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CHAPTER 2

Officials, Boards and Commissions

2.01.000 ELECTED OFFICIALS.

2.01.010 Mayor. The Mayor shall be elected at the Spring Election in 1973 and at the Spring Election every three years thereafter for a term of three years. The term of office shall begin on the third Tuesday in April in the year of election.

2.01.020 Common Council. The Common Council shall consist of the mayor and one alderman from each aldermanic district in the City.

2.01.030 Alderman. The aldermen from the odd numbered districts shall be elected at the Spring Election in odd numbered years and the aldermen from the even numbered districts shall be elected at the Spring Election in even numbered years. The term of office for aldermen shall be two years and begin on the third Tuesday in April in the year of the election.

2.01.040 Assessor. The city assessor shall be certified by the Wisconsin Department of Revenue under Section 73.03 (2) (b), Wis. Stats., and commencing at such time as the individual serving as City Assessor as of July 19, 1988, vacates said office, is not re-elected to said office, chooses not to seek election for a succeeding term, or fails to file nomination papers by the last date on which such nomination papers are due for a succeeding term, whichever occurs first, selection of the City Assessor shall be by appointment of the Mayor subject to confirmation by the Council. The term of office shall be two years and shall begin on May 1 in odd numbered years.

2.01.050 Treasurer. Commencing at such time as the individual serving as City Treasurer as of July 19, 1988, vacates said office, is not re-elected to said office, chooses not to seek election for a succeeding term, or fails to file such nomination papers by the last date on which such nomination papers are due for a succeeding term, whichever occurs first, selection of the City Treasurer shall be by appointment of the Mayor subject to confirmation of the Council. The compensation for the Treasurer will be determined by the Council. The term of office of the City Treasurer shall be for an indefinite period.

2.01.070 City Attorney. Commencing with the regular term of office for the City Attorney commencing May 1, 1989, selection of the City Attorney shall be by appointment of the Mayor subject to confirmation by the Council. The term of office shall be two years and shall begin on May 1 in odd numbered years.

2.01.080 Spring Primaries. Whenever three or more candidates file nominations for a city office, a primary to nominate candidates for the office shall be held.

2.01.090 Salaries. The Mayor shall be paid a salary and be reimbursed for expenses and per diem costs at amounts to be established, from time to time, by Council resolution. Expense or per diem reimbursement, if any, will only be provided when a Mayor or Alderman is in attendance at a government function or in furtherance of a municipal activity requiring the Mayor or Alderman's absence from a place of employment or under such circumstances so as to cause financial loss, but only when previously authorized by the Mayor or Common Council. Whenever the above salaries are to be changed or established by resolution the Council shall fix such an amount not later than the first regular meeting in February for those who may be elected or appointed during the ensuing year. The salary of the Mayor and Aldermen shall not be increased or diminished during a term. The salary of other elected officials shall be fixed by resolution effective the first day of each year.

2.01.100 Polling Place Hours. The polls for all elections shall be open from 7:00 a.m. to 8:00 p.m. all election days.

2.01.110 Election Officials. Election officials appointed pursuant to Wis. Stats. Chapter 7 may be appointed so that, if necessary, there are two (2) sets of officials to work at different times on all election days.

2.02.000 DEPARTMENTAL ORGANIZATION.

2.02.010 List of Departments. The City shall be divided into the following departments and heads thereof:

Department of Administration.....	City Administrator
Department of Police.....	Police Chief
Department of Fire.....	Fire Chief
Department of Public Works.....	Director of Public Works
Department of Parks & Recreation.....	Director of Parks & Recreation
Department of Senior Citizens Service.....	Senior Citizen Director
Department of Library Services.....	Library Director
Department of Marina/Harbor Facilities.....	Harbormaster
Department of Planning & Zoning Administration..	Director of Planning & Development

2.02.020 Administrative Policies.

A. The City Administrator as the Chief Administrative Officer shall be responsible under the direction of the Mayor and Common Council to implement administrative policies and to carry out the actions required by Statute or these Ordinances.

B. Perform Duties. Each Department Head and officer of the City shall perform all duties required by him or her by State law, Ordinances of the City, or such other duties as may be required of him or her by the Mayor and Common Council through the direction of the City Administrator.

C. Records. Each Department shall establish and maintain records sufficient for proper control of departmental activities and to form a basis for reports. Obsolete public records may be destroyed after seven (7) years unless a longer and more specific time is prescribed by Wisconsin Statutes. Prior to any such destruction at least sixty (60) days notice in writing shall be given the Historical Society pursuant to Wisconsin Statutes. Public records may be preserved by the use of microfilm or other reproductive devices meeting the established standards prescribed by the Wisconsin Statutes.

D. Background Investigations. Every new employee and/or volunteer of the City may have a routine background check made by the police department. The police department shall conduct an investigation of the applicant including, but not limited to, requesting information from the state, surrounding municipalities and/or any community or state where the applicant has previously resided concerning the applicant's arrest and conviction record. This will be done before appointment and such report shall be filed with the City Administrator. The personal background and criminal and/or civil action data will be evaluated in relation to the applicant's perceived ability to perform the duties and responsibilities of the specific position for which he or she has applied.

2.03.000 CITY ADMINISTRATOR. The City Administrator shall be the Chief Administrative operating officer of the City.

2.03.010 Appointment. The City Administrator shall be appointed by the affirmative vote of a majority of the members of the entire common Council.

2.03.020 Term. The term of the office of the City Administrator shall be for an indefinite period.

2.03.030 Termination. The City Administrator's employment may be terminated by a majority vote of the members of the entire common council.

