharge of his official duties or for the purpose of making any inspection, re-inspection or test of the electrical equipment contained therein or its installation. When any electrical equipment is found by the Electrical Inspector to be dangerous to persons or property because it is defective or defectively installed, the person responsible for the electrical equipment shall be notified in writing and shall make any changes to place such equipment in a safe condition; and if such work is not started as soon as possible and not completed within fifteen (15) days or any longer period that may be specified by the Electrical Inspector in such notice, the Electrical Inspector may disconnect or order the discontinuance of electrical service to such electrical equipment. In cases of emergency where necessary for safety to persons or property or where electrical equipment may interfere with the work of the Fire Department, the Electrical Inspector may disconnect or cause the disconnection immediately of any electrical equipment.
 - (3) HVAC Inspector. In addition to such duties as are prescribed in Title 15, Chapter 1, of this Code of Ordinances, the HVAC Inspector shall enforce all State and City provisions relating to the construction, installation, alteration and repair of all HVAC equipment and facilities within the City and shall make such inspections, perform such tests and issue such orders as may be necessary for such enforcement.
 - (4) Plumbing Inspector. In addition to such duties as are prescribed in Title 15, Chapter 1, of this Code of Ordinances, the Plumbing Inspector shall enforce all State and City provisions relating to the construction, installation, alteration and repair of all plumbing within the City and shall make such inspections, perform such tests and issue such orders as may be necessary for such enforcement.
- (f) Records.
- (1) Inspectors shall keep a record of all applications for permits and regularly number each permit in the order of issuance. They shall keep a record showing the number, description and size of all buildings erected during their terms of office, indicating the kind of materials used, the cost of each project and the aggregate cost of all buildings and the various classes. They shall keep a record of all inspections made and a record of all fees

collected by them showing the date of their receipt and transfer to the City Clerk-Treasurer.

- (2) The Plumbing Inspector shall make such reports to the Department of Health and Social Services as are required under Sec. 145.04(3), Wis. Stats.
 - (3) The Plumbing Inspector shall keep a record of all sewer and water connections and shall make maps showing the locations of the same and the positions of all house drains, connections, junctions and other data necessary for the efficient operation of his office.
- (g) Stop Work Orders and Revocations. Each Inspector may order construction, installation, alteration or repair work stopped when such work is being done in violation of this Code of Ordinances. Work so stopped shall not be resumed, except with written permission of the Inspector, provided if the stop work order is an oral one it shall be followed by a written order within a reasonable period of time.

Sec. 2-3-11 Zoning Administrator.

- (a) Selection. The Zoning Administrator shall be appointed pursuant to Section 2-3-2.
- (b) Duties. The Zoning Administrator shall:
 - (1) Perform those duties prescribed in Title 13 of this Code of Ordinances, particularly Section 13-1-241;
 - (2) Serve as Weed Commissioner under Section 2-4-12, unless otherwise determined by the Common Council.

Sec. 2-3-12 Weed Commissioner.

The Weed Commissioner shall be appointed by the Mayor, subject to Council confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his/her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the City Clerk-Treasurer, and shall hold office for one (1) year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law. The duties of Weed Commissioner may be assigned to a City employee.

State Law Reference: Sections 66.97 and 66.98, Wis. Stats.

Sec. 2-3-13 Municipal Judge; Municipal Court.

- (a) **Established.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby established a Municipal Court for the City of Prescott.
- (b) **Office of Municipal Judge Created.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby created the office of Municipal Judge for the Municipal Court for the City of Prescott. Mid-term vacancies in the office of Municipal Judge shall be filled by special election to be held not less than fifty-five (55) nor more than seventy (70) days after the order of the Council therefore.

(c) **Election; Term.** The Municipal Judge shall be elected at large at the spring election on the even-numbered years for a term of four (4) years commencing on May 1 succeeding the election. The Municipal Judge shall be subject to the Wisconsin Code of Judicial Ethics and shall file an annual financial statement.

(d) **Salary.** The salary of the Municipal Judge may be increased for a new term prior to the beginning of the term for the Judge, or for the second year of a term before the start of the second year of the term of the Judge, but the salary shall not be decreased during the term of the Judge. Salaries may be paid annually or in equal installments as determined by the Common Council, but no Judge may be paid a salary for that portion of any term during which portion the Judge has not executed the official bond or official oath as required by Sec. 755.03, Wis. Stats., and filed under Sec. 19.01(4)(c) of the Wisconsin Statutes, as amended. The salary shall be as established by the Common Council.

(e) **Bond; Oath.** The Municipal Judge shall execute and file with the Clerk of the Circuit Court for Pierce County the oath prescribed by Sec. 755.03, Wis. Stats., and an official bond in such an amount of One Thousand Dollars (\$1,000.00).

(f) **Jurisdiction.** The Municipal Judge shall have jurisdiction as provided by law and Section 755.045, Wis. Stats., and exclusive jurisdiction of violations of City ordinances and resolutions.

(g) **Procedure in Municipal Court.**

- (1) The Municipal Judge shall keep his/her office and hold court in the Prescott City Hall.
- (2) If the Municipal Judge is temporarily absent, sick, or disabled, the provisions of Sec. 800.06(1), Wis. Stats., shall apply, and if the Municipal Judge becomes incompetent, unable, or fails to act, or in the event of a vacancy, the provisions of Sec. 800.06(2), Wis. Stats., shall apply. Any substitute Municipal Judge designated or assigned hereunder shall be compensated as authorized by the Common Council. The Municipal Judge shall satisfy all continuing education requirements for municipal judges.
- (3) Upon the proper and timely written request for substitution of the Municipal Judge, the provisions of Sec. 800.05, Wis. Stats., shall apply.

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 300,755, 800, and Sec. 23.66 to Sec. 23.99, 288.14, 288.15, 288.18 and 345.20 to 345.53 Wis. Stats. The Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In non-traffic matters, the Municipal Judge shall draft a bond schedule, which shall become effective upon approval by the Common Council. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.

(h) **Fees.**

- (1) Bonds for appearance, partial payments, and other funds collected by the Court shall be treated as escrow funds and deposited with the City Clerk- Treasurer.

