

Training Manual
for Elected and Appointed
City Officials

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I. OPEN MEETING REQUIREMENTS

The open meeting law is part of Wisconsin's long-standing tradition of openness in government. It is based on the premise that public officials are conducting public business and that the public has the right to know, and indeed need to know, what their representatives are doing so they can make informed decisions at the polls. Thus, the open meeting law requires that all meetings of all governmental bodies be preceded by public notice and be publicly held in places reasonably accessible to the public and open to all citizens at all time unless otherwise expressly provided by law.

Governmental bodies required to abide by the open meeting laws are any board, commission, committee or council excluding any body meeting for the purpose of collective bargaining.

A meeting is the convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to that body. There is a two part test to determine if there is a "meeting" for purposes of the open meeting law:

1. Purpose - the gathering must be for the purpose of engaging in government business (i.e., discussion, decision or information gathering).
2. Number - the number of members present must be sufficient to determine the parent body's course of action regarding the subject matter discussed, usually referred to as a quorum.

Part 2 (Number) of the test can be complicated. A quorum is normally half or more of the members of a body, except in two cases. A "negative quorum" can exist with less than half the members, if the negative quorum has the votes to block a motion from being passed. If a vote needed to pass an item requires a two-thirds vote, then three members of an eight member group constitute a negative quorum because their block of votes can keep the item from being approved. There is also a "walking quorum", which is a series of meetings of groups less than a quorum. These meetings can take place by telephone, or e-mail and would also violate the open meeting law. Social or chance gatherings in which no city business is intended to be discussed or acted upon is exempt from the open meeting requirements. All discussion on city business should be conducted at public meetings and not behind closed doors before meetings.

Open meeting law requires that every meeting of a governmental body be preceded by public notice. Notice must be given twenty-four hours in advance, except in an emergency a minimum of two hours is required. Public notice must be posted in at least one public place, provided to the news media who have filed written request for such notices and the official newspaper. Notices must include the time, date, place and subject matter of the meeting. The format of the notice must be reasonably likely to apprise the public and news media of the subject matter.

II. GROUNDS FOR CLOSED MEETINGS

Wisconsin State Statute 19.85 provides for several reasons for going into closed session. All closed sessions must be listed on the public notice a minimum of 24 hours in advance.

- (a) Deliberation on judicial or quasi-judicial trial or hearing before the government body.
- (b) Consideration of dismissal, demotion, or discipline of any public employee.
- (c) Consideration of employment, promotion, compensation or performance evaluation data of any public employee.
- (d) Consideration of specific applications of probation, extended supervision or parole, or considering strategy for crime detection or prevention.
- (e) Deliberating or negotiating the purchasing of public properties or other specified public business, whenever competitive or bargaining reasons require a closed session.
- (f) Considering financial, medical, social or personal histories or disciplinary data of specific persons.
- (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
- (h) Consideration of requests for confidential written advice from the ethics board.
- (i) Considering any and all matters related to acts by businesses which, if discussed in public, could adversely affect the business, its employees or former employees.

The governmental body cannot reconvene into open session unless the public notice specified that the body would reconvene in open session. The body, therefore, will adjourn at the conclusion of the closed session. Action can be taken during a closed session on the item that the notice list for the closed session. Action should be taken during open session if at all possible. Discussion during the closed session should be limited to the topic listed on the public notice.

III. PROCEDURES FOR RUNNING PUBLIC MEETINGS

Presiding Officers

The mayor is the presiding officer at all common council meetings. In the mayor's absence the council president presides at council meetings. Other committees and commissions normally elect their own presiding officer annually. All presiding officers, except the mayor, shall have a vote on all matters presented to the governmental body. The mayor has a vote only in the event of a tie. The mayor also has the veto power which none of the other presiding officers possess except a common council president when serving as "acting mayor". An "acting mayor" may not, however, approve an act which the mayor has vetoed.

