

# TITLE 2

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## Government and Administration

|   |           |
|---|-----------|
| <b>TITLE 2</b> .....  | <b>46</b> |
| <i>Government and Administration</i> .....                          | 46        |
| <b>TITLE 2 - CHAPTER 1</b> .....                                    | 48        |
| <i>City Government; Elections</i> .....                             | 48        |
| Section 2.1.1 City Government.....                                  | 48        |
| Section 2.1.2 Official Newspaper.....                               | 48        |
| Section 2.1.3 Elections.....  | 49        |
| Section 2.1.4 Non-Partisan Primary for City Offices.....            | 49        |
| Section 2.1.5 Election Officials.....                               | 49        |
| Section 2.1.6 Aldermanic Districts.....                             | 49        |
| <b>TITLE 2 - CHAPTER 2</b> .....                                    | 50        |
| <i>Mayor; Common Council</i> .....                                  | 50        |
| Section 2.2.1 Common Council.....                                   | 50        |
| Section 2.2.2 Alderpersons.....                                     | 50        |
| Section 2.2.3 Mayor.....  | 50        |
| Section 2.2.4 President of the Council.....                         | 51        |
| Section 2.2.5 General Powers of the Common Council.....             | 52        |
| Section 2.2.6 Standing Committees; Action on Committee Reports..... | 53        |
| Section 2.2.7 Internal Powers of the Council.....                   | 54        |
| Section 2.2.8 Salaries.....   | 54        |
| Section 2.2.9 Meetings of the Council.....                          | 54        |
| Section 2.2.10 Special Meetings.....                                | 55        |
| Section 2.2.11 Open Meetings.....                                   | 55        |
| Section 2.2.12 Quorum.....  | 55        |
| Section 2.2.13 Presiding Officers.....                              | 56        |
| Section 2.2.14 Order of Business.....                               | 56        |
| Section 2.2.15 Introduction of Ordinances.....                      | 57        |
| Section 2.2.16 Publication and Effect of Ordinances.....            | 58        |
| Section 2.2.17 Conduct of Deliberations.....                        | 58        |
| Section 2.2.18 Procedure at Public Hearings.....                    | 61        |
| Section 2.2.19 Cooperation with Other Municipalities.....           | 61        |
| Section 2.2.20 Municipal Court.....                                 | 62        |
| <b>TITLE 2 - CHAPTER 3</b> .....                                    | 64        |
| <i>Municipal Officers and Employees</i> .....                       | 64        |
| Section 2.3.1 General Provisions.....                               | 64        |
| Section 2.3.2 Appointed Officials.....                              | 64        |

|  |  |    |
|--|--|----|
| Section 2.3.3                                  | City Administrator.....  | 65 |
| Section 2.3.4                                  | City Clerk.....  | 68 |
| Section 2.3.5                                  | City Treasurer.....  | 69 |
| Section 2.3.6                                  | Reserved For Future Use.....   | 70 |
| Section 2.3.7                                  | Water and Sewer Superintendent.....  | 71 |
| Section 2.3.8                                  | City Attorney.....   | 71 |
| Section 2.3.9                                  | Chief of Police.....   | 72 |
| Section 2.3.10                                 | Fire Chief.....  | 73 |
| Section 2.3.11                                 | Assessor.....  | 73 |
| Section 2.3.12                                 | Building Inspector.....  | 74 |
| Section 2.3.13                                 | Health Officer.....  | 75 |
| Section 2.3.14                                 | Weed Commissioner.....   | 75 |
| Section 2.3.15                                 | Eligibility for Office.....  | 76 |
| Section 2.3.16                                 | Removal from Office.....   | 76 |
| Section 2.3.17                                 | Custody of Official Property.....  | 76 |
| Section 2.3.18                                 | Oath of Office; Bonds of Officers.....   | 77 |
| Section 2.3.19                                 | Residency Requirement of Certain Officials and Employees.....                      | 77 |
| TITLE 2 - CHAPTER 4.....                       |  | 79 |
| <i>Boards, Commissions and Committees.....</i> |  | 79 |
| Section 2.4.1                                  | Board of Review.....   | 79 |
| Section 2.4.2                                  | Library Board.....   | 79 |
| Section 2.4.3                                  | Board of Health.....   | 80 |
| Section 2.4.4                                  | Board of Appeals.....  | 81 |
| Section 2.4.5                                  | City Plan Commission.....  | 82 |
| Section 2.4.6                                  | Room Tax Commission.....   | 84 |
| Section 2.4.7                                  | Community Development Block Grant (CDBG) Committee.....                            | 85 |
| Section 2.4.8                                  | Hillsboro Community Development Authority.....                                     | 85 |
| Section 2.4.9                                  | Police Committee.....  | 85 |
| Section 2.4.10                                 | General Provisions Regarding Meetings and Public Notice.....                       | 86 |
| Section 2.4.11                                 | Residency Required for Service on Boards or Commissions; Attendance Standards..... | 87 |
| Section 2.4.12                                 | Committee and Commission Rules.....  | 87 |
| TITLE 2 - CHAPTER 5.....                       |  | 88 |
| <i>Ethics Code.....</i>                        |  | 88 |
| Section 2.5.1                                  | Statement of Purpose.....  | 88 |
| Section 2.5.2                                  | Definitions.....   | 88 |
| Section 2.5.3                                  | Statutory Standards of Conduct.....  | 89 |
| Section 2.5.4                                  | Responsibility of Public Office.....   | 89 |
| Section 2.5.5                                  | Dedicated Service.....   | 90 |
| Section 2.5.6                                  | Fair and Equal Treatment.....  | 90 |
| Section 2.5.7                                  | Conflict of Interest.....  | 91 |
| Section 2.5.8                                  | Advisory Opinions.....   | 93 |
| Section 2.5.9                                  | Hiring Relatives.....  | 93 |
| Section 2.5.10                                 | Employees Covered by Collective Bargaining Agreements.....                         | 94 |
| Section 2.5.11                                 | Sanctions.....   | 94 |

## Title 2 - Chapter 1

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# City Government; Elections

### Section 2.1.1 City Government.

- (a) **Mayor-Council Government.** The City of Hillsboro is a body corporate and political with the powers of a municipality at common law and governed by the provisions of Chapters 62 and 66, Wis. Stats., laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The City of Hillsboro 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. The Mayor 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/she shall preside at the meetings of the Common Council. The Mayor shall from time to time give the Council such information and recommend such measures as he/she may deem advantageous to the City.

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

### Section 2.1.2 Official Newspaper.

The official newspaper of the City of Hillsboro shall be designated annually at the reorganizational meeting of the City Council. All ordinances, notices and proceedings of the said City required by law to be published shall be published in the official newspaper when legal posting is not used.

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

### **Section 2.1.3 Elections.**

- (a) **Annual City Election.** The annual City election shall be held on the first Tuesday in April or at such other date as prescribed by state law.
- (b) **Hours.**
  - (1) **General Elections.** The polls at general elections in the City shall be opened at 9:00 a.m. and closed at 8:00 p.m.
  - (2) **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.