2.03.040 Conditions of Employment. The salary, fringe benefits and conditions of employment shall be determined by the common council. The work performance of the City Administrator shall be evaluated annually at a time and in accordance with procedures determined by the mayor and the common council.

2.03.050 Duties and Responsibilities.

A. The City Administrator shall be the chief administrative officer of the City and shall direct, coordinate and expedite activities of all City departments, divisions and offices.

B. The City Administrator shall execute and be administratively responsible for all policies and programs established by the Mayor and Council and shall be responsible for such other duties as may be assigned by the Mayor and the Common Council from time to time.

C. The City Administrator shall be ex officio a member of all boards, commissions and committees of the City, except of the Police and Fire Commission. The City Administrator shall not be authorized a vote by virtue of this appointment.

D. The City Administrator shall supervise all department heads (excluding those under the authority of the Police & Fire Commission) and all other City personnel, through department heads. The City Administrator and department heads are responsible for hiring, suspending, and dismissing of all employees with final approval needed from the appropriate board or committee and the Common Council. The hiring, suspension or dismissal of department heads will be based upon the recommendation of the City Administrator to the Personnel Committee with final authority retained by the Common Council.

E. The City Administrator shall be the financial advisor of the City and shall oversee all departments as to budget performance and shall report regularly to the Mayor and Common Council thereon; the City Administrator shall prepare the annual and capital improvements budgets and shall review and interpret financial reports submitted to the Common Council; the City Administrator shall review and report to the Common Council significant variations and actual expenses compared to budgeted expenditures; the City Administrator shall advise and recommend to the Mayor and Common Council the adoption of various plans and programs of finance including available local, county, state or federal revenue resources; the City Administrator shall act as a purchasing agent for the City and develop a program for such purchases, the City Administrator shall prepare the controller's report, keep the official records for the City of Port Washington and act as the Office Manager.

2.04.000 DEPARTMENT OF ADMINISTRATION. The Department of Administration shall consist of the City Administrator's Office, the Treasurer's Office, the City Clerk's Office, the Assessor's Office, and the Water Department Billing and Records Office. The Department of Administration shall perform all those duties required by the Wisconsin Statutes and the Ordinances of the City. The accounting and financial, budgeting, payroll, licensing, and tax collection shall be performed by the Department of Administration. The Department of Administration shall also keep a record of all official documents of the City of Port Washington. The City Administrator, as office manager, shall be responsible for supervision of the clerical employees in the Department of Administration.

2.05.000 DEPARTMENTS OF POLICE, FIRE AND AMBULANCE. The Departments of Police, Fire, and Ambulance shall be supervised by the Police & Fire Commission in accordance with Wisconsin Statutes Section 62.13 (6). The Police & Fire Commission shall perform all duties required by the Wisconsin Statutes and the local ordinances of the City.

2.06.000 DEPARTMENT OF PUBLIC WORKS. The Department of Public Works shall be governed and supervised by the Board of Public Works. The Director of Public Works shall be appointed, upon recommendation of the City Administrator, by the Common Council by an affirmative vote of the majority of the members of the entire Common Council. The term and compensation of such Director shall be determined by the Council.

The Director of Public Works shall recommend to the Board of Public Works those for employment for whom he shall be responsible for supervision including any assistant or clerical personnel in his office; a Street Commissioner, and employees in the department; a Water Department Superintendent and employees in the department; a Wastewater Treatment Superintendent and employees in that department; a Building Inspector and employees in that department. All full time employees to be employed, their term and compensation shall be subject to council determination and approval, except that employment of seasonal employees shall not be subject to council determination and approval. The Department of Public Works shall be divided into five divisions.

2.06.010 Division of Engineering. This division shall perform all engineering services for the Department of Public Works and for such other departments of the City as may from time to time require such services, and shall be responsible for the inspection of street, sidewalk, sewer and water, and other construction projects. This division shall be supervised by the City Engineer under the direction of the Director of Public Works.

2.06.020 Division of Permits and Inspections. This division shall issue all permits for and inspect all work required, under the provisions of the electrical, plumbing and building codes of the City. This division shall be supervised by the Director of Inspection and Zoning Code Enforcement Officer who shall supervise the electrical, plumbing and building inspectors, under the direction of the City Administrator.

2.06.030 Division of Wastewater Treatment. The Division of Wastewater Treatment shall be responsible for the conversion of raw sewage from the inception at the disposal plant to its disposal. This division shall be supervised by the Wastewater Superintendent under the direction of the Director of Public Works.

2.06.040 Division of Water Filtration. The Division of Water Filtration shall operate and maintain the City water distribution system and shall pump, purify and filter supplied to such distribution system. The Division of Water Filtration shall be supervised by the Water Superintendent under the direction of the Director of Public Works.

2.06.050 Division of Streets. This division shall direct the repair and maintenance of streets, sidewalks, sanitary and storm sewers, and public places, collect garbage and rubbish, be responsible for the clearing of snow as may be directed by the Director of Public Works and be responsible for the City owned street light system and traffic signals. This division shall be supervised by the Street Commissioner, who shall be the City Weed Commissioner, under the director of Public Works.

2.07.000 Department of Parks and Recreation. The Department of Parks and Recreation shall be governed and supervised by the Parks and Recreation Board. The Director of Parks and Recreation shall be appointed, under recommendation of the City Administrator, by the Common Council by an affirmative vote by the majority of the members of the entire Common Council. The term and compensation of such Director shall be determined by the Council. The Director shall recommend to the Board for employment those employees to be employed, their term and compensation subject to council determination and approval, except that employment of seasonal employees shall not be subject to council determination and approval.