Quorum

A quorum is the minimum number of members that may meet and transact business. A quorum of the city council is two-thirds of the members. The mayor is not counted in determining whether a quorum is present at a meeting. For committees, a quorum is a majority of the members, including the chairperson. In calculating quorum requirements, answers with fractions are rounded up to the next whole number, although a lesser number can constitute a quorum for purposes of triggering the open meeting law (i.e., a negative quorum or a walking quorum). A negative quorum is a number of members less than a quorum, but by voting in a block can prevent the passage of an item before the governing body. For example some items require more than a majority vote, they require a three-quarters vote. If you have eight council members, three members can constitute a negative quorum by discussing how they would vote on the item requiring the three-quarters vote. Even though three members do not constitute a quorum of the council, they do make up a negative quorum which is a violation of the open meeting law. A walking quorum is done by going from one official to the next to tally the votes on an item before the governing body, done outside the regular meeting. A walking quorum robs the public of the chance to offer input into the decision and hear how the public official has come to their decision.

Actions by Less than a Quorum

Any action taken by a governing body at a meeting without a lawful quorum is null and void. Therefore, a governing body may not take any action without a quorum except as specifically authorized. The statutes authorize less than a quorum of a municipality's governing body to adjourn or to compel the attendance of absent members.

Voting

No secret ballot may be used to determine any election or other decision except election of a body's own officers. Election of the officers is a very narrow exception covering just the council president or other committee officer elections. It does not include filling vacancies, making committee appointments or appointed positions. A majority of the members present must vote favorably to approve an item, unless a greater number is required specifically in the state statutes. A quorum of members must vote on an item for official action to be taken. A vote by less than a quorum of members does not allow official action to be taken on an item. A tie vote generally fails, except that the Mayor may break a tie vote at the City Council.

Abstaining from Voting

No member of a governmental body can be compelled to vote. If a person abstains because of a conflict of interest, that person is not considered present for quorum and voting purposes pertaining to the particular measure.

Veto

The Mayor may veto any action by the City Council within five days after approval. A two-thirds vote of the entire council is required to override a veto.

Public Participation

The open meeting law is concerned only with the public's right to be present at the meeting of a governmental body. It does not imply a right of the public to participate in the conduct of government business or speak at meetings. Therefore, a governmental body may prohibit the public from speaking or set conditions, such as limiting the amount of time a member of the public has to address the governing body. There is often tension between the desire to be responsive to constituents and the need to run meetings effectively and efficiently. Although the public is not entitled to participate in a meeting, a public hearing is different because it is specifically designed to allow the public to have input into a given matter. Although a governmental body does not have to allow members of the public to participate in the meeting, a governmental body must make a reasonable effort to accommodate any person desiring to record, film or photograph meetings. This does not permit recording or filming which interferes with the conduct of the meeting.

Open Meeting Law Violations

Violations of the open meetings law may be prosecuted by the attorney general or the district attorney upon the verified complaint of any person. The individual who filed the complaint may bring an action on behalf of the state if the district attorney fails to commence an action within twenty days after receiving a complaint. Members of a governmental body who knowingly attend a meeting in violation of the open meeting law or otherwise violate the open meeting law by some act or omission are subject to a forfeiture of between \$25 and \$300. This is personal liability and is not reimbursable by the municipality.

Roberts Rules of Order

Introducing a Motion

A motion comes from an individual member. It is not necessary to have a motion before a discussion can begin. It often happens that a motion will grow out of a discussion. The subject matter that the motion relates to, if not the motion itself, must be on the public notice of the meeting. If the subject matter or the motion is not listed on the meeting's public notice, the group may not deliberate the motion, but may agree to add it to a later meeting's agenda so that proper public notice can be issued.

Motions must be worded clearly and their effects must not leave the group in an ambiguous situation. If necessary, the group should take the time to allow the maker of a motion to work out the wording that reflects what he or she means. The expression "so moved" should be avoided and the motion being made should be repeated by the recording secretary before being seconded. "Negative motions" i.e., motions that propose that the group not do

something should be avoided if at all possible. If they cannot be avoided, care should be taken that the group understand the effect of the motion's passage or defeat. Similarly, motions that propose that the group not consider certain issues or "wash their hands" of certain situations are to be avoided if possible as are motions to "reaffirm" previous decisions. They are almost always unnecessary and leave the group in an ambiguous situation if they fail.