### **Section 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/her nomination papers a declaration that he/she will qualify for the office to which he/she may be elected.

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

### **Section 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 shall have the power to limit the number of election officials. The Clerk 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 shall further redistribute duties among the remaining officials provided there are an odd-number of election officials.

### **Section 2.1.6 Aldermanic Districts.**

The City of Hillsboro is divided into four (4) aldermanic districts, as described on the map on file with the City Clerk. Such districts shall be re-drawn at least every ten (10) years in response to U.S. census data.

# Title 2 - Chapter 2

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## Mayor; Common Council

### Section 2.2.1 Common Council.

The Alderpersons of the City of Hillsboro 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.

### Section 2.2.2 Alderpersons.

- (a) **Election; Term; Number.** The City shall have eight (8) Alderpersons in addition to the Mayor, who is a member of the Common Council by virtue of his/her office as Mayor. The eight (8) Alderpersons shall constitute the Common Council. Four (4) Alderpersons shall be elected at the annual City election in odd-numbered years, and four (4) Alderpersons shall be elected in even-numbered years, all to hold office for a period of two (2) years.
- (b) **Appointment as Mayor.** An Alderperson shall be eligible for appointment as Mayor to fill an unexpired term.

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

### Section 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. The Mayor 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/she may deem advantageous to the City. When present, he/she 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/her by the City Clerk, 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. If the Mayor disapproves, he/she shall file his/her objection with the City Clerk, 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 rejects a Mayor's appointment, the same name may not be submitted for the same job for a period of three (3) months after the refusal of such appointment.
  - (2) In the event a vacancy occurs in any committee, 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 the approval of the Mayor.
  - (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.

## **Section 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. He/she shall, when so officiating, be styled "Acting Mayor." The President of the Council shall be elected for a one (1) year term of office.

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

## Section 2.2.5 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) **Acquisition and Disposal of Property.** The Common Council may acquire property, real or personal, within or without the City, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the City, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such 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. The Common Council annually reviews and approves independent audit.
- (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 Sec. 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 duties until he returns or such disability has ended.

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

## **Section 2.2.6 Standing Committees; Action on Committee Reports**

- (a) **Standing Committees.** At the reorganizational meeting of the Common Council in each year following the annual election, the Mayor shall appoint four (4) Alderpersons to each of the following committees:
  - (1) **Safety and Welfare Committee**, including: ambulance services, fire association, health, licenses, permits, police protection, and regulation.
  - (2) **Improvement and Services Committee**, including: airport, buildings maintenance, capital improvements, lake, parks, recreation, sanitation, sidewalks, street and alley maintenance, and the water and sewer utility.
  - (3) **Finance and Personnel Committee**, including; city personnel, insurance, labor, public finance, and wages.
- (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 a voting 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 may refer new business coming before the Common Council to the appropriate committee, unless otherwise referred or disposed of by motion of the Council.
  - (2) Each committee shall at the next regular Council meeting submit a report (verbal or written) on all matters referred to it unless a longer time be granted by the Council. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Any committee may require any City officer or employee to confer with it and supply information in connection with any matter pending before it. Minority reports may be submitted.

- (3) Formal committee recommendations will be placed on the agenda for Council action only if they are submitted to the City Clerk 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.

## **Section 2.2.7 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.

## **Section 2.2.8 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 to the Mayor and Alderpersons. Said annual salaries or per diem compensations shall take effect after the position's next election.

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

## **Section 2.2.9 Meetings of the Council.**

- (a) **Annual Organization Meeting.** Following a regular City election, the Common Council shall meet on the third Tuesday of April.
- (b) **Meetings.** Regular meetings of the Common Council shall be held on the third Monday of each calendar month, at 7:00 p.m. Any regular meeting falling on a legal holiday shall be rescheduled or cancelled 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 Hillsboro City Hall, unless otherwise noticed.

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

## **Section 2.2.10 Special Meetings.**

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 usual place of abode at least six (6) hours before the meeting. The City Clerk 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 or mailed to their abode at least twenty-four (24) hours before said meeting being called. If written consent is obtained, it shall be filed with the City Clerk prior to the beginning of the meeting.

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

## **Section 2.2.11 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.

## **Section 2.2.12 Quorum.**

(a) **Quorum.**

- (1) Two-Thirds of the members elect 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.
- (2) The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour.

- (b) **Procedure When Quorum Not in Attendance.** As soon as the Council shall be called to order, the City Clerk shall proceed to call the names of the members, noting who are present and who are absent and record the same in the proceedings of the Council. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the Council may adjourn, or the presiding officer or, in case of his/her absence, the City Administrator, may issue a process to any law enforcement officer commanding him/her forthwith to summon the absentees.

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

## **Section 2.2.13 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 members 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.
  - (3) 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/her signature, when necessary, all ordinances, resolutions, orders and proceedings of the meetings of the Council over which he/she presides.
  - (10) Preserve order and decorum; speak to points of order in preference to others, rising from his/her 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.*

## **Section 2.2.14 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. All matters to be considered at a regular or special Council meeting shall be submitted to the City Clerk at least twenty-four (24) hours prior to the meeting. All copies of the agenda shall be forwarded by the City Clerk

to the representatives of the media have requested meeting agendas under the Open Meeting Law as part of his/her 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 or an agenda as reviewed by the Council may be followed:

- (1) Call to Order by presiding officer.
  - (2) Request Confirmation of Proper Public Notice
  - (3) Roll call.
  - (4) Correcting and Approval of the minutes of the last preceding meeting or meetings. (The City Clerk shall provide a written copy of the minutes of the preceding meeting to all Alderpersons and the Mayor. The minutes shall not be read aloud. The minutes shall be approved of or amended if corrections are necessary.)
  - (5) Pre-registered Public Comments regarding Agenda Items or Future Agenda Items
  - (6) Unfinished Business from Previous City Council Meetings
  - (7) Communications of the Mayor.
  - (8) Committee Reports and Business
  - (9) New business, including the introduction of ordinances and resolutions.
  - (10) Comments and suggestions from non-registered citizens present.
  - (11) Adjournment.
- (b) **Order to be Followed.** No business shall be taken up out of order unless by unanimous consent of all Alderpersons 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 on which citizens may register to speak at a Council meeting. The subject to be addressed and/or agenda item shall be indicated.

## **Section 2.2.15 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 shall superintend the publication of the same. Any written material introduced may be tabled for a staff report. 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 their 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 in written form not later than noon on the Thursday prior to the regular or special Council meeting at which action is requested.

## **Section 2.2.16      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 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 shall provide for incorporation of the same into the ordinance code.

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

## **Section 2.2.17      Conduct of Deliberations.**

- (a) **Roll Call.** When the presiding officer shall have called the members to order, the City Clerk shall proceed to call the roll in rotating 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, City Clerk, or City Administrator before noon on the day of such meeting, explaining the reason for his/her absence and, upon complying with this requirement, such members shall be duly excused from attending said meeting. An Alderperson shall be physically present at the meeting in order to vote at such meeting.