2.08.000 Department of Senior Citizen Services. The Department of Senior Citizens Services shall be governed and supervised by the Commission on Aging. The Senior Citizen Director shall be appointed, upon recommendation of the City Administrator, by the Common Council by an affirmative vote by the majority of the members of the entire Common Council. The term and compensation of such Director shall be determined by the Council. The Director shall recommend to the Commission for employment those employees for whom it shall be responsible. The full time employees to be employed, their term and compensation shall be subject to Council determination and approval.

2.09.000 Department of Library Services. The Department of Library Services shall be governed and supervised by the Library Board.

2.10.000 Department of Marina/Harbor Facilities. The Department of Marina/Harbor Facilities shall be governed and supervised by the Harbor Commission. The Harbormaster shall be appointed, upon recommendation of the City Administrator, by the Common Council by an affirmative vote by the majority of the members of the entire Common Council. The term and compensation of such Harbormaster shall be determined by the Council. The Harbormaster shall recommend to the Harbor Commission for employment those employees for whom the Harbormaster shall be responsible. The employees to be employed, their term and compensation shall be subject to council determination and approval, except that employment of seasonal employees shall not be subject to council determination and approval.

2.11.000 Department of Planning and Zoning Administration.

The Department of Planning and Zoning Administration shall be supervised by the City Administrator. The Director of Planning and Development shall be appointed, upon recommendation of the City Administrator, by the Common Council by an affirmative vote of the majority of the members of the entire Common Council. The term and compensation of such Director shall be determined by the Council. The Director of Planning and Development shall serve as City Zoning Administrator, direct the City's economic development activities and programs, and be responsible for preparation and implementation of the City's Comprehensive Plan.

2.12.000 BOARDS AND COMMISSIONS. The policies of the City shall be developed and proposed by the Boards, Committees and Commissions listed in this article for approval by the Common Council.

2.12.010 Police and Fire Commission.

A. How Constituted. This commission shall consist of five members appointed by the Mayor and approved by the Council. The term of office of each member shall be five years commencing May of each year.

B. Organization. The commission shall choose a chairman and secretary from its members at its first organizational meeting in May of each year.

C. Responsibilities. This commission shall be responsible for all matters authorized by Wis. Stat. Section 62.13 (6) and these ordinances.

2.12.020 Board of Public Works.

A. How Constituted. This board shall consist of three aldermen and three citizen members. For elected officials appointed to the board. The term of office shall be one year commencing at the regular meeting on the third Tuesday in April. For non-elected officials, the term of office shall be three years commencing at the regular meeting on the third Tuesday in April. Commencing the third Tuesday in April, 1978, one member shall be appointed for one year; one member for two years, and one member for three years. Thereafter, all appointments of non-elected officials shall be for three years. All appointments to the board shall be made by the Mayor; citizen member appointments shall be subject to confirmation by the Council.

B. Organization. The board shall choose a chairman from its members on the fourth Tuesday in April.

C. Responsibilities. The Board of Public Works shall be responsible for all duties required by Wis. Stats. In these local ordinances. The board shall also be responsible for the development and approval of policies and rules and regulations for the operation of the Department of Public Works and for the recommendation of major City policies affecting public works matters for approval by the Common Council.

2.12.030 Parks and Recreation Board.

A. How Constituted. This board shall consist of nine residents of the City, one of whom shall be an alderman and one of whom shall be a student enrolled in the tenth or eleventh grade at Port Washington High School at the beginning of the term. The term of office of the aldermanic and student member shall be for one year. The term of office for other members shall be for three years. All terms will commence the third Tuesday in April. All appointments to the Board shall be made by the Mayor and approved by the Council.

B. Organization. The members of the board shall select a chairman and secretary from its members at its first organizational meeting of the year.

C. Responsibilities. The board shall be responsible for the planning and development of parks, green areas and recreational programming. It shall adopt rules and regulations and policies for the operation of the Parks and Recreation Department.

2.12.040 Commission on Aging.

A. How Constituted. This commission shall consist of seven members appointed by the Mayor, one of whom shall be an alderman. The term of office of the aldermanic member shall be one year commencing the third Tuesday in April. The term of office of other members shall be three years commencing the third Tuesday in April. All appointments to the commission shall be made by the Mayor and confirmed by the Council. All members shall serve without compensation.

B. Organization. The members of the commission shall select a chairman and secretary from its members at its first organizational meeting of the year.

C. Responsibilities. This commission shall investigate the needs of all programs for senior citizens, coordinate programs of special concern to them and prepare an annual report relating thereto for the Council prior to October 1 of each year with recommendation for action to improve the quality of life for senior citizens.

2.12.050 Library Board.

A. How Constituted. This board shall consist of seven members who shall be residents of the City of Port Washington.

Council shall at one time be a member of the Library Board. One member shall be a school district administrator of his representative to represent the school district. The term of office of any aldermanic representative shall be for one year and commence the third Tuesday of April. Other members shall serve for three years commencing July 1. Members shall be appointed by the Mayor with approval of the Common Council. No compensation shall be paid any member except reimbursement for actual and necessary expenses incurred in performing duties outside the city when authorized by the board and per diem, mileage and other necessary expenses when authorized by the board and the Common Council. Members of the board at the effective date of this ordinance shall complete their original terms.

B. Organization. A majority of the membership constitutes a quorum but the board may, by regulation, provide that three or more members shall constitute a quorum. Within 30 days after the beginning of the term for regular members, the board shall organize by the election from their number, a president and such other officers as they deem necessary.