Motions must be seconded. The function of a second is to certify that at least one other member regards a motion as worth discussing. Motions must be stated by the chairperson to become pending. After having been moved and seconded, motions are to be put to the group by the chairperson who states the motion (e.g., "It has been moved and seconded that . . .") which thus becomes pending. When a motion is pending, it is the only item that can be discussed and other subject matter not relevant to the motion is out of order. Once pending, motions belong to the group. After a motion is moved, seconded and then stated by the chairperson, it cannot be withdrawn or amended without the group's permission.

Discussing and Debating a Motion

It is customary to permit the member who has offered the motion to speak on its behalf before opening the discussion to others. The group may limit the speaking time devoted to a pending motion. A group may limit the total time devoted to a motion, or the number of times a single member may speak on the motion, or it may limit the amount of time a member may speak each time he or she addresses the motion. It is a good idea to have some limits expressed in the group's own rules. Such limits can be relaxed or altered on a case by case basis as long as all members are treated similarly.

Comments made during the discussion and debate of a motion must be relevant. Comments that are not related to the subject matter or impact of the decision to be made should be ruled out of order by the chairperson. Every member is entitled to speak on every motion. It is out of order to close debate before every member who wants to speak on an issue has a chance to do so. The debate on a motion may be closed by a group decision to do so. No single member may demand that debate be closed by "calling the question" as long as any other member objects to closing the debate. If it comes to a vote, two-thirds of the members voting must agree to close debate.

Members may exert certain rights during discussion and debate. Members may make inquiries, requests and points of order without a second required. A member may use an inquiry to seek information related to the substance of the motion under consideration or to seek advice as to the proper procedure for him or her to follow. The chairperson is expected to respond to the inquiry as best he or she can, either by providing the information or by asking another member or staff person to do so, or by making an appropriate ruling. Similarly, a member may, without a second required, request just about anything ranging from steps to increase personal comfort to some special treatment or consideration. Again, the chairperson is expected to respond, either by granting the request or denying it. Points of order may be raised by any member who thinks that current procedures are incorrect. The

chairperson is expected to rule that the member is either correct or not, and if the member is correct, the chairperson is expected to take steps to get back to the correct procedures. Note that the chairperson is expected to respond to inquiries, requests and points of order. If any member believes that the chairperson is unresponsive to inquiries, does not respond appropriately to requests, or rules incorrectly on points of order, he or she may appeal the decision of the chair. An appeal requires a second. If the chairperson disagrees as to the validity of the appeal, the matter is put to a vote and a majority of those voting can overrule the chair. Decorum must be observed during debate. Personal attacks and other disruptions are out of order during the discussion and debate of a motion.

Amending a Motion

Any motion that contains a variable capable of alteration can be amended. A motion to amend proposes to alter a main motion by deleting language from it, or adding language to it, or deleting language and adding substitute language within the motion or by substituting different language for the entire main motion. Note that a motion to replace the language of the entire main motion (a substitute motion) is a form of amendment.

It is out of order to use the amendment process to bring a totally separate issue before the group. If the chairperson is unsure whether a proposed amendment is sufficiently related to the main motion to be germane, he or she should put the question of germaneness to the group to decide by vote or unanimous consent. If the exact effect of the proposed amendment can be achieved simply by voting no on the main motion, the amendment is not germane. However, amendments that are otherwise relevant but are hostile to the main motion may be germane if their exact effect cannot be achieved by voting no on the main motion.

A proposed amendment to a main motion must be approved by the group. There is no such thing as a “friendly amendment”, in which just the mover makes the amendment. An amendment may be approved by unanimous consent of the group unless a member objects. If a proposed amendment is not approved by unanimous consent, it will require a formal motion and vote.