- (c) **Recognition for Debate.**
- (1) When a member is to speak in debate, or deliver any matter to the Council, he/she shall respectfully address himself to the presiding officer, and confine his/her 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 shall call the roll starting with the Alderperson according to seating order on the next call of the roll, at the same or any subsequent meeting, the Clerk shall start with the Alderperson whose name appears next on said seating order, and each subsequent call of roll shall begin with the name of the Alderperson next in seating order.
- (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) **Motions With Preference.** During any meeting of the Common Council certain motions will have preference. In order of precedence they are;
- (1) ***Motion to Adjourn.*** This motion can be made at any time and has first precedence. This is a non-debatable motion.
  - (2) ***Motion to Lay on the Table.*** This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.
  - (3) ***Motion to Call Previous Question.*** This motion may be made at any time after the debate or discussion commences related to an action item, business item, motion or question that is properly before the Common Council. This motion is a non-debatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. The motion, if adopted, brings the Common Council to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.
  - (4) ***Motion to Postpone to a Date Certain.*** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Common Council. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion must establish a date and time certain when the debate and discussion before the Common Council will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Common Council.
  - (5) ***Motion to a Committee.*** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Common Council. The motion is debatable. This motion, if

- adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion, if adopted, forwards the action item, business item, motion or question to a committee for further review and discussion. The committee must be a committee of the Common Council.
- (6) ***Motion to Amend or Divide the Question.*** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Common Council. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to divide.
- (7) ***Motion to Postpone Indefinitely.*** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Common Council. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question.
- (8) ***Motion to Introduce a Matter Related to the Action Item, Business Item, Motion or Question.*** This motion may be made at any time after the debate and discussion commences on the action item, business item, motion or question properly before the Common Council. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.
- (g) **Public Directory Votes.** No member of the Common Council shall request, at a meeting of the Common Council, a vote from the general public unless the proposed vote of the general public is so noted by the presiding officer of the meeting as strictly an advisory vote to the Council. Any vote taken by the general public at a meeting of the Common Council shall be considered by the Council only as an advisory vote and shall not be considered as a directory vote.
- (h) **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.
- (i) **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.
- (j) **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.

- (k) **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.
- (l) **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.

## **Section 2.2.18 Procedure at Public Hearings.**

The following procedures shall be followed at public hearings, and may also be followed when citizen input is necessary during regular items of business before the Common Council:

- (a) The presiding officer shall generally call on those persons who wish to speak on the matter, or call initially on those persons who wish to speak for the proposition. Each person wishing to speak for the proposition shall give his or her name and address.
- (b) Each person speaking or initially on the matter or specifically behalf of the proposition shall be limited in time to five (5) minutes.
- (c) The presiding officer shall then call on those persons who wish to oppose the proposition if the presiding officer has first asked for only those favoring the proposition to speak.
- (d) Each such person speaking in opposition to the proposition shall give his or her name and address and shall also be limited to five (5) minutes.
- (e) Any person wishing to speak in rebuttal to any statements made may, with the permission of the presiding officer, do so, provided, however, such rebuttal statement shall be limited to three (3) minutes by any one (1) individual.
- (f) When the presiding officer in his/her discretion is satisfied that the proposition has been heard, he/she shall announce the fact that the hearing is concluded.

## **Section 2.2.19 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:* Secs.36.11(19), 66.0301, 66.0303, 66.0311(2), and 120.25, Wis. Stats.

## Section 2.2.20      **Municipal Court.**

- (a) **Municipal Court and Court Commission Established.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby created and established a Municipal Court (the “Municipal Court”) to be designated as the “Municipal Court for the City of Hillsboro.” Said court shall become operative and function on JULY 1, 2005. In addition, there is hereby created and established a Court Commission to be designated the “Regional Center Court Commission,” (RCCC) on which the City of Hillsboro (the “Municipality”) shall be represented.
- (b) **Municipal Court Commission.** The Municipal Court Commission shall consist of Five (5) members, one each appointed by the Municipal Board of the Municipality, and the remaining member appointed at-large by the municipality that issued the highest number of tickets in the preceding year. Members of the Regional Center Court Commission shall serve two-year terms started JULY 1, 2005. The Municipal Court Commission members shall appoint a chairperson annually. The initial appointments shall be for one or two years, as the case may be, to allow for the staggering of terms so that no more than one-half of the members of the Commission are appointed in any year, except those years when the roaming member is appointed. The Commission shall meet as necessary to authorize employee salaries, compile and submit an annual budget to the Municipal Boards by September 1st of each year, and conduct other business as required.
- (c) **Municipal Judge.**
- (1) **Qualifications.** The Municipal Court shall be under the jurisdiction of and preside over by a Municipal Judge, who shall reside in the School Districts of the respective municipality, and shall have a general understanding of the general requirements of the office of Municipal Judge and shall not be an employee of the municipality, an elected or appointed official or any of their immediate family members who reside within any of the school districts of the municipality.
  - (2) **Oath and Bond.** The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in 757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$10,000. The Judge shall not act until the oath and bond have been filed as required by 19.01(4)(c) Wis. Stats., and the requirements of 755.03(2), Wis. Stats., have been satisfied. The Municipal Court Commission shall pay for expenses associated with obtaining the oath and bond.
  - (3) **Term.** The initial position of Municipal Judge will be filled by temporary appointment pursuant to 755.01 and 8.50(4)(fm), Wis. Stats., by the Regional Center Court Commission, and the term of such Judge will expire on April 30th, 2006. The position of Municipal Judge shall then be permanently filled by special election. The Municipal Judge shall be elected at large in the spring election in even-numbered years for a term of two (2) years commencing on May 1st. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in 8.10, Wis. Stats., and selection at a primary election if such is

held as provided in 8.11 Wis. Stats. The Juneau County Clerk shall serve as filing officer for the municipality in which the candidate resides. Electors in the Municipality are eligible to vote for Municipal Judge.