- (2) The Clerk of the Municipal Court shall collect all forfeitures and costs in any action or proceeding before him and shall pay over such moneys to the City Clerk-Treasurer not later than the seventh (7th) business day succeeding his receipt thereof. At the time of payment, the Municipal Court Clerk shall report to the City Clerk-Treasurer the title of the action, the offense for which the forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessments and costs, if any. The City Clerk-Treasurer shall disburse the fees as provided in Sec. 824.65, Wis. Stats., and disburse any penalty assessments pursuant to Sec. 66.12(1)(b), Wis. Stats.
- (i) **Council May Abolish Municipal Court.** The Common Council may, by ordinance or by law, abolish the Municipal Court at the end of any term for which the Judge has been elected.
- (j) **Statutes Adopted by Reference.** Chapters 755 and 800, Wis. Stats., are hereby adopted by reference.
- (k) **Contempt of Court.**
- (1) The Municipal Judge may punish for contempt of Municipal Court for the City of Prescott persons guilty of either of the following acts:
- a. Intentional misconduct in the presence of the court which interferes with a court proceeding or with the administration of justice, or which impairs the due respect for the Court.
- b. Intentional disobedience, resistance or obstruction of authority, process or order of the Municipal Court.
- (2) No person may be punished for contempt before a Municipal Judge until an opportunity has been given the person to be heard in his or her defense. If the contempt alleged involves disrespect or criticism of a Municipal Judge, that judge is disqualified from presiding at the trial of contempt unless the person charged consents to the judge presiding at the trial. For the purpose of hearing a person's defense, the Municipal Judge may, if the alleged defendant does not appear for trial, issue a warrant for the person to be brought before the Municipal Judge.
- (3) The Municipal Judge may upon finding any person guilty of contempt, under the provisions of Sec. 800.12, Wis. Stats., order such person to forfeit not more than Fifty Dollars (\$50.00) plus twenty percent (20%) penalty assessment under Sec. 165.87, Wis. Stats., and one percent (1%) jail assessment or Ten Dollars (\$10.00), whichever is greater, under Sec. 53.46, Wis. Stats. Upon non-payment of the forfeiture and assessments the person found guilty of contempt may be sentenced to the County jail not to exceed seven (7) days.
- (l) **Stipulations and Deposits in Municipal Court**
- (1) The Municipal Judge shall establish and submit to the Council for approval a schedule of deposits for violations of City ordinances, resolutions and bylaws, except traffic regulations, which are governed by Sec. 345.27, Wis. Stats. When approved by the Council, such deposit schedule shall be posted in the office of the Municipal Court Clerk and the City Police Department.

(2) Persons cited for violations of City ordinances, resolutions 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 by State law.

(3) The deposit schedule established by the Wisconsin Board of County Judges and the procedures set forth in Chs. 23 and 345, Wis. Stats., shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with Sec. 345.27, Wis. Stats.

State Law Reference: Chapters 755 and 800, Wis. Stats.

Sec. 2-3-14 Clerk of the Municipal Court.

(a) Appointment. The Municipal Judge shall, in writing, appoint a Clerk of the Municipal Court. The Clerk's salary shall be fixed by the Common Council. The Clerk of the Municipal Court shall hold office for a two (2) year term of office, running concurrently with the Municipal Judge's term of office. The Clerk shall, before entering upon the duties of his office, take the oath provided by Sec. 19.01, Wis. Stats.,. The oath of the Clerk of Municipal Court shall be filed with the Clerk.

(b) Duties. The Court Clerk shall:

- (1) File and review citations and complaints, assuring their correctness;
- (2) Rely to departmental mail concerning routine matters as prescribed by the Municipal Judge;
- (3) Assign docket numbers to citations and complaints, type the docket sheets, and gather all material pertinent to cases;
- (4) Determine and schedule court dates and facilities;
- (5) Communicate with law officers, attorneys, and defendants regarding court proceedings;
- (6) Balance dockets at the conclusion of court proceedings;
- (7) Prepare and mail warrants and summons;
- (8) Prepare monthly report of financial activities;
- (9) Assist in the collection of traffic bonds;
- (10) Prepare necessary communications for jury trials and transfers to circuit court;
- (11) Perform such other duties specified in the Wisconsin Statutes as may hereafter be prescribed by the Common Council.

Sec. 2-3-15 City Forester.

(a) Appointment and Term. The City Forester shall be appointed pursuant to Section 2-3-2. The duties may be assigned to a City employee.

(b) Duties and Powers. The City Forester shall perform the duties imposed by this Municipal Code, in particular Title 6, Chapter 4, and such other duties as may be required by the Common Council.

Sec. 2-3-16 Eligibility for Office.

(a) No person shall be elected by the people to a City office who is not, at the time of his election, a citizen of the United States and of this State, and an elector of the City, and in case of a ward office, of the ward, and actually residing therein.

(b) An appointee by the Mayor, requiring to be confirmed by the Council, who shall be rejected by the Council, shall be ineligible for appointment to the same office for one (1) year thereafter.

(c) No member of the Common Council shall, during the term for which he/she is elected, be eligible for an office or position which, during such term, has been created by, or the selection to which is vested in, the Council, provided that the Council may be represented on City boards or commissions where no additional remuneration is paid such representative except as otherwise provided by the laws of the State of Wisconsin.

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

Sec. 2-3-17 Removal from Office.

(a) Elected Officials. Elected in Sections 17.12(1)(a) and

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

Annotation: 62 Atty. Gen. Op. 97.

Sec. 2-3-18 Custody of Official Property.

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

State law Reference: Sec. 19.21, Wis. Stats.

Sec. 2-3-19 Oath of Office; Bonds of Officers.

(a) Oath. Every person elected or appointed to any statutory office shall take and file an official oath within ten (10) days after the notice of his election or appointment.

Sec. 2-3-20 Residency Requirements.

(a) Authority. This Section is adopted under the authority granted by Chapter 62, Wis. Stats.

(b) Function and Purpose. The City desires to enhance City officials' and employees' community pride and efficiency of operation; to provide for an effective recall of such officials and employees during emergency situations; and promote understanding of local customs and habits through the development of a community identity resulting from residency within the limits of the City.

- (c) Requirements.
- (1) As of the effective date of this Chapter, no person shall be eligible for employment to any position of a City official, full time employee in the position of department head or firefighter unless he/she shall reside in the City within one (1) year of employment by the City. If any such City official or firefighter shall cease to reside in the City, his/her office, position or employment shall be automatically vacated.
 - (2)
 - a. Except for those persons referred to in Subsection (c)(1) above, no person shall be eligible for employment as a full time City employee unless they reside within the State of Wisconsin, and a twenty-five (25) mile road radius of the place of employment within one (1) year of employment by the City. If any such full time employee shall cease to comply with the requirements of this Section, his/her employment shall be automatically vacated.
 - b. All City officials, full time employees and firefighters employed after the effective date of this Section (July 13, 1992) shall comply with the requirements of this Section within one (1) year of the passage of this section.
 - c. All firefighters and EMS personnel must be a resident of and reside within the service area, which is defined as City of Prescott, Township of Oak Grove and Township of Clifton.
 - (3) Any person accused of being in violation of this Section shall be entitled to written notice of the charges against him and an opportunity to be heard before the Mayor and the Common Council prior to the termination of his/her position with the City.
 - (4) Notwithstanding any other provision to the contrary Exceptions to this Section may only be granted by action of the Common Council when such exemption is in the best interest of the City.