Amendments are debatable. If not approved by unanimous consent, motions to amend must be moved, seconded, and then stated by the chair to become pending. Once pending, the motion to amend is open to debate. While pending, an amendment is itself subject to amendment. It is possible to have a main motion, motion to amend and motion to amend the amendment at any one point in time. Amendments take precedence over main motions. When an amendment becomes pending, it replaces the main motion as the immediately pending issue and must be decided one way or the other before the group returns its attention to the main motion.

Postponing a Motion

A pending motion may be postponed to a time later in the same meeting or to a later meeting. When the group agrees to postpone a pending matter, it in effect commits itself to

return to the postponed issue at the specified time. The motion or decision to postpone must be specific as to when the group intends to return its attention to the postponed issue.

Postponing a motion indefinitely has the effect of killing the motion. The motion to “postpone indefinitely” is part of Roberts Rules of Order. Its effect is to get rid of a pending motion without voting on the motion directly. A motion that has been postponed indefinitely cannot come up again in the same meeting unless the decision to postpone indefinitely is reconsidered, which would require another motion. A motion that has been postponed indefinitely can be reintroduced at a later meeting if properly listed on the agenda.

Postponing a motion and tabling a motion are not the same thing. The effect of tabling a motion is to set it aside with no provision for returning it to the group’s attention. If a motion is tabled, it takes another motion to take it from the table and make it pending again. Thus, a motion to table is sometimes used to kill a motion. Postponing specifies when the motion will be considered again.

Reopening a Previously Decided Motion

Motions that have been voted down may be renewed at a later meeting by having the item placed on the agenda of the future meeting. Motions that have been voted down can only be reopened in the same meeting by passing another motion to reconsider the defeated motion. The motion to reconsider can be applied alike to motions that have previously passed or those that have failed. The motion to reconsider can be made only by a member who voted with the prevailing side when the motion was previously decided. Any member may second the motion to reconsider. The effect of passing a motion to reconsider is to reopen the discussion of the motion being reconsidered as if it had not been voted on at all. Motions can be reconsidered during the current meeting or the next regularly scheduled meeting. However, a motion decided in the previous meeting cannot take place unless the matter under reconsideration is on the public notice of the meeting in which it is to be reconsidered.

Controlling the Course and Content of the Meeting

Members may agree to adjourn or recess a meeting at any time. Although meetings are typically adjourned or recessed by the chairperson, he or she may do so only with the consent of the members. Group decisions to adjourn can be made at almost any time since the motion to adjourn takes precedence over most other motions. The motion to adjourn requires a second and the affirmative vote of a majority of those voting. A motion to recess must be specific as to the length of the recess or the time at which the meeting will reconvene.

Members can change the order in which agenda items are taken up. Although the group cannot take up items in a meeting that are not on the public notice for the meeting, they can change the order of the agenda. The decision to change the order may be done by unanimous consent or by a vote of two-thirds of the votes cast. Members may also agree not to take up items that are on the agenda, either by unanimous consent or two-thirds vote.

Chairing the Meeting

The chairperson is responsible for public notice, agenda and minutes. Even though another official, most often the clerk, is assigned to preparing them, the chairperson is responsible for seeing that these tasks are performed properly.

The chairperson is responsible for adhering to the agenda. In administering the meeting, the chairperson is expected to take up each item on the agenda in the order they are listed unless the group orders otherwise. As discussed earlier, the chairperson makes motions pending by presenting them to the group as having been made and seconded. Also, the chairperson sees to it that the remarks made during discussion are relevant to the issue or motion at hand. The chairperson responds to inquiries, requests and points of order and regulates decorum in discussion and debate. The chairperson may participate in discussion and debate and may make and second motions. The chairperson is a member of the group and will vote on each issue with the group. Only the Mayor does not vote, with the exception of a tie vote. The Mayor does vote while serving on other committees, such as the Plan Commission. His role on the Plan Commission is as a chairperson, but also as a voting member.

IV. EMPLOYER-EMPLOYEE RELATIONS

The Role of Government

For the smooth operation of the City government, the City employs a hierarchical system of management. The City Council has the ultimate authority within the City to hire, fire and set policy. The role of each level of government is outlined below under the categories of supervision, setting policy, hiring, firing, discipline and spending authority.