C. Powers and Duties.

1. The Library Board shall have exclusive control of the expenditure of all monies collected, donated or appropriated for the library fund, and of the purchase of a site and the erection of the library building whenever authorized. The Library Board also shall have exclusive charge, control and custody of all lands, buildings, money or other property devised, bequeathed, given or granted to, or otherwise acquired or leased by the city for library purposes.
2. The Library Board shall audit and approve all vouchers for the expenditures of the public library and forward the vouchers or schedules covering the same, setting forth the names of claimants, the amounts of each claim and the purpose for which expended, to the City Administrator with a statement thereon, signed by the Library Board secretary or other designee of the Library Board, that the expenditure has been incurred and that the Library Board has audited and approved the bill. The city shall then pay the bill as others are paid.
3. Any person having a claim or demand against the city growing out of any act of omission of the Library Board shall file with the Library Board a written statement thereof. If the claim or demand or any part thereof is disallowed, the claimant may bring an action against the city.
4. Notwithstanding ss. 59.031 (2) (b) and 59.033 (2) (b), Wis. Stats., the Library Board shall supervise the administration of the public library and shall appoint a librarian who shall appoint such other assistants and employees as the Library Board deems necessary, and prescribe their duties and compensation.
5. The Library Board may employ competent persons to deliver lectures upon scientific, literary, historical or educational subjects; and may cooperate with the university of Wisconsin system, vocational, technical and adult education district boards, the historical society, the department, cooperative educational service agencies, school boards and other educational institutions to secure such lectures or to foster and encourage by other means the wider use of books and other resource, reference and educational materials upon specific, historical, economic, educational and other useful subjects.
6. Within 60 days after the conclusion of the fiscal year of the city in which the public library is located, the Library Board shall make a report to the city. The report shall state the condition of the Library Board's trust and the various sums of money received for the use of the public library during the year, specifying separately the amounts received from appropriations, from the income of trust funds, from rentals and other revenues of the public library and from other sources. The report shall state separately the condition of the permanent trust funds in the Library Board's control , shall state in detail the disbursements on account of the public library during that fiscal year and shall contain an estimate of the needs of the public library for the next succeeding fiscal year.

7. The Library Board may receive, manage and dispose of gifts and donations as follows:
- (a) All persons wishing to make donations of property for the benefit of the public library may vest the title thereto in the Library Board, to be held and controlled by the board, when accepted, according to the terms of the deed of gift, devise or bequest. As to such property the board shall be deemed special trustees.
 - (b) If a gift, bequest, devise or endowment is made to the library, the Library Board thereof may pay or transfer the gift, bequest, devise or endowment, or the proceeds thereof, to the treasurer of the city, may entrust any funds therefrom to a public depository under ch. 34 or may pay or transfer such gift, bequest, devise or endowment to any member of the Library Board to be selected by the Library Board and thereafter to be known as financial secretary. The financial secretary shall hold office only during membership on the Library Board and shall be elected annually at the same time and in the same manner as the other officers of the Library Board.
 - (c) If any such treasurer or financial secretary holds any property belonging to the public library, the Library Board shall require a bond from the treasurer or financial secretary to the Library Board in such sum, not less than the amount of such property so held by him or her, and with such sureties as the Library Board requires. The bond shall be conditioned in substantially the same form as the ordinary bond required from the treasurer of the city with the necessary changes.
 - (d) The treasurer or financial secretary shall make an annual report to the Library Board showing in detail the amount, investment, income and disbursements from the trust funds in his charge. Such report shall also be appended to the annual report of the Library Board under s. 43.58 (6). The treasurer or financial secretary shall also send a copy of such annual report to the commissioner of banking.
 - (e) In the case of a gift for a library building, the Library Board of the city shall have the exclusive right to select and contract for the purchase of a site.

2.12.060 Board of Health.

A. How Constituted. This board shall consist of the Common Council, the Health Officer, and the Director of Inspections and Zoning Administration. The term of office shall be one year and shall commence the third Tuesday in April. The Mayor shall appoint the Health Officer, subject to confirmation by the Common Council.

B. Organization. The board shall select a chairman from its members at its regular meeting on the third Tuesday in April.

C. Responsibilities. The board shall perform such duties required by the ordinances and statutes of the State of Wisconsin.

2.12.070 Board of Review.

A. How Constituted. This board shall consist of five residents of the City, none of whom shall occupy any public office or be publicly employed. In addition to five regular members, there shall be two residents of the city, none of whom shall occupy any public office or be publicly employed, who will serve as alternates to the board. The term of office for all regular and alternate members of the board shall be for five years commencing the third Tuesday in April. All appointments to the board shall be made by the Mayor, subject to confirmation by the Council.

B. Organization. The members of the board shall select a chairman from its members at its first organizational meeting of the year. The City Administrator shall designate a clerk for the board. Compensation for non-elected members shall be fixed annually by the Common Council. The assessor shall attend all meetings.

C. Responsibilities. The board shall perform such duties as required by the statutes or ordinances.

2.12.080 Economic Development Committee.

A. How Constituted. This committee shall consist of the Mayor, an Alderman, and five citizen members, appointed by the Mayor, subject to confirmation by the Common Council. Not more than two of the citizen members may be non-residents of the City who are affiliated with businesses located within the City. For the alderman member of the committee, the term of office shall be one year commencing on the third Tuesday in April. For the citizen members of the committee, the term of office shall be three years commencing on the third Tuesday in April; provided, however, that commencing on the third Tuesday in April, 2000, one member shall be appointed for one year, two members shall be appointed for two years, and two members shall be appointed for three years. Thereafter, all appointments of citizen members shall be for three years.