Chapter 4

Boards, Commissions and Committees

2-4-1	Board of Review
2-4-2	Library Board
2-4-3	Board of Appeals
2-4-4	City Plan Commission
2-4-5	Prescott Industrial and Economic Committee
2-4-6	Police and Fire Commission
2-4-7	Cable Television Advisory Committee
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2-4-9	Housing Authority
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2-4-11	City Tree Board
2-4-12	General Provisions Regarding Meetings and Public Notice
2-4-13	Residency Required for Service on Boards or Commissions" Attendance Standards

Sec. 2-4-1 Board of Review.

- (a) **Composition.** There shall be a Board of Review for the City of Prescott which shall consist of the Mayor, City Administrator and three (3) Alderpersons annually appointed at the Council's organization meeting.
- (b) **Objections to Valuations to Be Written.** No person shall be permitted to appear and make objection before the Board to the amount of valuation of any property unless objection thereto shall first have been made in writing and filed with the Clerk of the Board prior to the adjournment of public hearing by the Board.
- (c) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.
- (d) **Board's Duty.** The Board shall carefully examine the assessment roll and correct apparent errors in description or computation. It shall add all omitted property but shall not raise or lower the assessment of any property except after hewing, as provided by the Statutes.

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

Sec. 2-4-2 Library Board.

- (a) Administration. There shall be a Library Board to administer the operation of the Prescott Public Library. The Library Board shall consist of seven (7) members. The Mayor, subject to Council confirmation, shall appoint six (6) citizen members for a term of three (3) years, with two (2) members appointed annually. The Superintendent of the Prescott School District or his designee, shall, by virtue of his office, be a member of the Board.
- (b) Duties and Powers. The Library Board shall have the duties and powers as prescribed by Chapter 43, and more particularly set forth in Sec. 43.58 of the Wisconsin Statutes. The Library Board shall appoint the Librarian and other library employees.

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

Sec .2-4-3 Board of Appeals.

- (a) Establishment. A Zoning Board of Appeals shall be appointed as specified in Sec. 62.23(7)(e) of the Wisconsin Statutes. The Zoning Board of Appeals shall consist of five (5) members, and two (2) alternate members, appointed by the Mayor, subject to confirmation by the Common Council for a term of three (3) years. The members may be compensated as determined by the Council and shall be removable by the Common Council for cause upon written charges and upon public hearing. The Board of Appeals shall annually elect in May a chairperson and secretary.
- (b) Powers. The Zoning Board of Appeals shall have the following powers:
 - (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the City's zoning or building code ordinances.
 - (2) To hear and decide special exceptions to the terms of City zoning and floodplain zoning or building code regulations upon which the Board of Appeals is required to pass.
 - (3) To authorize, upon appeal in specific cases, such variance from the terms of the City's zoning or building code regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district.
 - (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the zoning code, for such purposes which are reasonably necessary for public convenience and welfare.
 - (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made regarding the premises. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from

or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the City's zoning ordinances. The grounds of every such determination shall be stated and recorded. The concurring vote of a majority of a quorum is sufficient if the decision of the Board is advisory or upholds the Zoning Administrator's decision. Once a variance is granted, it is permanently attached to the property. A new owner of the property may make use of a variance that was granted to the previous owner if all of the conditions that are attached to the variance are met. [See *Goldberg v. City of Milwaukee Bd. of Zoning App.*, 115 Wis. 2d 517, 340 N.W. 2d 458 (Ct. App. 1983).]

- (6) When granting a special exception (conditional use) or variance, the Board should carefully define the scope of the permit and list any imposed conditions. The Board may exercise any of its powers by reversing or affirming, wholly or partly, or modifying the order, requirement, decision or determination of the administrative officer from whom the appeal was taken. The Board may then make other orders, requirements, decisions or determinations. This includes taking any action which the Zoning Administrator might take, such as issuing or revoking a permit or requiring the applicant to restore the site or remove any unauthorized construction.
- (c) Meetings and Rules. All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the City Clerk-Treasurer and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Section or with applicable Wisconsin Statutes.
- (d) Offices. The Common Council shall provide suitable meeting space for holding the Zoning Board of Appeals' hearings.
- (e) Appropriations. The Common Council may appropriate funds to carry out the duties of the Zoning Board of Appeals and the Board shall have the authority to expend, under regular procedures, all sums appropriated to it for the purpose and activities authorized herein.

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

Sec. 2-4-4 City Plan Commission.

- (a) Composition. The Plan Commission shall consist of the Mayor, who shall be the presiding officer, the Building Inspector, one (1) Alderperson and five (5) citizens.

- (b) Appointment.
 - (1) Election/Appointment of Alderman Members. At its annual meeting in April of each year the Common Council shall, by a two-thirds (2/3) majority vote of its members, elect one (1) of its number as a member of the City Plan Commission for a period of one (1) year from and after the first day of May next ensuing.
 - (2) Appointment and terms of Citizen Members. The five (5) citizen members shall be appointed by the Mayor, subject to Council confirmation, on the third Tuesday of April in each year to hold office for a staggered term of three (3) years commencing with the third Tuesday of April.
- (c) Organization of Commission. The Mayor shall serve as presiding officer. The Plan Commission shall organize by the election of a vice-chairman and such other officers as may in their judgment be necessary. The City Clerk-Treasurer shall be the secretary.
- (d) Record. The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk-Treasurer. Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.
- (e) Duties.
 - (1) The Master Plan.
 - a. The Plan Commission may make, adopt and, as necessary, amend, extend or add to the master plan, subject to Common Council confirmation, for the physical development of the City including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the City. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.
 - b. The Commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the

plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Common Council. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Common Council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Common Council in the performance of their duties.

- (2) **Mandatory Referrals to Commission.** The Common Council or officer of the City having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: the location of any statue or other memorial the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within thirty (30) days, or such longer period as may be stipulated by the Common Council, the Council or other public body or officer may take final action without it.
 - (3) **Miscellaneous Powers.** The Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Common Council programs for public improvements. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.
- (f) **Vacancies.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.