Mayor

While the top executive position of the City, has no direct supervision of any City employees. The Mayor does work closely with the City Administrator, but the true authority of the City rests with the City Council. The Mayor has no individual authority to hire, fire or discipline employees or authorize any expenditure of city funds. The Mayor does, however, have the authority to veto or break tie votes of any action of the City Council related to these matters. The Mayor makes appointments to most committees, subject to confirmation by the City Council.

City Council

Aldermen acting alone have no more authority than any other citizen of the City. Acting together as the City Council, Aldermen have the authority to set departmental policy, hire, fire and discipline employees. The City Administrator answers directly to the City Council and carries out all requests made by the City Council. Every action of the City must be approved by the City Council. Most operating policies are already set and approved by the City Council. The Council also adopts the annual budget which lays out the spending priorities for the City. Any expenditure over \$50,000 must be approved by the City Council, even if budgeted.

Committees

A Committee member acting alone has no more authority than any other citizen of the City. A Committee acting together has the authority to set department policy, which the City Council can overrule. A Committee does not have hiring, firing or disciplinary authority, although they may make a recommendation to the City Council for the hiring, firing or disciplinary action of department heads within their department if requested by the City Council. Committees may approve budgeted expenditures up to \$50,000.

Police and Fire Commission

The Police and Fire Commission is a special group with different powers provided by State Statutes. Their authority with the police department and fire department supersedes the authority of the City Council. Any member of the Police and Fire Commission acting alone, though, has no more authority than any other citizen of the City. The Police and Fire Commission has the authority to hire, fire and discipline members of the police and fire departments. The City Council has no authority to challenge or change those decisions. The City Council does control the funding, which dictates how many police and fire department personnel can be hired and how much they will be compensated. The Police and Fire Commission has no authority over the administration of the police and fire department other than those policies involving discipline. The Police and Fire Commission has no spending authority.

City Administrator

The City Administrator reports to the City Council. The City Administrator has authority to hire general full-time employees as provided for in the budget. The City Administrator has no authority to hire or fire Department Heads, although the City Administrator will make a recommendation to the City Council on the hiring and firing of Department Heads. General full-time employees of the City may only be terminated by approval of the City Council. The City Administrator is responsible for the discipline of Department Heads. The City Administrator has authority to set department policy, subject to change by the appropriate Committee or the City Council. The City Administrator may approve budgeted expenditures up to \$10,000.

Department Heads

Department Heads report to the City Administrator. Department Heads have the authority to hire and fire seasonal employees as provided for in the budget. Department Heads are responsible for the discipline of employees in their department. Department Heads do not have authority for the hiring of full-time employees, although they will make a recommendation to the City Administrator. Only the City Council has authority to terminate a full-time employee. Department Heads have authority to set department policy, subject to change by the City Administrator, appropriate Committee or City Council. Department Heads may approve budgeted expenditures up to \$5,000.

Description of Committees

Board of Appeals

(Composition)

Consists of five (5) total members appointed by the Mayor, with Council approval. The Mayor designates one (1) member as Chairman per Wis. Stats. Sec. 62.23(7)(e)2. The City Clerk's office serves as Secretary. Three (3) year term begins January 1.

(Duties)

Review written appeals to the City Zoning Code. (See Ordinance 17.25 and Wis. Stats. Sec. 62.23(7)(e).) Includes review and approval of non-conforming uses.

Economic Development and Block Grant Commission:

(Composition)

Consists of five (5) members, two (2) citizen members appointed by the Mayor with Council approval, and the three (3) Aldermen of whom one is appointed Chairman by the Mayor. One year term begins May 1 for the Aldermen and three (3) year terms for the citizen members which begins May 1.

(Duties)

Responsible for working with the Community Development Coordinator on various Housing and Economic Development Grant Applications, business loans and homeowner assistance programs. Recommend use of consultants when needed.

Review Economic Development Revolving Loan Fund Applications and Wisconsin Development Fund (WDF) Economic Development Loan Applications and Public Facilities Grant Applications and Community Development Block Grant (CDBG) Applications. Review and approve bills associated with these applications and ultimate projects.