- (4) **Vacancy.** A permanent vacancy in the office of Municipal Judge may be filled by temporary appointment of the Municipal Court Commission as provided for in 8.50(4)(fm) Wis. Stats. The office shall be permanently filled by special election in the manner provided for in said statute.
  - (5) **Salary.** The salary of the Municipal Judge shall be fixed by resolution of the Municipal Court Commission. No salary shall be paid if such Judge has not executed the official bond or official oath.
- (d) **Jurisdiction.**
- (1) The Municipal Court shall have jurisdiction over incidents occurring on or after July 1, 2005 as provided in Article VII, §14 of the Wisconsin Constitution, 755.045 and 755.05, Wis. Stats., and as otherwise provided by the laws of Wisconsin. In addition, it shall have exclusive jurisdiction over actions in the Municipality, seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.
  - (2) The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under 755.045(2), 66.122 and 66.123, Wis. Stats.
- (e) **Municipal Court Operations.**
- (1) **Hours.** The Municipal Court shall be open at such location and at such times as determined by the Municipal Court Commission.
  - (2) **Employees.** The Municipal Judge shall appoint such clerks and deputy clerks as are authorized by the Municipal Court Commission funded by the Municipal Board of the Municipality. The Municipal Court Commission shall fix salaries and wages for all clerks and deputy clerks. The duties for all clerks and deputy clerks shall be as determined by the Municipal Court Commission. All clerks and deputy clerks, before entering upon the duties of the office, shall take the appropriate oath and give a bond if a bond is required by the Municipal Court Commission. The Municipal Court Commission shall pay the cost of such bond. The oath and any bond shall be filed with the clerks of each municipality that is a member of the Commission.
  - (3) **Collection of Forfeitures and Costs.** The Municipal Judge may impose punishment and sentences as provided by Chapters 800 and 938, Wis. Stats., and as provided in the ordinances of the Municipality. All forfeitures, fees, assessments, surcharges and costs shall be paid to the Municipal Court clerk within 7 days after receipt of the money by the Municipal Court.
- (f) **Contempt Authority.** The Municipal Judge may impose a forfeiture for contempt or, upon non-payment of the forfeiture and applicable assessments, a jail sentence. The Municipal Judge may impose the maximum forfeiture and maximum jail sentence allowed by Wisconsin law.

## Title 2 - Chapter 3

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# Municipal Officers and Employees

### Section 2.3.1 General Provisions.

- (a) **General Powers.** Officers of the City of Hillsboro 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/her by the Council. Officers whose powers and duties are not enumerated in Chapter 62, Wis. Stats., 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/she 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/her for the expenses reasonably incurred for costs and attorney's fees.

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

### Section 2.3.2 Appointed Officials.

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

| <b>Official</b>        | <b>How Appointed</b>                      | <b>Term</b>         |
|------------------------|---|---------------------|
| (1) City Administrator | Mayor, subject to confirmation by Council | Indefinite          |
| (2) Attorney           | Mayor, subject to confirmation by Council | Pleasure of Council |

|     |                                |   |            |
|-----|--------------------------------|---|------------|
| (3) | Clerk                          | Mayor, subject to confirmation by Council | Indefinite |
| (4) | Treasurer                      | Mayor, subject to confirmation by Council | Indefinite |
| (5) | Chief of Police                | Mayor, subject to confirmation by Council | Indefinite |
| (6) | Water and Sewer Superintendent | Mayor, subject to confirmation by Council | Indefinite |

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

### **Section 2.3.3 City Administrator.**

- (a) **Selection.** The City Administrator shall be hired pursuant to Section 2.3.2 on merit, based on appropriate education and experience, and shall be responsible for the administration of the ordinances and policies set forth by the Common Council.
- (b) **Chain of Command.** The City Administrator, subject to the limitations defined in resolutions and ordinances of the City and the Wisconsin Statutes, shall be the chief administrative officer of the City, responsible only to the Mayor and Common Council for the proper administration of the business affairs of the City pursuant to Wisconsin Statutes, City Ordinances, and the resolutions and directives of the Common Council. The Administrator shall be responsible for the administration of all day-to-day operations and services provided by the city government including supervision and oversight of all departments and staff, including directing the effective and efficient performance of all city employees and coordinating and expediting all city services, functions, and programs. General direction shall be provided to the Police Department, with emphasis relative to the fiscal, budgetary, and administrative matter of the Police Department.
- (c) **General Duties.** The City Administrator shall perform promptly and effectively the following general duties:
  - (1) Carry out directives of the Mayor and Common Council which require administrative implementation, reporting promptly to the Mayor and Council any difficulties encountered.
  - (2) Be responsible for the administration of all day-to-day operations of the City government, including the monitoring of all City ordinances, resolutions, Council meeting minutes and state statutes.

- (3) Establish when necessary administrative procedures to increase the effectiveness and efficiency of City government according to current practices in local government.
  - (4) Serve as ex-officio non-voting member of all boards, commissions and committees of the City, except as specified by the Common Council or Wisconsin state statutes.
  - (5) Keep informed concerning current federal, state and county legislation and administrative rules affecting the City and submit appropriate reports and recommendations thereon to the Council.
  - (6) Keep informed concerning the availability of federal, state and county funds for local programs. Assist department heads and Council in obtaining these funds under the direction of the Mayor and the Council.
  - (7) Represent the City in matters involving legislative and inter-governmental affairs submitting appropriate recommendations as needed to the Mayor and Council.
  - (8) In cooperation with the City Clerk, act as public information officer for the City with the responsibility of assuring that the news media are kept informed about the operations of the City and that all open meeting rules and regulations are followed;
  - (9) 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;
  - (10) Promote the economic well-being and growth of the City through public and private sector cooperation;
  - (11) Be responsible for all duties of the Zoning Administrator as defined in the Hillsboro Code of Ordinances.
  - (12) Be responsible for all aspect of the management of the Tax Incremental Districts.
  - (13) Perform such other duties as shall be assigned by the Common Council or the Mayor.
- (d) **General Responsibilities to the Common Council.** The City Administrator shall have the following general responsibilities:
- (1) Attend all meetings of the Council, unless excused by the Mayor or a majority vote of the Common Council, and at such meetings assist the Mayor and the Council as necessary with the performance of their duties.
  - (2) Attend all meetings of the standing and special committees of the Common Council if requested by the Mayor or committee chairperson, assisting committee members as necessary in the performance of their duties.
  - (3) In coordination with the Mayor, the Common Council and the City Clerk, ensure that appropriate agendas are prepared to all meetings of the Council, all Council committees, and all other appropriate committees and commissions of the City, together with such supporting material as may be required; with nothing herein being construed as to give the Administrator authority to limit or in any way prevent matters from being considered by the Council, or any of its committees and commissions.

- (4) Assist in the preparation of ordinances and resolutions as requested by the Mayor or the Council, or as needed.
  - (5) 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.
  - (6) 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.
  - (7) Perform such other responsibilities as shall be assigned by the Mayor or Council.
- (e) **General Personnel Responsibilities and Duties.** The City Administrator shall carry out promptly and effectively the following personnel related duties:
- (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, be responsible for the appointment, promotion and when necessary for the good of the City, the suspension or termination of employees below the department head level.
  - (4) Assist in the appointment and/or hiring of all non-elected officers and employees. When a vacancy occurs, the Administrator shall take such steps as are necessary to solicit or advertise for applications according to established hiring procedures, and upon completion of an administrative review, shall submit to the Personnel and Finance Committee a ranked list of applicants with an evaluation of each applicant. The list shall consist of five (5) candidates unless there are fewer than five (5) applicants for the position and then the list shall consist of all the applicants. A selection shall be made by the Finance and Personnel Committee, which shall refer it to the Common Council for final action.
  - (5) Serve as personnel officer 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; assure compliance with all local, state and federal laws and regulations applicable to hiring and employment practices.
  - (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 requests by department heads and City employees to attend conferences, meetings, training schools, etc.; provided that funds have been budgeted for these activities.