- (g) Oath. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats.

Sec. 2-4-5 Prescott Industrial and Economic Committee.

- (a) Establishment; Composition.
- (1) There is hereby created the Prescott Industrial and Economic Committee, the members of which shall be selected upon a non-partisan basis.
 - (2) The Prescott Industrial and Economic Committee shall consist of the following ten (10) members:
 - a. Mayor;
 - b. The executive director of the Prescott Industrial and Economic Committee;
 - c. A representative annually named by the Prescott Area Chamber of Commerce;
 - d. A representative from the City's administrative staff, annually appointed by the Mayor; and
 - e. Six (6) citizens appointed by the Mayor, subject to Council confirmation, staggered six (6) year terms of office.
- (b) Officers. As soon as possible after their appointment and annually thereafter, the members of the Committee shall organize by choosing from among their members a President and a Secretary, their terms to be fixed by the Committee.
- (c) Powers and Duties.
- (1) The Prescott Industrial and Economic Committee shall promote and coordinate City industrial development efforts, subject to the general control and supervision of the Common Council. The Committee shall act as liaison between the Common Council and private industrial development groups, such as the Chamber of Commerce, and shall recommend to the Council such action as the Committee determines to be necessary.
 - (2) When necessary, the Committee may utilize the services of the City Engineer, the City Attorney and other City officials and employees, upon such basis as shall be mutually agreed to, or as may be determined by the Common Council.
 - (3) The Committee shall have authority, when authorized by the Common Council, to act for the Council to borrow funds for the reservation and development of industrial sites and expend funds with Council approval for such purposes and is hereby authorized and empowered to execute deeds, mortgages and other conveyances on behalf of the Mayor and Common Council when so authorized by resolution adopted by the Common Council.
 - a. All borrowed funds authorized by the Council for industrial development shall be deposited immediately with the City Clerk-Treasurer, and all rentals, fees or any other income derived from the operation of industrial sites shall be directly deposited with the City Clerk-Treasurer. The Committee shall not be empowered to accept any payment for rentals, fees or any other income. The

disbursement of funds by the Committee shall be approved by the Common Council and such disbursements shall be made through the office of the City Clerk-Treasurer.

- (4) The Committee shall work with the City and City staff in promoting the City of Prescott and attracting economic growth and development.
- (5) The Committee shall make an annual report to the Common Council regarding achievements towards fulfillment of such programs.
- (6) The Committee shall develop and recommend methods to stimulate positive public interest and economic growth and development.

Sec. 2-4-6(A). Police Commission ⁴

- (1) Composition.
 - (a) The Board of Police Commissioners (“Board”) shall consist of five (5) citizens, three (3) of whom shall be a quorum. The Mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing to be filled with the Secretary of the Board, one (1) member for a term of five (5) years. No appointment shall be made which will result in more than three (3) members of the Board belonging to the same political party. The Board shall keep a record of its proceedings.
 - (b) All members of the Police Commission as it exists as of the effective date of this Charter Ordinance shall remain in such position until the expiration of his or her term, unless removed from the Board for other cause or the member resigns.
- (2) Chief. The board shall ~~recommend~~ appoint the chief of police, ~~subject to the approval by the Common Council,~~ who shall hold their offices during good behavior, subject to suspension or removal by the board for cause. (Ordinance changed 5/3/07)
- (3) Subordinates.
 - (a) The police chief shall appoint subordinates subject to approval by the board. Such appointment shall be made by promotion when this can be done with advantage, otherwise from an eligible list provided by examination and approval by the board and kept on file with the City Administrator.
 - (b) For the choosing of such list the board shall adopt, and may repeal or modify, rules calculated to secure the best service in the departments.

⁴ Updated as of 6/16/05

These rules shall provide for examination of physical and educational qualifications and experience, and may provide such competitive examinations as the board shall determine, and for the classification of positions with special examination for each class. The board shall print and distribute the rules and all changes in them, at city expense and kept on file with the City Administrator.

- (c) The examination shall be free for all U.S. citizens over 18 and under 55 years of age, with proper limitations as to residence, health and subject to ss. 111.321, 111.322, 111.335, arrest and conviction record. The examination, including minimum training and experience requirements, shall be job-related in compliance with appropriate validation standards and shall be subject to the approval of the board and may include tests of manual skill and physical strength. All relevant experience, whether paid or unpaid, shall satisfy experience requirements. The board shall control examinations and may designate and change examiners, who may or may not be otherwise in the official service of the City, and whose compensation shall be fixed by the board and paid by the City. Veterans and their spouses shall be given preference points in accordance with s.230.16 (7).
 - (d) Members of the police force shall be both sexes. The police commission shall select each subordinate from an eligible list.
- (4) Disciplinary actions against subordinates.
- (a) A subordinate may be suspended as hereinafter provided as a penalty. The subordinate may also be suspended by the commission pending the disposition of charges filed against the subordinate.
 - (b) Charges may be filed against a subordinate by the chief, a member of the board, by the board as a body, or by any aggrieved person. Such charges shall be in writing and shall be filed with the president of the board. Pending disposition of such charges, the board or chief may suspend such subordinate.
 - (c) A subordinate may be suspended for just cause, as described in par.(em), by the chief or the board as a penalty. The chief shall file a report of such suspension with the commission immediately upon issuing the suspension. No hearing on such suspension shall be held unless requested by the suspended subordinate, If the subordinate suspended by the chief requests a hearing before the board, the chief shall be required to file charges with the board upon which such suspension was based.
 - (d) Following the filing of charges in any case, a copy thereof shall be served upon the person charged. The board shall set date for hearing not less than 10 days nor more than 30 days following service of charges. The hearing on the charges shall be public, and both the accused and the

complainant may be represented by an attorney and may compel the attendance of witnesses by subpoenas which shall be issued by the president of the board upon request and be served as are subpoenas under ch. 885.

- (e) If the board determines that the charges are not sustained, the accused, if suspended, shall be immediately reinstated and all lost pay restored. If the board determines that the charges are sustained, the accused, by order of the board, may be suspended or reduced in rank, or removed, as the good of the service may require.
- (em) No subordinate may be suspended, reduced in rank, suspended and reduced in rank or removed by the board under par. (e), based on charges filed by the board members of the board, an aggrieved person or the chief under par. (b), unless the board determines whether there is just cause, as described in this paragraph, to sustain the charges. In making its determination, the board shall apply the following standards, to the extent applicable:
 1. Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.
 2. Whether the rule or order that the subordinate allegedly violated is reasonable.
 3. Whether the chief, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did in fact violate a rule or order.
 4. Whether the effort described under subd. 3 was fair and objective.
 5. Whether the chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.
 6. Whether the chief is applying the rule or order fairly and without discrimination against the subordinate.
 7. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the chief's department.
- (f) Findings and determination hereunder and orders of suspension,

reduction, suspension and reduction or removal, shall be in writing and, if they follow a hearing, shall be filed within 3 days thereof with the secretary of the board.