B. Organization. The Mayor shall be the chairperson and presiding officer. The members shall select a secretary from its members at its first organizational meeting of the year.

C. Responsibilities. This committee shall be responsible for overseeing the economic health of the City, particularly the job-producing sector. This committee shall be the liaison between employers and city government. This committee shall advise the city and assist, where appropriate, in taking the surveys, and selecting and marketing tracts of lands or buildings for employment activity. In carrying out this general charge, the committee is charged with the following specific responsibilities.

1. Interface with local civic groups to include liaison with related development groups to enhance city economic activities.

2. Provide for industry retention activities with an emphasis on regular periodic communication.
3. Develop marketing plans and prospect response plans to meet economic development goals.
4. Develop an inventory of new sites and existing facilities available to appropriate prospects.
5. Consult with City Council on long-range economic development goals.
6. Compile community information to enhance marketing and response activities such as demographics, labor, transportation, leasing and financing programs available.
7. Assist, when needed, in commercial marketing and business recruitment activities.
8. Develop and submit economic development coordinator and committee budgets to City Council on an annual basis.

2.12.090 Plan Commission.

- A. How Constituted. Commencing on the third Tuesday in April, 2000, this Commission shall consist of the Mayor, an Alderman, the City Engineer, a member of the Parks and Recreation Board selected by said Board, and three citizens of the City. The term of office for each citizen member shall be three years, commencing the third Tuesday in April. Commencing on the third Tuesday in April, 1998, and annually thereafter, the Mayor shall appoint one citizen member to a three year term.
- B. Organization. The Mayor shall be the chairman and presiding officer. The members of the commission shall select a secretary from its members at its regular meeting in April, which shall not be held prior to the third Tuesday in April.
- C. Responsibilities. The commission shall perform such duties as may be authorized or required by State Statutes or these ordinances or as may be requested by the Mayor or Council.

2.12.100 Finance and License Committee.

- A. How Constituted. This committee shall consist of three aldermen appointed by the Mayor. The term of office of each member shall be one year commencing the third Tuesday in April.
- B. Organization. The board shall choose a chairman from its members at its first organizational meeting.
- C. Responsibilities. This committee shall exercise policy guidance over the financial interests of the City including the preparation of annual budgets, the receipt and disbursement of funds and the audit of books of account of the City and its departments. In addition, this committee shall review and recommend for approval to the Council all those applications as required by statute or ordinance.

2.12.120 Personnel Committee.

- A. How Constituted. This committee shall consist of three aldermen. The term of office shall be for one year and commencing on the third Tuesday in April of each year.
- B. Responsibilities.
 - 1. Shall act as a review committee for personnel decisions in the grievance procedure.
 - 2. Shall review interdepartmental relationship of salaried, supervisory and other personnel not members of a recognized bargaining unit.
 - 3. Shall recommend to the Common Council conditions of employment, fringe benefits and grievances of salaried, supervisory and other personnel not members of a bargaining unit.
 - 4. Shall recommend to the Common Council work standards and compliance therewith for salaried, supervisory and other personnel not members of a bargaining unit.
 - 5. Shall recommend to the Common Council based upon recommendations from the City Administrator and department heads increases or decreases in the number of salaried, supervisory and other personnel not members of a bargaining unit.
 - 6. Shall develop policies and guidelines for negotiation strategies that can be used by the City's negotiation teams.

2.12.130 Administration Committee.

- A. How Constituted. This committee shall consist of three aldermen and one citizen member. The terms of office shall be for one year and commencing on the third Tuesday in April of each year.
- B. Responsibilities.
 - 1. Shall be responsible for periodically reviewing and recommending changes to the City's Code of Ordinances as applicable.
 - 2. Shall review and make recommendations to the Common Council on proposed ordinances when referred to the Committee and as applicable.
 - 3. Shall periodically review the City Administrator's procedures for implementing the policies of the Department of Administration.

2.12.140 Safety Committee.

- A. How Constituted. The committee shall consist of one alderman, the City Administrator, four City Department Heads, and one union representative. The terms of office for the alderman and the union representative shall be for one year and commence on the third Tuesday in April of each year. The term of office for each Department Head shall be two years, commencing as follows: one on the third Tuesday in April of even numbered years; one on the third Tuesday of October in even numbered years; one on the third Tuesday in April of odd numbered years;

- B. Organization. The City Administrator shall serve as chairman of the committee.
- C. Responsibilities.
 - 1. Review safety surveys to detect hazardous conditions and unsafe work practices and recommend corrective actions.
 - 2. Study accident investigations of all types of accidents to determine cause and preventive recurrence.
 - 3. Review loss control reports for each City department and develop loss control standards and rules.
 - 4. Plan employee safety seminars that would promote safety in the workplace.
 - 5. Keep accurate records of committee meetings so that recommendations can be followed up and Department Heads kept informed of progress.
 - 6. Recommend to the Personnel Committee disciplinary action when necessary.

2.12.160 Community Development Authority.

2.12.160 A. The Common Council having determined that a need for blight elimination, slum clearance, urban renewal and community development programs and projects and housing projects exists in the City of Port Washington, there is hereby created a community development authority to be known as "*The Community Development Authority of the City of Port Washington, Wisconsin*", hereinafter known as **The Community Development Authority**.

B. The Community Development Authority shall be constituted, organized, and operated in strict accordance with all provisions of Section 66.4325, Wisconsin Statutes.