- (7) Be responsible for such other personnel practices and matters as shall be assigned or delegated by the Mayor or Council.
- (f) **General Budgeting and Purchasing Responsibilities and Duties.** The City Administrator shall carry out promptly and effectively the following budgeting and purchasing responsibilities:
  - (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, Finance Committee and the Council.
  - (2) Administer the budget as adopted by the Council; with the authority to approve expenditures budgeted by the Council in amounts not to exceed one thousand dollars (\$1000).
  - (3) Report regularly to the Council on the current fiscal position of the City.
  - (4) Supervise the accounting system of the City and insure that the system employs methods in accordance with current professional accounting practices.
  - (5) Serve as the purchasing agent for the City, supervising all purchasing and contracting for supplies and services subject to the purchasing procedures established by the Council and any limitations provided by the Wisconsin Statutes.
  - (6) Be responsible for such additional budgeting and purchasing matters as shall be assigned or delegated by the Mayor or Council.
- (g) **Cooperation by and with City Administrator.** All officials and employees of the City shall cooperate with and assist the City Administrator and the City Administrator shall similarly cooperate with and assist all officials and employees of the City so that the City government shall function effectively and efficiently.
- (h) **Mayor and Council Power and Authority Retained.** This Section is not intended to limit in any way the power and authority of the Mayor or Common Council.

## Section 2.3.4 City Clerk.

- (a) **Offices of Clerk.**
  - (1) The City of Hillsboro, pursuant to Secs. 61.188, 62.09, and 66.0101, Wis. Stats., does hereby change the manner of selecting the City Clerk position and elects not to be governed by those portions of 62.09, Wis. Stats., in conflict with this Section.
  - (2) The appointed City Clerk shall hold office for an indefinite term, subject to removal as provided in Sec. 17.12, Wis. Stats.
  - (3) Annual recurring audits shall be made of the records of the Clerk with the audit to be made either by a certified public accountant or by the Municipal Accounting Division of the State Department of Revenue pursuant to Sec. 73.10(5), Wis. Stats., the designation to be made by the Common Council. (Charter Ordinance 4-94).
- (b) **Duties as Clerk.** In his/her capacity as City Clerk, the Clerk shall be responsible for performing those duties required by Sec. 62.09(11), Wis. Stats., and for the following additional duties:

- (1) Perform all election duties as required by Wisconsin Statute and keep and maintain all election records and all property used in conjunction with holding of elections;
  - (2) Publish all legal notices unless otherwise provided; file and preserve all contracts, bonds, oaths of office and other documents not required to be filed elsewhere;
  - (3) Issue all licenses required by ordinance or statute, except as otherwise provided;
  - (4) Attend meetings, take minutes and maintain files for the Common Council, and such other official boards and commissions as may be directed;
  - (5) Maintain a file on all City records, ordinances, resolutions and vouchers;
  - (6) Type and distribute reports for the Council and for federal and state agencies;
  - (7) Audit and obtain approval on claims charged against City;
  - (8) Assist the City Assessor in maintaining property assessment records;
  - (9) Administer oaths and affirmations;
  - (10) Issue licenses to various vendors in City;
  - (11) Develop and implement improved internal control and financial reporting procedures as necessary or as requested;
  - (12) Develop and implement improved internal control and financial reporting procedures as necessary or as directed;
  - (13) File financial and other reports with various state agencies;
  - (14) File insurance claims on behalf of the City;
  - (15) Locate suppliers of goods or services and obtain quotes;
  - (16) Advertise for bids, receive them and summarize the results;
  - (17) Identify and evaluate ideas to achieve more efficient and effective operation;
  - (18) Coordinate, supervise and conduct elections;
  - (19) Confer with Mayor, City Administrator, department heads and Common Council committees about projects and problems;
  - (20) Maintain personnel files;
  - (21) Perform such other duties as may be directed by Common Council.
- (c) **Duties Prescribed By Law or Council.** The Clerk shall perform such other duties as are prescribed by State Statutes and by order of the Council. The Clerk generally shall perform, under direction of the Mayor, City Administrator, or other presiding officer of the Council, all duties pertaining to his/her office as Clerk, and shall be responsible for all the official acts of assistants.
- (d) **Bond.** The City Clerk shall execute to the City a surety company fidelity bond in an amount determined by the Common Council.

*State Law Reference:* Sec. 62.09(11), Wis. Stats.

## **Section 2.3.5 City Treasurer.**

- (a) **Offices of Treasurer.**
- (1) The City of Hillsboro, pursuant to Secs. 61.188, 62.09 and 66.0101, Wis. Stats., does hereby change the manner of selecting the City Treasurer position and elects

- not to be governed by those portions of 62.09, Wis. Stats., in conflict with this Section.
- (2) The appointed City Treasurer shall hold office for an indefinite term, subject to removal as provided in Sec. 17.12, Wis. Stats.
  - (3) Annual recurring audits shall be made of the records of the Treasurer with the audit to be made either by a certified public accountant or by the Municipal Accounting Division of the State Department of Revenue pursuant to Sec. 73.10(5), Wis. Stats., the designation to be made by the Common Council. (Charter Ordinance 4-94).
- (b) **Duties as Treasurer.** In his/her capacity as City Treasurer, the City Clerk-Treasurer shall be responsible for performing those duties required by Sec. 62.09(9), Wis. Stats., and for the following additional duties:
- (1) Prepare the tax roll and tax notices required by the State of Wisconsin.
  - (2) Prepare financial and bank statements;
  - (3) Maintain fiscal records for the City and serve as City Comptroller;
  - (4) Make reports to the State on assessments;
  - (5) Prepare and send invoices for services provided by municipal utilities.
  - (6) Perform record keeping, billing, collections, banking, investments, accounting and financial reporting of all City operations, including utilities;
  - (7) Collect all taxes for the City and other taxing bodies;
  - (8) Invest idle funds for maximum interest earnings;
  - (9) Prepare monthly financial report;
  - (10) Maintain payroll records and prepare payroll checks from approved employee time sheets;
  - (11) Prepare check vouchers for payment of approved claims for signature;
  - (12) Coordinate the preparation and compilation of the annual City budget;
  - (13) Make property tax settlements with the County Treasurer and turn over to school district and other taxing units their proportionate share of property tax collections;
  - (14) Issue purchase orders;
  - (15) Develop and implement improved internal control and financial reporting procedures as necessary or as directed.
- (c) **Duties Prescribed By Law or Council.** The Treasurer shall perform such other duties as are prescribed by State Statutes and by order of the Council. The Treasurer generally shall perform, under direction of the Mayor, City Administrator, or other presiding officer of the Council, all duties pertaining to his/her office as Treasurer, and shall be responsible for all the official acts of assistants.
- (d) **Bond.** The City Treasurer shall execute to the City a surety company fidelity bond in an amount determined by the Common Council.

*State Law Reference:* Sec. 62.09(9), Wis. Stats.