- (g) Further rules for the administration of this subsection may be made by the board.
- (h) No person shall be deprived of compensation while suspended pending disposition of charges
- (i) Any person suspended, reduced, suspended and reduced, or removed by the board may appeal from the order of the board to the circuit court by serving written notice of the appeal on the secretary of the board with 10 days after the order is filed. Within 5 days after receiving written notice of the appeal, the board shall certify to the clerk of the circuit court the record of the proceedings, including all documents, testimony and minutes. The action shall then be at issue and shall have precedence over any other cause of a different nature pending in the court, which shall always be open to the trial thereof. The court shall upon application of the accused or of the board fix a date of trial, which shall not be later than 15 days after such application except by agreement. The trial shall be by the court and upon the return of the board, except that the court may require further return or the taking court shall be: Upon the evidence is there just cause, as described under par. (em) and the clerk's fees shall be paid by the city. If the order of the board is reversed, the accused shall be forthwith reinstated and entitled to pay as though in continuous service. If the order of the board is sustained it shall be final and conclusive.

This paragraph does not apply to any person who is suspended, reduced, suspended and reduced, or removed by the board or by a committee or person acting under this subsection in place of a board, and who is subject to the terms of a collective bargaining agreement entered into under subch. IV of ch. 111 that provided an alternative to the appeals procedure specified in this paragraph, unless the person chooses to appeal the order to circuit court. If the alternative to the appeals procedure includes a hearing, the hearing shall be open to the public with reasonable advance notice given by the employer. An accused person who chooses to appeal the decision of the board through a collectively bargained alternative to the appeals procedure specified in this paragraph is considered to have waived his or her right to circuit court review of the board decision.

- (j) The provision of pars. (a) to (i) shall apply to disciplinary actions against the chief where applicable. In addition thereto, the board may suspend a chief pending disposition of charges filed by the board or by

the mayor of the city.

(5) Dismissal and reemployment.

- (a) When it becomes necessary, because of need for economy, lack of work or funds, or for other just causes, to reduce the number of subordinates, the emergency, special, temporary, part-time or provisional subordinates, if any, shall be dismissed first, and thereafter subordinates shall be dismissed in the order of the shortest length of service in the department, provided that, in cities where a record of service rating has been established prior to January 1, 1933, for the said subordinated, the emergency, special temporary, part-time provisional subordinates, if any, shall be dismissed first, and thereafter subordinated shall be dismissed in the order of the least efficient as shown by the said service rating.
- (b) When it becomes necessary for such reasons to reduce the number of subordinates in the higher positions or offices, or to abolish any higher positions or offices in the department, the subordinate or the subordinates affected thereby shall be placed in a position or office in the department less responsible according to the subordinates efficiency and length of service in the department.
- (c) The name of a subordinate dismissed for any just cause set forth in this section shall be left on an eligible reemployment list for a period of 2 years after the date of dismissal, except that if the dismissal was for disciplinary reasons the subordinate may not be left on an eligible re-employment list. If any vacancy occurs, or if the number of subordinates is increased in the department, the vacancy or new positions shall be filled by persons on the eligible reemployment list in the inverse order of dismissal of the person on the list.

(6) Compensation. The salaries of the chief and subordinates shall be fixed by the council. Such salaries when so fixed may be increased but not decreased by the council without a previous recommendation of the board. The council may provide that the salaries shall increase with length of service.

(6m) Rest Day. The council shall provide for, and the chief of police department shall assign to each police officer in the service of such city one full rest day of 24 consecutive hours during each 192 hours, except in cases of positive necessity by some sudden and serious emergency, which, in the judgment of the chief of police, demands that such day

of rest not be given at such time. Arrangement shall be made so that each full rest day may be had at such time or times as will not impair the efficiency of the department.

(6n) Hours of labor. Except when a labor agreement under subch. IV of ch.111 that governs hours of employment exists, the class city shall provide for a working day of not more than 8 hours in each 24 except in cases of positive necessity by some sudden and serious emergency, which, in the judgment of the chief of police, demands that such workday shall be extended beyond the 8-hour period at such time; and, when such emergency ceases to exist, all overtime given during such emergency shall be placed to the credit of such police officer, and compensatory time under s103.025 given therefore.

Sec . 2-4-7 Cable Television Advisory' Committee.

Pursuant to Section 9-3-7, a five (5) member Cable Television Advisory Committee is created. The Committee shall consist of the Mayor and an indefinite number of citizen members appointed by the Mayor, subject to Council confirmation, for staggered five (5) year terms of office. Appointees shall have demonstrated particular interest or expertise in cable television services. The Committee shall have the authority prescribed in Section 9-3-7(1) of this Code of Ordinances.

Sec. 2-4-8 Historic Preservation Committee.

The Prescott Historic Preservation Committee shall be appointed pursuant to Section 15-7-3 of this Code of Ordinances. The Committee shall have those powers prescribed in Title 15, Chapter 7.

Sec. 2-4-9 Housing Authority.

(a) Appointment, Qualifications and Tenure of Commissioners.

- (1) The Mayor shall, with the confirmation of the Council, appoint five (5) persons who are citizens of the City as Commissioners of the Housing Authority. No Commissioner may be connected in any official capacity with any political party nor shall more than two (2) be officers of the City of Prescott.
- (2) The Commissioners shall each have a staggered term of office of five (5) years. A Commissioner shall hold office until his successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term in the same manner as other appointments. Three (3) Commissioners shall constitute a quorum. The Mayor shall file with the City Clerk-Treasurer a certificate of the appointment or reappointment of any Commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such Commissioner if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon his/her office. A Commissioner shall receive no compensation for his services, but he shall be entitled to the

necessary expenses including traveling expenses incurred in the discharge of his duties.

- (b) Selection of Officers. When the office of the first chairman of the Authority becomes vacant, the Authority shall select a chairperson from among its members. The Authority shall select from among its members a vice-chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The Authority may call upon the City Attorney or chief law officer of the City for such legal services as it may require. The Authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

State Law Reference: Sec. 66.40, Wis. Stats.