2.12.170 Cooperative Development Committee.

- A. How Constituted. The Committee shall consist of the Mayor, the council representative to the Plan Commission, and one additional plan commission member. The Mayor and the council representative to the Plan Commission shall be permanent members of the committee, and the term of office for the additional plan commission member shall be one year. All terms shall commence the third Tuesday in April. The Mayor shall appoint a plan commission member as the third member of the committee subject to confirmation by the Council. The initial committee appointment for the third plan commissioner shall expire in April, 1998.
- B. Organization. The Mayor, or his appointee, shall be the chairman of the committee. If not the Mayor, the Mayor shall appoint a chairman at the first meeting after the third Tuesday in April of each year.
- C. Responsibilities. The committee is an advisory committee and shall be responsible for recommending to the Plan Commission and Council plans and strategies relating to increased communication and cooperation in the area of development

2.12.180 Citizen Membership on Multiple Boards, Commissions and Committees Prohibited.

A. Commencing on the third Tuesday in April, 1998, no person who is not a member of the Common Council shall serve simultaneously on more than one of the Boards, Commissions, or Committees described in this Chapter, excepting the Parks and Recreation Board representative on the Plan Commission.

2.12.190 Traffic Safety Committee. A. Creation. The Traffic Safety Committee shall consist of three aldermen, the City Engineer, and the Police Chief or his or her designee and are appointed annually.

B. Duties and Powers. The Traffic Safety Committee shall meet as needed to review all proposed ordinances relating to parking, speed limits, and traffic controls, and shall provide a recommendation regarding all such ordinances to the Common Council. No such ordinance shall be considered for adoption by the Common Council unless it has been first reviewed by the Traffic Safety Committee. No ordinance related to speed limits or traffic controls shall be recommended for adoption by the Common Council except upon the basis of an engineering report. The Traffic Safety Committee shall have no duties or powers not specifically enumerated in this Section.

2.12.200 Business Improvement District Board of Directors.

A. How Constituted. The Board of Directors shall consist of eleven (11) members, a majority of whom shall own or occupy real property in the Business Improvement District established by the City Council pursuant to §66.608, Wis. Stats. The Mayor shall appoint members to the Business Improvement District Board in a manner prescribed in §66.608 (3) (a), Wis. Stats. The term for each member shall be three (3) years. The Board of Directors shall include an Alderman and a representative of the City's Chamber of Commerce. In addition to the current nine (9) members of the Board of Directors, there shall be an additional two (2) members appointed on the first Tuesday of May, 1999, with a term of office for one (1) of the members being for one (1) year and the term of office for the additional new member being two (2) years.

B. Organization. Organization of the Board of Directors shall be as set forth in the Business Improvement District Operating Plan as submitted and approved by the City Council and as set forth in §66.608, Wis. Stats.

C. Responsibilities. The Board of Directors shall exercise those responsibilities and powers as set forth in the Business Improvement District Operating Plan and as set forth in §66.608, Wis. Stats.

2.13.000 CITY CLERK DUTIES. The City Clerk shall perform those duties specified by Section 62.90 (10) and (11), Wis. Stats., and those other duties specifically required by Wisconsin Statutes to be performed by the City Clerk.

2.14.000 CODE OF ETHICS

2.14.010 Declaration of Policy. 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 the 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 a Code of Ethics for all City of Port Washington officials and employees whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the City. The purpose of the 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 Port Washington and by directing disclosures by such officials and employees of private financial or other interests in matters affecting the City. The Common Council recognizes that the representatives of the City are drawn from society and therefore cannot and should not be without all personal and economic interest in the decisions and policies of government, that citizens who serve as city officials and employees retain their rights as citizens to interest of a personal and economic nature.

That the standards of ethical conduct for city officials and employees need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society and those conflicts which are substantial in material and that city officials and employees may need to engage in employment, professional or business activities other than official duties in order to support themselves or their families and to maintain a continuity of professional or business activity or may need to maintain investments which activities or investments do not conflict with the specific provisions of this Code. The provisions and purpose of this Code and such rules and regulations as may be established are hereby declared to be in the best public interest. It is the intent of the Common Council that in its operations the Board of Ethics shall protect to the fullest extent the right of individuals affected.

2.14.020 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 are made a part of this Code of Ethics and shall apply to public officers and public employees whenever applicable, to-wit:

- Section 946.10 – Bribery of Public Officers and Employees
- Section 946.11 – Special Privileges from Public Utilities
- Section 946.12 – Misconduct in Public Office
- Section 946.13 – Private Interest in Public Contract Prohibited

2.14.030 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 to carry out impartially the laws of the nation, state and municipality and thus to foster respect of all government. They are bound 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 primary concern.

2.14.040 Definitions.

- A. Financial Interest. Any interest which shall yield directly or indirectly a monetary or other material benefit to the official or employee or to any person employing or retaining services of the official or employee.
- B. Anything of Value. Anything of value means any money or property, favor, service, payment, advance forbearance, loan or promise of future employment but does not include compensation and expenses paid by the state, fees, honorariums and expenses which are permitted and reported under Section 19.56 Wis. Stats., and political contributions which are reported under Chapter 11 Wis. Stats.
- C. Persons. Any person, corporation, partnership or joint venture.

2.14.050 Conflict of Interest.

- A. No official or employee shall accept from any person anything of value, as defined in Section 2.13.040 B., which may tend to impair the official's or employee's independence of judgement or action in the performance of his or her official duties.
 - 1. It is not a conflict of interest for any public employee or public official to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value.
- B. No public official or employee shall engage in any business or transaction or shall act in regard to any financial interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties for the benefit of the public, contrary to the provisions of this code or which would tend to impair his or her independence of judgment or action in the performance of his or her official duties.
- C. No public official or employee shall engage in or accept private employment or render service for private interest when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties unless otherwise permitted by law unless disclosure is made as hereinafter provided.