## **Section 2.3.6 Reserved For Future Use.**

### **Section 2.3.7 Water and Sewer Superintendent.**

- (a) **Appointment.** The Water and Sewer Superintendent shall be appointed pursuant to Section 2.3.2.
- (b) **Duties.** The Water and Sewer Superintendent shall have the following duties:
  - (1) Coordinate and supervise the operation of the Water and Sewer Utility;
  - (2) Schedule, assign and inspect the work of a crew engaged in installing, cleaning and repairing water mains, sewers, fire hydrants, manholes and valves of various sizes;
  - (3) Supervise and coordinate all activities concerned with the installation and repair of water meters;
  - (4) Handle customer complaints and resolve them to satisfaction;
  - (5) Submit monthly activity report to the Common Council;
  - (6) Make periodic inspections of pumping stations, reservoirs and other departmental facilities;
  - (7) Perform such other duties as may be directed by the City Administrator or Common Council.

### **Section 2.3.8 City Attorney.**

- (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) He/she shall, when requested by City officers, give written legal opinions, which shall be filed with the City.
  - (3) He/she shall draft ordinances, bonds and other instruments as may be required by City officials.
  - (4) He/she may appoint an assistant, who shall have power to perform his duties and for whose acts he/she 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.

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

## Section 2.3.9 Chief of Police.

(a) **Appointment.**

- (1) The Chief of Police shall be appointed pursuant to Section 2.3.2 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/her 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 City Administrator and 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/her by laws of the State and ordinances of the City.
- (5) Develop Department policies and procedures in consultation with the City Administrator with the recommendation of the Safety and Welfare Committee with final approval of the City Council;
- (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 shift;
- (9) Identify and evaluate ideas to achieve more efficient and effective operation;
- (10) Prepare Department budget requests and maintains expenditures within approved budgetary levels under the direction of the City Administrator;
- (11) Authorize overtime work for police officers, with supporting justification provided to the City Administrator and the Mayor. All overtime must be documented and supplied to the Administrator in the week that it occurs;
- (12) Participate in the recruitment, testing and selection of new personnel, in consultation with the City Administrator and City Council;
- (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 or City Administrator on request; and advise and cooperate with other City departments in matters of public safety;
- (16) Submit monthly and annual reports to the Mayor and City Administrator;
- (17) Perform other miscellaneous duties as assigned.

*State Law Reference:* Sec. 62.09(13) and 62.13, Wis. Stats.

## **Section 2.3.10 Fire Chief.**

- (a) **Appointment.** The Fire Chief shall be appointed pursuant to the bylaws of the Hillsboro Area Fire Association.
- (b) **Duties and Powers.** As determined by the Hillsboro Area Fire Association.
- (c) **Reports of Chief.** The Fire Chief shall report to the Common Council from time to time at his/her discretion or upon the request of said Common Council on matters concerning departmental matters and shall perform such other duties in conformance with his/her office as may from time to time be required of him/her by the Common Council

*State Law Reference:* Sec. 62.13, Wis. Stats.

## **Section 2.3.11 Assessor.**

- (a) Appointment.
  - (1) The City of Hillsboro 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.
  - (2) The City Assessor, or assessing firm, shall be appointed by the Common Council for a term of office as determined by contract.
  - (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.

## **Section 2.3.12 Building Inspector.**

(a) **Qualifications.**

- (1) There is created the position of Building Inspector. Such services may be contracted for on an as-needed basis as determined by the Common Council and City Administrator.
- (2) The Building Inspector shall:
  - a. Possess such executive ability as is requisite for the performance of his/her duties and shall have a thorough knowledge of the standard materials and methods used in the installation of equipment in his/her 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/her 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/her to understand and apply the appropriate codes adopted by the City of Hillsboro.

(b) **Appointment and General Powers.**

- (1) The Building Inspector shall be appointed by the Mayor, subject to Council confirmation, for an indefinite term of office.
- (2) Any person feeling himself aggrieved by any order or ruling of the Building 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) **Authority to Enter Premises.**

- (1) In the discharge of his/her duties, the Building Inspector under this Section or his/her 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/her authorized agent while in the performance of his/her 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 Section 66.0119, Wis. Stats.

(d) **Duties and Authority.** The Building Inspector shall have such duties as are prescribed in this Section and Title 15, Chapter 1, of this Code of Ordinances.

(e) **Records.** The Building Inspector shall keep a record of all applications for permits and regularly number each permit in the order of issuance. The Building Inspector shall keep

a record of all inspections made and a record of all fees collected by them showing the date of his/her receipt and transfer to the City Treasurer.

- (f) **Stop Work Orders and Revocations.** The Building 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.

### **Section 2.3.13 Health Officer.**

- (a) **Selection.** A Health Officer may be appointed by the Mayor, subject to Council confirmation. Such Health Officer shall be a physician, or in lieu thereof, a person with training and experience in public health administration which shall meet training and experience requirements established by the State Department of Health and Social Services. If the Health Officer is not a physician, the Common Council shall arrange for and provide in addition such services of a physician as may be necessary on either a part-time or fulltime basis and provide reasonable compensation therefor.
- (b) **Vacancy.** If a vacancy in the position of Health Officer occurs, the Mayor shall immediately fill the position.
- (c) **Responsibilities.**
  - (1) The Health Officer shall provide such additional rules and regulations as are necessary for the preservation of health, to prevent the spread of communicable diseases, and to cause the removal of all objects detrimental to health and to enforce the health laws. All proposed rules and regulations shall be reported to the Common Council by the Health Officer, and if the Council approves the same by a vote of a majority of its members, they shall have the force and effect of ordinances, including penalty for violation.
  - (2) The Health Officer shall from time to time recommend to the Common Council such sanitary measures, to be executed by the City as seem necessary, and shall discharge such other duties as may be imposed upon the Council by ordinance or resolution.

*State Law Reference:* 62.09(1)(a) and 250.01(5), Wis. Stats.; HFS 139.05, Wis. Adm. Code.

### **Section 2.3.14 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, 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.

*State Law Reference:* Sec. 66.0517(2)(a), Wis. Stats.

### **Section 2.3.15 Eligibility for Office.**

- (a) No person shall be elected by the people to a City office who is not, at the time of his/her 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.

### **Section 2.3.16 Removal from Office.**

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

**Annotation:** 62 Atty. Gen. Op. 97.

### **Section 2.3.17 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.

## **Section 2.3.18 Oath of Office; Bonds of Officers.**

- (a) **Oath.** Every person elected or appointed to any statutory office shall take and file his/her official oath within ten (10) days after the notice of his/her election or appointment.
- (b) **Bonds.** The City Treasurer, and such other statutory officers as the laws of Wisconsin or the Common Council may direct, shall execute and file an official bond in such form as the Council may determine. The Council may at any time require new or additional bonds of any officer. All official bonds must be approved by the Mayor and, when so approved, then be filed within ten (10) days after the officer executing the same shall have been notified of this election or appointment. Official bonds shall be filed with the City Treasurer and shall be recorded by him/her in a book kept by him/her for that purpose.