Sec. 2-4-10 Redevelopment Authority.

- (a) Purpose.
- (1) The City of Prescott, Wisconsin (the "City") is a municipal corporation organized and existing under and pursuant to the laws of the State of Wisconsin and is authorized by Sec. 66.431, Wis. Stats., as amended, by proper resolution of this Common Council, to declare that there is a need in the City for a redevelopment authority to transact business and exercise any and all powers, duties and functions set out in Sec. 66.431, Wis. Stats., for redevelopment authorities.
 - (2) Sec. 66.431(3), Wis. Stats., authorizes the Redevelopment Authority, upon proper resolution of this Common Council, to transact business and exercise any of the powers granted to it in Sec. 66.431, Wis. Stats.
 - (3) It is the finding, determination and, declaration of the Common Council that there exists within the City a need for blight elimination, clearance of undesirable conditions, and urban renewal and community development programs and projects (herein sometimes referred to individually or collectively as "Qualified Redevelopment Projects").
 - (4) It is the finding, determination and declaration of this Common Council that the undertaking of Qualified Redevelopment Projects will encourage well planned, integrated, stable, safe and healthful neighborhoods, the provisions of healthful homes, a decent living environment and adequate places for employment of the residents of the City.
 - (5) A Redevelopment Authority established by the City may exercise its powers to promote Qualified Redevelopment Projects through cooperation between the Redevelopment Authority and private developers; and
- (b) Findings of Fact
- (1) It is the finding, determination and declaration of the Common Council that the City would derive public benefits from the creation of a Redevelopment Authority and the exercise by the Redevelopment Authority of its powers under Sec. 66.431, Wis. Stats., including its power to issue revenue bonds to provide financing or refinancing for Qualified Redevelopment projects to be constructed or which have been constructed

by private developers, including by way of illustration but not limitation, the following public benefits: the elimination or prevention of substandard, deteriorated, unsanitary and blighted areas; the provision and retention of gainful employment opportunities for the citizens of the City; an increase in the City's tax base; and the stimulation of the flow of investment capital into the City with resultant beneficial effects upon the economy in the City.

- (2) It is the finding, determination and declaration of this Common Council that the public interest will be served if the City were to authorize a Redevelopment Authority in the City.
 - (3) On the basis of the findings and determinations herein recited, this Common Council declares that there is a need for and does hereby create a Redevelopment Authority in the City, to be known as the "Redevelopment Authority of the City of Prescott, Wisconsin", authorized to transact business and exercise any and all powers granted to a Redevelopment Authority under Sec. 66.431, Wis. Stats., as amended from time to time.
- (c) **Composition.** The Mayor shall, with confirmation of this Common Council, appoint seven (7) qualified resident persons to serve as commissioners of said Redevelopment Authority. Whenever the Mayor of the City shall serve as a commissioner of said Redevelopment Authority, he or she shall act as its Chairman; otherwise the Chairman of the Redevelopment Authority shall be elected from among the commissioners of said Redevelopment Authority by majority vote of said commissioners.

Sec. 2-4-11 City Tree Board.

The City Tree Board shall be created and have such duties as prescribed in Section 6-4-2.

Sec. 2-4-12 General Provisions Regarding Meetings and Public Notice.

- (a) **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the City shall fix a regular date, time and place for its meeting.
- (b) **Notice of Meetings.**
 - (1) Every meeting of any board or commission of the City of Prescott, and/or any committee appointed or created by the Mayor or Common Council of the City of Prescott shall be preceded by public notice and shall be held in open session at a place acceptable to the public in accordance with the provisions of Chapter 19, Subchapter IV Open Meetings of Governmental Bodies, Wis. Stats., unless otherwise authorized by law.

- (2) Such notice shall be given in writing to the official newspaper, and in addition thereto, shall be posted in at least one (1) location likely to give notice to the public of such meeting.
- (3) A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting, but not less than twenty-four (24) hours prior to the commencement of such meeting unless otherwise authorized by law.
- (4) Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:

**NOTICE OF MEETING
CITY OF PRESCOTT, WISCONSIN**

(commission)

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

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

Dated: _____

(Commission)_____

By _____

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

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

Sec. 2-4-13 Residency Required for Service on Boards or Commissions; Attendance Standards.

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

Chapter 5

Ethics Code

2-5-1	Statement of Purpose
2-5-2	Definitions
2-5-3	Statutory Standards of Conduct
2-5-4	Responsibility of Public Office
2-5-5	Dedicated Service
2-5-6	Fair and Equal Treatment
2-5-7	Conflict of Interest
2-5-8	Advisory Opinions
2-5-9	Hiring Relations
2-5-10	Employees Covered by Collective Bargaining Agreements
2-5-11	Sanctions
2-5-12	Employee Handbook

Sec .2-5-1 Statement of Purpose.

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

Sec. 2-5-2 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Public Official.** Those persons serving in statutory elected or appointed offices provided for in Chapter 62 of the Wisconsin Statutes, and all members appointed to boards, committees and commissions established or appointed by the Mayor and/or Common Council pursuant to this Code of Ordinances, whether paid or unpaid.
- (b) **Public Employee.** Any person excluded from the definition of a public official who is employed by the City.
- (c) **Anything of Value.** Any gift, favor, loan, service or promise of future employment, but does not include reasonable fees and honorariums, or the exchange of seasonal, anniversary or customary gifts among relatives and friends.
- (d) **Business.** Means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
- (e) **Personal Interest.** The following specific blood or marriage relationships:
 - (1) A person's spouse, mother, father, child, brother or sister; or
 - (2) A person's relative by blood or marriage who receives, directly or indirectly, more than one-half (1/2) support from such person or from whom such person receives, directly or indirectly, more than one-half (1/2) of his support.
- (f) **Significant Interest.** Owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of any business.
- (g) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.
- (h) **Staff.** Any full- or part-time employee of the City.

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

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

- (a) Sec. 19.59. State Ethics Law.
- (b) Sec. 946.10. Bribery of Public Officers and Employees.
- (c) Sec. 946.12. Misconduct in Public Office.
- (d) Sec. 946.13. Private Interest in Public Contract Prohibited.

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

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

Sec. 2-5-5 Dedicated Service.

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

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

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

Sec. 2-5-7 Conflict of Interest.