- D. No public official or employee and no business in which a City official or public employee holds a ten percent (10%) or greater interest may enter into a contract with the City of Port Washington involving a payment or payments of more than Three Thousand Dollars (\$3,000.00) within a twelve (12) month period unless said official or employee has first made a written disclosure of the nature and extent of such relationship or interest to the Board and to the Department acting for the City in regard to such contracts. This subsection does not affect the application of Section 946.13, Wis. Stats.
- E. No official or employee shall disclose confidential information concerning the property, government or affairs of this City nor shall he or she use such information to advance the financial or other private interest of himself or herself or any other person.
- F. Disclosure of Interest in Legislation. Any member of the Common Council who has a financial 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, prior to or during the initial discussion on said legislation. Any other official or employee who has a financial interest in any proposed legislative action of the Common Council and who participates in discussion with or gives an official opinion or recommendation to the Common Council, shall disclose on the records of the Common Council the nature and extent of such interest.

2.14.060 Ethics Board. There is hereby created an Ethics Board consisting of three (3) members and one alternate who shall serve without compensation unless the Common Council otherwise provides. The members of the Board of Ethics shall be residents of the City and shall not be elected officials, full-time appointed officials, City employees, nor shall they be currently serving on any other city board or commission. Each member shall be appointed by the Mayor and subject to the confirmation by the Common Council. The City Attorney shall furnish the Board whatever legal assistance necessary in carrying out its functions. Terms of office shall be three (3) years, except that when the initial appointments are made one (1) member shall be appointed for one (1) year, one (1) for two (2) years and one (1) for three (3) years. The alternate shall serve on the Board when one of the members of the Board is unavailable. The term of the alternate shall be for three (3) years. The Ethics Board shall elect its own chairman and vice-chairman.

2.14.070 Duties of Ethics Board.

- A. The Ethics Board may adopt and develop written rules which shall be submitted to the Common Council for approval. A copy of such rules shall be filed with the City Clerk.
- B. Any person to whom this ordinance applies, may apply to the Ethics Board for an advisory opinion and shall be guided by the opinion rendered. Such person shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of the Code before the advisory decision is rendered. The Board's deliberations and action upon such applications shall be in meetings not open to the public. Records of the Board's opinions, opinion requests and investigations of

- C. The Board shall investigate any complaint properly filed with it.
- D. The Board shall accept from any person, or make upon its own motion, a verified complaint in writing which shall state the name of the official or employee alleged to have committed a violation of this chapter and which shall set forth the particulars thereof. The Board shall forward within ten (10) days a copy of the complaint to the official or employee who is accused. If no action on the verified complaint is taken by the Board within sixty (60) days, the complaint shall be void.
- E. Following the receipt or motion of a verified complaint, the Board may make preliminary investigations with respect to alleged violation of this chapter. No preliminary investigation of the activities of any official or employee may be initiated unless such official or employee is notified in writing. The notice shall state the exact nature and purpose of the investigation, the individual's specific actions or activities to be investigated and a statement of such person's due process rights.
- F. If, after such investigation, the Board finds that probable cause exists for believing the allegations of the complaint, it shall conduct a hearing on the matter which shall be held not more than thirty (30) days after such finding. The Board shall give the accused at least twenty (20) days' notice of the hearing date. Such hearings shall be at open session unless the accused petitions for a hearing are closed to the public. The rules of criminal evidence shall apply to such hearings. All evidence, including certified copies of records and documents which the Board considers, shall be fully offered and made part of the record in the case. Every party shall be afforded adequate opportunity to rebut or offer countervailing evidence.
- G. During all stages of any investigation or proceeding conducted under this section, the accused or any persons whose activities are under investigation shall be entitled to be represented by counsel of his own choosing.
- H. The accused or his representative shall have an adequate opportunity to examine all documents and records to be used at the hearing under sub. D. at a reasonable time before the date of the hearing as well as during the hearing, to bring witnesses, to establish all pertinent facts and circumstances, and to question or refute any testimony or evidence, including opportunity to confront and cross-examine adverse witnesses.
- I. The Board shall have the power to compel the attendance of witnesses and to issue subpoenas granted other boards and commissioners under Section 885.01 (3) of the Wisconsin Statutes.
- J. Determination. Upon conclusion of the hearing the Board shall file its decision within five (5) days in writing signed by all participating Board members with findings of fact, conclusions of law concerning the propriety of the conduct of the official or employee and if appropriate, refer the matter to the City Council or other proper authority with a recommendation for suspension, removal from office or employment or other disciplinary action.
- K. The affirmative vote of the Board shall be required for any action taken by the Board, with the exception that action taken by the Board pursuant to a hearing conducted under Sub. F. shall require a unanimous vote.

2.14.080 Applicability of Code. This code shall be operative in all instances covered by its provisions except when superceded by an applicable statutory provision and statutory action is mandatory or when the application of a statutory provision is discretionary but determined by the Ethics Board to be more appropriate or desirable.

2.14.090 Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

2.15.000 RECORDS RETENTION ORDINANCE.

2.15.010 Purpose. The purpose of this ordinance is to establish a city records retention schedule and authorize destruction of city records pursuant to the schedule on an annual basis. Records custodians may destroy a record prior to the time set forth in the schedule only if such a record has been reproduced as an original record pursuant to section 16.61 (7), Wisconsin Stats.