## **Section 2.3.19 Residency Requirement of Certain Officials and Employees**

- (a) **Purpose and Mandate.** The Mayor and Common Council find and the City of Hillsboro requires that it is necessary, convenient and proper, in order to provide for the health, safety, general welfare, administrative and emergency needs of the citizens, that certain essential City officials, after the effective date of this Ordinance, reside within the corporate limits of the City; and, that certain City employees reside within the corporate limits of the City.
- (b) **Scope and Application.** The residency portion of this section applies to the City Administrator, the Chief of Police, and all full-time Police Department Employees.
  - (1) This section shall not apply to an essential City official or other City official whose employment with the City on the effective date of this section arises out of a personal contract with the City for the provision of personal or professional services; whose employment with the City arises out of a joint or cooperative contract with another municipality; or whose employment with the City arises out of a personal contract for the provision of personal or professional services on a temporary basis for a term of one (1) year or less, or for the purpose of a single or nonrecurring special project, study or service.
- (c) **Residency Transition.** A listed essential official or employee who resides outside the corporate limits of the City on the effective date of this section shall establish residency inside the corporate limits of the City immediately upon the change, sale, transfer or Employees conveyance of the person's residence, or the person's office, position or employment with the City shall be forthwith automatically vacated.
  - (1) Any listed essential official or employee who resides inside the corporate limits of the City on the effective date of this section shall not reside outside the corporate limits of the City unless the person's office, position or employment with the City shall be forthwith automatically vacated.

- (2) A vacancy occurring under this section shall be filled as provided in the Code of Ordinances for the original appointment of an essential City official; or, as to all employees, according to existing City employment policy and practice.
- (3) Personnel to whom this Ordinance applies who reside outside the reporting time requirement on the effective date of this section shall establish residency within such requirement upon the change, sale, transfer or conveyance of the person's residence, or the person's employment with the City shall be forthwith automatically vacated.
- (d) **Waiver.** The Common Council may, upon a showing of necessity and a vote of a majority of all its members, waive the requirements of this section.

# Title 2 - Chapter 4

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## Boards, Commissions and Committees

### Section 2.4.1 Board of Review.

- (a) **Composition.** The Board of Review shall consist of four (4) Alderpersons annually appointed by the Mayor, subject to confirmation by the Common Council. They shall receive such compensation as shall be determined by the Council from time to time.
- (b) **Compensation.** The members of the Board of Review shall receive a salary as determined by the Common Council for each day or fraction thereof, that the Board is in session for the purpose of hearing and considering testimony or in meeting their report and determination.
- (c) **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.
- (d) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Secs. 70.46, 70.47 and 70.48, Wis. Stats.
- (e) **Board's Duty.** The Board shall carefully examine the assessment roll and correct all 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 hearing, as provided by the Statutes.

*State Law Reference:* Secs. 70.46, 70.47, and 70.48, Wis. Stats.

### Section 2.4.2 Library Board.

- (a) **Membership and Terms.** Pursuant to Sec. 43.54, Wis. Stats., the Library Board shall consist of seven (7) members plus the county representative(s), appointed by the Mayor, subject to confirmation by the Council, to serve three (3) year terms. One (1) member shall be a school district administrator or his/her representative. Not more than one (1) member of the Council shall serve on the Library Board at any one (1) time. Up to two (2) members of the total body may be residents of towns adjacent to the City.

(b) **Duties and Powers.**

- (1) The Library Board shall have the duties and powers as prescribed by Chapter 43, and more particularly set forth in Sec. 43.58, Wis. Stats. The Library Board shall appoint the Librarian and other library employees.
- (2) The Library Board shall submit annually to the Council an itemized budget of the estimated expenses of the library for the following year.

- (c) **County.** Pursuant to Sec 43.60(3), Wis Stat., whenever the annual sum appropriated by the county under Sec. 43.60(3)(a)1, Wis. Stats., is equal to at least one-sixth, but less than one-third, of the annual sum appropriated to the public library by the city, the mayor, with the approval of the city council, may appoint from among the residents of the city or county an additional member of the library board. The term is for three (3) years from the May 1 following the appointment. Whenever the annual sum appropriated by the county under Sec. 43.60(3)(a)2, is equal to at least one-third, but less than one-half, of the annual sum appropriated to the public library by the city, the mayor may appoint two additional members to the library board. Whenever the annual sum appropriated by the county under Sec. 43.60(3)(a)3, is equal to at least one-half, but less than two-thirds, of the annual sum appropriated to the public library by the city, the mayor may appoint three additional members to the library board. Whenever the annual sum appropriated by the county under Sec. 43.60(3)(a)4, is equal to at least two-thirds, but less than the annual sum appropriated to the public library by the city, the mayor may appoint four additional members to the library board. If the annual sum appropriated by the county under Sec. 43.60(3)(a)5, is equal to at least the annual sum appropriated to the public library by the city, the mayor may appoint five additional members to the library board.

*State Law Reference:* Secs. 43.54, 43.58, and 43.60, Wis. Stats.

### **Section 2.4.3 Board of Health.**

- (a) **Composition.** The Common Council shall serve as the City of Hillsboro Board of Health. The Council shall make a recommendation to the Mayor on appointing a competent and proper person who shall be, whenever the same is applicable, a reputable physician, who shall be the Health Officer of the City and who shall, during his term of office, be an ex officio officer of the Board.
- (b) **Responsibilities.**
- (1) The Board of Health shall take such measures as shall be most effectual for the preservation of the public health. It shall be the duty of the Board of Health of the City of Hillsboro to assume the general administration of health and sanitation laws and regulations in the City and to attend to the administration and enforcement of the health laws of the State and the rules and regulations prescribed by the State Board of Health and the ordinances of the City.
  - (2) The Board shall take such measures and make such rules and regulations as shall be necessary and effectual for the preservation and promotion of the public health in

the City of Hillsboro. All orders and regulations of the Board shall be published in the official newspaper and, after publication, shall have the force and effect of ordinances, including penalty for violation.

*State Law Reference:* Sec. 62.09(1)(a) and 250.01(3), Wis. Stats.

## Section 2.4.4 Board of Appeals.

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed as specified in Sec. 62.23(7)(e), Wis. Stats. 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 shall 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 Mayor shall designate one of the members chairman.
- (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 a majority of 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. No order of the Zoning Board of

Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless a zoning permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

- (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 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 shall 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)(e), Wis. Stats.

## **Section 2.4.5 City Plan Commission.**

- (a) **Composition.** The Plan Commission shall consist of the Mayor, who shall be the presiding officer, one (1) Alderperson and five (5) citizens.
- (b) **Appointment.**
  - (1) ***Election/Appointment of Alderperson 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, secretary and such other officers as may in their judgment be necessary.
- (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. 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 of 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) **Compensation.** Compensation shall be as established by the Common Council. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the City Clerk.

*State Law Reference:* Sec. 62.23, Wis. Stats.