- (a) Financial and Personal Interest Prohibited.
 - (1) No official or employee of the City, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of judgment or action in the performance of official duties.
 - (2) Any member of the Common Council who has a financial interest or personal interest in any proposed legislation before the Common Council shall disclose on the records of the Common Council the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Council involves a members personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.
 - (3) Any non-elected official who has a financial interest or personal interest in any proposed legislative action of the Common Council or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Common Council or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.
 - (4) Any City employee who has a financial interest or personal interest in any proposed legislative action of the Common Council or any board, commission or committee upon which the employee has any influence of input, or of which the employee is a member, that is a make to recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Common Council or the appropriate board, commission or committee the nature and extent of such interest.
- (b) Disclosure of Confidential Information. No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, nor shall such information be used to advance the financial or other private interests of the official or employee or others.
- (c) Gifts and Favors.
 - (1) No official or employee, personally or through a member of his immediate family, may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could be expected to influence the employees official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.

- (2) No official or employee personally, or through a member of his immediate family, shall accept any gift, whether in the form of money, service, loan, thing or promise, from any person which could reasonably be expected to impair his independence of judgment or action in the performance of his duties or grant in the discharge of his duties any improper favor, service or thing of value. However, it is not a conflict of interest for any public official or employee to receive hospitality that is unsolicited and unrelated to government business, such as a meal, and that is not intended to influence the official.
 - (3) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a City official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality, as a properly reported political contribution, from citizens for the purpose of supporting the candidate's campaign. (The State Ethics Board has interpreted "hospitality" as it applies to state officials as including meals, beverages and lodging which a person offers at his residence and would have been offered if the recipient was not an official).
 - (4) Gifts received by an official or employee or his immediate family under unusual circumstances shall be referred to the Common Council within ten (10) days of receipt for recommended disposition. Any person subject to this Chapter who becomes aware that he is or has been offered any gift, the acceptance of which would constitute a violation of this Subsection, shall, within ten (10) days, disclose the details surrounding said offer to the Common Council. Failure to comply with this reporting requirement shall constitute an offense under this Chapter.
- (d) Representing Private Interests Before City Agencies or Courts.
- (1) Non-elected City officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any City agency, board, commission or the Common Council if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
 - (2) Elected City officials may appear before City agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.
- (e) Ad Hoc Committee Exceptions. No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that

individual, has an interest so long as the individual discloses to the Common Council that such interest exists.

(f) Contracts with the City. No City official or employee who, in his capacity as such officer or employee, participates in the mailing of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his part shall enter into any contract with the City unless, within the confines of Sec. 946.13, Wis. Stats.:

(1) The contract is awarded through a process of public notice and competitive bidding or the Common Council waives the requirement of this Section after determining that it is in the best interest of the City to do so.

(2) The provisions of this Subsection shall not apply to the designation of a public depository of public funds.

(g) Campaign Contributions. Campaign contributions shall be reported by all candidates for City office in strict conformity with the provisions of the Wisconsin Statutes. Any campaign contribution tendered to or accepted by a candidate subsequent to the final statutory report shall be reported to the Ethics Board.

Sec. 2-5-8 Advisory Opinions.

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

Sec. 2-5-9 Hiring Relatives.

(a) This Section governs the proposed hiring of individuals for full-time or part-time work as City employees who are members of the immediate family of City employees or elected officials. "Immediate family" includes those relatives by blood or marriage defined in Section 2-5-2(e) as personal interests.

(b) Hiring an immediate family member of any current City employee or elected City official will be considered only if that individual has the knowledge and skills, experience or other job-related qualifications that warrant consideration for the position. A person can not be hired for either full-time or part-time employment in a position immediately supervised by a member of that person's immediate family.

(c) This Section does not apply to non-elected officials who are asked to accept appointment as members of a City board, commission or committee; non-elected officials, however, will be expected to disqualify themselves from participation in matters under consideration which may affect the hiring, retention, classification

or compensation of their immediate family if currently employed or being considered for employment by the City.

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

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

Sec. 2-5-11 Sanctions.

(a) A determination that a public official's or public employee's actions constitute improper conduct under the provisions of this Chapter may constitute a cause for removal from office, termination of employment, suspension, reprimand, removal from committee assignment, or other appropriate disciplinary action. As an alternative or in addition to sanctions imposed herein, any individual violating the Ethics Code shall be subject to a non-reimbursable forfeiture as determined by the City of Prescott Common Council.

(b) Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the labor agreement.

(c) Sanctions, including any disciplinary action that may affect employees covered by the Police Commission jurisdiction, will be consistent with both applicable Police Commission statutes and Commission rules and regulations.

Sec. 2-5-12 Employee Handbook.

The City of Prescott Employee Handbook is adopted and incorporated herein by reference.

Chapter 6

Emergency Government

- 2-6-1 Establishment
- 2-6-2 Definitions
- 2-6-3 Establishment of an Emergency Management Organization
- 2-6-4 Powers and Duties of the Director
- 2-6-5 Local Emergencies
- 2-6-6 Emergency Regulations
- 2-6-7 Emergency Management a Governmental Function
- 2-6-8 Participation in Labor Disputes or Politics
- 2-6-9 Effective Date

Sec. 2-6-1 Establishment

1. To ensure that the City of Prescott will be able to deal with unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, or from sabotage, hostile action, or from hazardous materials mishaps of catastrophic measures, and to provide for adequate preparation to deal with such disasters, and to provide for the common defense and to protect this the public and to preserve the life and property of the people of the city it is here by found and declared necessary to :

- a) To establish a City Emergency Management organization responsible for city planning and preparation for emergency government operations in time of disasters.
- b) To provide for the exercise of necessary powers during emergencies and disasters.

- c) To provide for the rendering of mutual aid between this city and other political subdivisions of this state and of other states with respect to the carrying out of emergency preparedness functions.
- d) To comply with provisions of Wisconsin statutes which Requires that each political subdivision of Wisconsin shall establish a local organization for emergency management.

Sec. 2-6-2 Definitions

Subdivision 1. “Emergency Management” Means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters caused by fire, flood, tornado, and other acts of nature, or from sabotage, hostile action, or from industrial hazardous materials mishaps. These functions, without limitations, firefighting services, police services, emergency medical services, engineering, warning services, communications, radiological, and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out of the foregoing functions. Emergency management includes those activities sometimes referred to as “Civil Defense” functions.

Subdivision 2. “Disaster” mean a situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the loss or injury or loss.

Subdivision 3. Emergency management forces means that total personnel resources engaged in cities level it emergency management functions in accordance with the provisions of this resolution or any rules or Order thereunder. This includes personnel from city departments, authorized volunteers, and private organizations and agencies.