Any record not covered by this ordinance or any other regulation or law shall be retained 7 years unless the record is added by amendment into this ordinance and the shorter time period approved by the state Public Records and Forms Board.

2.15.020 Definitions.

- A. “Legal Custodian” means the individual responsible for maintaining records pursuant to Section 19.33, Wis. Stats.
- B. “Record” has the meaning defined in Section 19.32 (2), Wis. Stats.

2.15.030 General Provisions.

A. Historical Records. Under s. 19.21 (4) (a), municipalities must notify the State Historical Society of Wisconsin (SHSW) prior to destroying records. However, the SHSW has waived the required 60-day notice:

- For any record marked “W” (waived notice).
- SHSW must be notified prior to destruction of a record marked “N” (non-waived).
- Notice is also required for any record not listed in this ordinance.
- “N/A” indicates not applicable and applies to any record designated for permanent retention.

B. Micro-filing of Records. Local units of government may keep and preserve public records through the use of microfilm providing the microfilm meets the applicable standards in Wis. Stats. 16.61 (7). Retention periods and estimated costs and benefits of converting records between different media should be considered in deciding which records to microfilm. After verification paper records converted to microfilm should

be destroyed. The retention periods identified in his ordinance apply to records in any media.

- C. Destruction After Request for Inspection. No requested records may be destroyed until after the request is denied. If an action is commenced under Section 19.37 Wis. Stats., the requested record may not be destroyed until after a court order is issued and all appeals have been completed. See 19.35 (5), Wis. Stats.
- D. Destruction Pending Litigation. No record subject to pending litigation shall be destroyed until the litigation is resolved.
- E. Review and Approval By Public Records and Forms Board. This ordinance and the retention periods of less than 7 years have been reviewed and approved by the Public Records and Forms Board.

2.15.040 Records Retention Schedules. The following records are maintained by the various departments in the city and are subject to uniform regulation unless otherwise specified. The retention period and authority are listed with each record.

A. General Records Common throughout the Local Unit of Government:

<u>Record ID#</u>	<u>Brief Description</u>	<u>Retention Period</u>	<u>Authority</u>	<u>SHSW Notify</u>
001	Contracts, leases, agreements, notices of taking bids	EVT+7	59.715(10)	W
002	Master insurance contract	P		N/A
003	Cancelled	FIS+7	59.715(18)	W

B. Police Department

001	Traffic Accident Reports (MV4000 forms)	EVT+4		W
002	Telephone line and Radio Frequency Tape Recordings (other than dispatch tapes)	CR+120 days		W
003	Radar Laser Reports	CR+4		W
004	Ride along Reports	CR+1		W
005	False Alarm Reports	EVT+1		W

006	Daily Roster/Schedule	CR+2	W
007	Daily Alert Bulletin	CR+2	W
008	Cash Register Balance Sheets	CR+2	W
009	TIME System Criminal History Log	CR+2	W
010	Overnight Parking Register	CR+1	W
011	Police Dispatch Tapes	CR+120 days	W

LEGEND:

Record ID#: is a unique control number for each type of record.

Brief Description: provides a brief description of the records. Group specific items such as forms into logical groups that have the same function or purpose.

Retention period: refers to the time that the identified records must be kept until destruction.

- CR stands for creation which usually refers to receipt or creation of the record.
- FIS stands for current fiscal year and the additional amount of time as indicated.
- EVT stands for event and refers to an occurrence that starts the retention “clock ticking”. Close of contract, termination of employee, and disposition of a case are common events.
- P stands for permanent retention.

Period of time: is expressed in years unless specifically identified as month or day.

Authority: refers to any specific statutory, administrative rule, or specific regulation that determines retention of the record. In most cases this will be blank because units of government have discretion to establish a time period.

SHSW Notify: refers to whether or not the State Historical Society of Wisconsin has waived the required statutory notification prior to destruction of records.

- “W” means records are not historical and the required notification is waived.
- “N” means the records may have secondary historical value and therefore SHSW notification is required on a case-by-case basis prior to destruction.
- “N/A” means not applicable and refers to those circumstances where a local unit of government is retaining a record permanently.

2.16.000 MUNICIPAL COURT. A. Created. There is created and established a Municipal Court, to be designated as the “Mid-Moraine Municipal Court”, under the provisions of Ch. 755, Wis. Stats., and pursuant to the Agreement for the Operation of the Municipal Court for Washington as amended (“Agreement”), a copy of which is on file with the City Clerk.

- B. Municipal Court Judge. The Municipal Court shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be an attorney licensed to practice law in Wisconsin and who resides in any of the Member Municipalities as defined in the Agreement. The Municipal Judge shall be elected at large in the Spring election for a term of two (2) years commencing on May 1 of the year of his or her election. The governing bodies of the Member Municipalities shall provide for a primary election in the event that more than two (2) candidates file nomination papers for the position of Municipal Judge for the existing Municipal Court for Washington County shall serve as Judge of the Mid-Moraine Municipal Court until the end of his term.
- C. Bond. The amount of the bond required by sec. 755.03 (1), Wis. Stats., shall be Two Thousand Five Hundred (\$2,500.00) Dollars.
- D. Hours. The Municipal Court shall be open at such times as the Municipal Judge determines, subject to the Agreement.
- E. Contempt. The Municipal Judge may impose a forfeiture for contempt of court and a jail sentence for nonpayment of the forfeiture and any applicable assessments, under sec. 800.12 (2), Wis. Stats.
- F. Jurisdiction. This section shall be construed to limit neither the jurisdiction of the Municipal Court nor the authority of the Municipal Court to impose penalties under the Wisconsin Statutes.