## Section 2.4.6 Room Tax Commission.

- (a) **Room Tax Commission.** Pursuant to Sec. 66.0615(1m)(b)1, Wis. Stats., a room tax commission is hereby created. The Commission shall consist of 5 members. One of the Commission members shall represent the Wisconsin hotel and motel industry.
- (b) **Appointment and Confirmation.** All members of the commission shall be appointed by the Mayor of Hillsboro and shall be confirmed by a majority of the members of the Hillsboro City Council who are present when the vote is taken. Commissioners shall serve for a one-year term, at the pleasure of the appointing official, and may be reappointed.
- (c) **Duties and Purpose.** The Commission responsibilities shall include management of room tax revenue. The dispersion of said revenues shall be for the promotion of the City of Hillsboro and done so in a manner that attracts tourists and visitors. The Room Tax Commission is also responsible for the formation, organization, and provision of a “tourist center” that shall be established and supported through the use of room tax funds. Members shall take a progressive and proactive approach toward developing the City of Hillsboro as a tourist destination.

## **Section 2.4.7 Community Development Block Grant (CDBG) Committee.**

The CDBG Committee is a three (3) member committee appointed by the Mayor, subject to Council confirmation. The Committee shall be composed of two (2) Alderpersons and one (1) citizen member. All members shall be residents of the City. Appointments shall be made annually. The Committee shall assist in program planning, implementation and assessment of the community development block grant program.

## **Section 2.4.8 Hillsboro Community Development Authority.**

- (a) **Composition.** The Community Development Authority shall consist of seven commissioners appointed by the Mayor with the confirmation of the Council, who have sufficient ability and experience in the fields of urban renewal, community development and housing. Two commissioners shall be members of the council and shall serve during their terms in office. The remaining five (5) members shall be citizen commissioners that serve four year terms with at least one term beginning and ending every 3<sup>rd</sup> Tuesday in April.
- (b) **Quorum.** Four commissioners shall constitute a quorum.
- (c) **Duties and Powers.** The Community Development Authority has all powers, duties and functions set out in Wis. Stats. 66.1201, 66.1333, and 66.1335 for housing and redevelopment authorities.
- (d) **Minutes to be Kept.** For every Community Development Authority meeting, the Secretary is to keep minutes and provide a copy of those minutes to the City Clerk. Every sub-board, sub-commission, or sub-committee formed by the Community Development Authority is also required to submit minutes of their meetings to the City Clerk.
- (e) **Termination.** The City Council maintains the right to terminate the Community Development Authority at any time by a three-fourths vote of the City Council. The City Council will then be responsible for management of all debts and assets of the Community Development Authority.

## **Section 2.4.9 Police Committee**

- (a) **Creation.** There is created and established a police committee in accordance with the provisions of Wis. Stats. 62.13(6m)(a).

- (b) **Personnel Selection.** The City Mayor, with concurrence of the City Council pursuant to Wis. Stats. 62.13(6m)(a) shall appoint three (3) citizens of the City, annually to the police committee, such appointments to be made in the month of April to be effective in the month of May in each year. Each person to serve for a term of one (1) year. None of the committee members may be an elected or appointed official of the City or be employed by the City.
- (c) **Duties.** The committee shall only possess the powers and perform those duties assigned to such committees under Wis. Stat. 62.13(6m)(a), said powers and duties being specifically those described in Wis. Stat. 62.13 as modified or amended from time to time.
- (d) **Compensation.** Members of the committee shall serve with a salary in an amount to be determined from time to time by the Personnel and Finance Committee, subject to approval of the City Council.
- (e) **Individual Member Appointment.** When deemed necessary by the City Council and the City Mayor, the City Mayor, with concurrence of the City Council and approval of the Police Committee which may then be in existence, pursuant to Wis. Stat. 62.13(6m)(b) may appoint an individual who is not an elected or appointed official of the City and who is not employed by the City to serve in lieu of the Police Committee with regard to a particular disciplinary action. Said individual shall only possess the powers and perform those duties assigned to such an individual under Wis. Stat. 62.13(6m)(b), said powers and duties being specifically those described in Wis. Stat. 62.13 as modified or amended from time to time. Said individual is eligible for compensation as referenced above.

## **Section 2.4.10      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:
  - (1) Fix a regular date, time and place for its meeting;
  - (2) All meeting notices shall be filed with the City Administrator who shall cause the notice to be published and posted in full compliance with the Open Meetings Law Requirements.
  - (3) Post on the bulletin board at City Hall, at the Post Office, and at the Official Bank; or publish an agenda of the matters to be taken up at such meeting.
- (b) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or with dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Secs. 19.81 to 19.89, Wis. Stats.

## **Section 2.4.11      Residency Required for Service on Boards or Commissions; Attendance Standards.**

- (a) **Residency.** Except for the Library Board, or as provided by enabling ordinance, no person not a resident of the City of Hillsboro 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.

## **Section 2.4.12      Committee and Commission Rules.**

- (a) Except as provided herein, the provisions of Section 2.2.18 of this Code of Ordinances relating to rules of procedure for the Common Council, together with *Robert's Rules of Order*, shall as far as applicable, also apply to committee, board and commission meetings.
- (b) A simple majority of the members of a board, committee or commission shall constitute a quorum.

# Title 2 - Chapter 5

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## Ethics Code

### Section 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 governmental 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 Hillsboro 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 Hillsboro 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
- (c) 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 Hillsboro.

### Section 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, Wis. Stats., 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, sister or first cousin (natural or step); 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/her 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 at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) 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-time or part-time employee of the City.

### **Section 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. 946:11. Special Privileges from Public Utilities.
- (d) Sec. 946.12. Misconduct in Public Office.
- (e) Sec: 946:13. Private Interest in Public Contract Prohibited.

### **Section 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.

### **Section 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 Administrator. The City Administrator may notify the appropriate professional ethics board of any ethics violations involving City employees covered by such professional standards.

### **Section 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/her rightful remuneration and benefits, for himself/herself or for a member of his/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.

## Section 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 member's 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/her 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 employee's 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/her independence of judgment or action in the performance of his duties or grant in the discharge of his/her 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/her residence and would have been offered if the recipient was not an official).
  - (4) Gifts received by an official or employee or his/her 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/she 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/her capacity as such officer or employee, participates in the making 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/her 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 Common Council.

## **Section 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/she should apply to the Finance and Personnel Committee, which may ask 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/her 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.

## **Section 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.
- (d) No relatives of City employees may be hired first on a full-time or part-time basis without such positioning first being advertised, all applications being reviewed by the Common Council, and such hiring approved by the Common Council.

### **Section 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.

### **Section 2.5.11 Sanctions.**

- (a) Upon the written complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this Chapter, the Common Council shall conduct an investigation of the facts of the complaint, if the investigation indicates there may be a reasonable basis for the complaint justifying further investigation, the Common Council shall conduct a hearing in accordance with the common law requirements of due process including notice, an opportunity to be heard, an opportunity to cross-examine witnesses and to present testimony and other evidence in support of the accused's position and an opportunity to be represented by counsel or other representative at the expense of the accused. The Council shall make written findings of fact and issue a written decision concerning the propriety of the conduct of the subject official or employee.
- (b) 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.

- (c) 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.