Subdivision 5. An emergency management organization means the staff element responsible for coordinating city level planning and preparation for disaster response. This organization provides city liaison and coordinates with Federal, state, and local jurisdictions relative to disaster preparedness activities and assures implementation of Federal and state program requirements.

Section 2-6-3. Establishment of an Emergency Management Organization

Subdivision 1. There is here by created with the city government an emergency management organization which shall be under the supervision and control of the city Emergency Management Directorship. Here in after called the “director”. The director

shall be appointed by the Mayor and approved by the City Council for an indefinite term and may be removed by the mayor at any time. The director shall serve as a salary determined by the city and shall be paid his or her necessary expenses. The director's shall have direct responsibility for the organization, administration, and operational emergency preparedness organization, subject to the direction and control of the Mayor.

Section 2-6-4. Powers and Duties of the Director

Subdivision 1. The directors, with the consent of the Mayor, shall represent the city on the regional or state conferences for emergency management. The directors shall develop proposed mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present such agreements to the Mayor for its action. Such arrangements shall be consistent with the State Emergency Plan.

Subdivision 2. The director shall make studies and surveys of the manpower, industries, resources, and facilities of the City as deemed necessary to determine their adequacy for the emergency management and to plan for their most efficient use in time of an emergency or Disaster. The director of emergency management shall the shall establish the economic stabilization systems and measures, service staffs, boards and sub-board required, in accordance with state and Federal plans and directions subject to approval of the Mayor.

Subdivision 3. The director shall prepare a comprehensive emergency plan for the emergency preparedness of the city including the Municipal and unincorporated areas and shall present such plans to the city council for its approval. When the city council has approved a plan by resolution, it shall be the duty of all the city agencies and all emergency preparedness forces of this city to perform the duties and functions assigned by the plan as approved the plan may be modified in like manner from time to time. The Director shall coordinate the emergency management activities of the city to the end that they shall be considered and fully integrated with emergency plan of the Federal government and the state and correlated with the emergency plans of other political subdivisions within the state.

Subdivision 4. In accordance with the State and County Emergency Plans, the director shall institute such training programs, public information programs, and conduct practice warning alerts an emergency exercises as may be necessary to assure prompt and effective operation of the City Emergency Plan when a disaster occurs.

Subdivision 5. The director shall utilize the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the county to the maximum extent practicable. The officers and personnel of all such departments and agencies shall be, to the maximum extent practicable. The officers and personnel of all such departments and agencies shall be, to the maximum extent practicable, shall cooperate with and extend such services and facilities to the city emergency management organization and to the Governor upon request. The head of each department or agency in cooperation with the

director shall be responsible for planning and programming of such emergency activities as will involve the Utilization of the facilities of the department or agency.

Subdivision 6. The director shall, in cooperation with existing city departments and agencies affected, assist in the organization, recruiting, and training of such emergency management personnel, that may be required on a volunteer basis to carry of emergency plans of the City and the State. To the extent that such emergency personnel are recruited to augment a regular City department or agency for emergencies, they shall be assigned to such departments or agencies and shall be under the administration and control of the said department or agency.

Subdivision 7. Consistent with the state emergency services law, the director shall coordinate the activities of the municipal emergency management organization within the county and assist in establishing and conducting training programs as required to assure a emergency operational capability in the several areas.

Subdivision 8. The directorship carries out all orders, rules, and regulations issued by the governor With reference to emergency management.

Subdivision 9. The director shall act as principal aid and advisor to the city official responsible for direction and control of all city emergency operations during an emergency. The coordinator's main responsibility is to assure coordination among the operating departments, non-governmental agencies and with higher and adjacent governments.

Subdivision 10. The director shall prepare and submit such reports on emergency preparedness Activities as maybe requested by the City council.

Section 2-6-5. Local Emergencies

Subdivision 1. A local emergency may be declared only by the Mayor of the municipality or their legal successors. It shall not be continued for a period in excess of three days except by, or with consent of the governing body of the political subdivision. Any order, or proclamation declaring, or continuing or terminating a local emergency shall be given prompt and general publicity and shall be filed it promptly by the chief of the local records keeping agency of the subdivision.

Subdivision 2. A declaration of local emergencies shall invoke necessary portions of the response and recovery aspects of applicable local and inter-jurisdictional disaster plans, and may authorize aid and assistance there under.

Subdivision 3. No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However in an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

Section 2-6-6. Emergency Regulations

Subdivision one. Whenever necessary to meet The declared emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the Governor or the City Council/Mayor, the Mayor may by resolution promulgate Regulation, consistent with the applicable Federal or state laws or regulations, respecting The condition of persons and the use of property during emergencies ;The repair, maintenance, and safeguard of essential public services, emergency health, fire, and safety regulations, drills, or practice periods required for preliminary training, and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

Subdivision 2. Every resolution of emergency regulations shall be in writing: shall be dated; shall refer to that particular emergency to which it pertains, if so limited, and shall be filed in the Office of the City to Administrator. Copies shall be available for public inspection during business hours. Notice of the existence of such regulation and It's availability for inspection at the Administrators office shall conspicuously posted at the front of city hall or other headquarters of the city or at such other places in the affected area as the Mayor shall designate in the resolution. By like resolution, the City Council may modify or resend any such regulations.

Subdivision 3. The Mayor made rescind any such regulation by resolution at any time. If no sooner rescinded every such regulation shall expire at the end of 30 days after its effective date or at the end of an emergency to which it relates, whichever comes first. Any resolution rule or regulation inconsistent with an emergency regulation promulgated by the Mayor shall be suspended during the period of time and to the extent such conflict exists.

During a declared emergency, the city is, notwithstanding in a statutory or charter provision to the contrary, empowered, through its governing body acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat such disasters by protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. The city may exercise such power in the light of exigencies of the disaster without compliance with the time consuming procedures and formulating prescribed by law pertaining to the performance of public works, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies and the appropriation and expenditure of public funds Including but not limited to publication of resolutions publication of call for bids, provisions of personnel laws and rules provisions related to low bids, and requirements of budgets.

Section 2-6-7. Emergency Management a Governmental Function

All functions thereunder and all other activities related to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of a person to receive benefits to which he/she would otherwise be

entitled under this resolution or under the Workers ' Compensation law, or under any pension law, or the right of any such person to receive any benefits for compensation under any act of Congress.

Section 2-6-8. If Participation in Labor Disputes or Politics

The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in labor disputes.

Section 2-6-9. Effective Date

This date to take effect upon approval by the city council/Mayor of the city of Prescott
On _____.