Review and approve HCRI and Housing Applications as well as mortgage subordination requests.

Extra-Territorial Zoning Committee:

(Composition)

Consists of nine (9) total members: includes three (3) citizen Planning Commission members from City of Sparta appointed by the Mayor with Council approval, three (3) from Township of Sparta and three (3) from the Township of Angelo. Chairman is elected by the Committee. Three year term begins May 1.

(Duties)

All nine (9) members are required to review all zoning changes or requests in the extra-territorial zoning area approximately 1-1/2 miles around the City of Sparta. Any proposed changes in the extra-territorial zoning code requires City of Sparta Common Council approval as well as approval from both Town Boards.

A request for rezoning parcels within the extra-territorial area must be heard before the City of Sparta's Extra-territorial Committee as well as the appropriate Township's Extra-territorial Committee; upon recommendation of rezoning, it goes to the City of Sparta Common Council for approval or denial. (See Ordinance 17.32 and Wis. Stats. Sec. 62.23(7a))

Finance Committee:

(Composition)

Consists of three (3) Aldermanic members appointed by the Mayor without necessity of Council approval. The Mayor appoints the Chairman. One year term begins May 1.

(Duties)

Monitor financial position of the City on behalf of the City Council. Work closely with the City Administrator and City Clerk to review, prepare and recommend a yearly budget and tax levy to the City Council for adoption. Responsible for recommending short and long-term borrowing, investments, and working closely with the City Treasurer on cash management to insure liquidity and ability to borrow and fund unexpected project obligations as well as to invest the City's funds wisely.

Approve Clerk's bills, Treasurer's bills and CAO bills and other related line item matters. Review Annual Audit and help implement auditors' recommendations. Work with each city department to insure fiscal integrity. Approve contingency fund or general fund withdrawals.

Handle retirement and health insurance and financial issues of concern to the City. Review and approve financial matters referred by other Committees, particularly on non-budget items or for contracts requiring City executions and financial remuneration.

Serves as City's Personnel Committee and recommends the creation or elimination of job positions and the corresponding salary/wages and raises and position/departamental restructuring if related to the City's finances.

Involved in Labor Union and Non-Union negotiations along with the City Attorney and

CAO. Conduct grievance hearings in matters related to the Public Works Union.

Involved in disciplinary proceedings. Responsible for employee dismissal decisions or reprimands.

Upon recommendation by other Committees, review and recommend the financial aspect of the purchase or sale of buildings and land. Recommendations to sell then go to Planning Commission prior to Council presentation.

Historic Preservation Commission:

(Composition)

Consists of five (5) members of which one (1) is the Alderman on the Planning Commission that Council elects and four (4) residents of Sparta also appointed by the Mayor and subject to Council approval. There are also (3) Ex-Officio persons representing: Mainstreet, Chamber of Commerce, and Museum. Chairman is elected by the Commission. Three year term begins May 1.

(Duties)

Numerous sign/construction/architectural/demolition/and code review and enforcement responsibilities pertaining to the Historic Preservation District as detailed in Ordinance 20.01 through 20.11.

Housing Authority:

(Composition)

Consists of five (5) citizens appointed by Mayor with Council approval. Chairman is elected by the Board. Five year term begins January 1.

(Duties)

Responsible for the overall operations of the Brookside Apartment Complex according to their By-laws, and conformance to Federal Department of Housing and Urban Development standards, and compliance with Wis. Stats. Sec. 66.40.

Library Board:

(Composition)

Consists of six (6) members appointed by the Mayor with Council approval. The President is elected by the Board per State statute. An additional member shall be a school district administrator (or representative). Three year term begins May 1.

(Duties)

Exclusive control of the expenditure of all monies collected, donated or appropriated for the Library Fund. Oversees all operations of the Sparta Free Library. (See Wis. Stats. Sec. 43.58)

Handles bill approval process in place of Finance Committee for Library items.

Park and Recreation Commission:

(Composition)

Consists of seven (7) total members: three (3) Aldermen elected by the Council and four (4) citizen members appointed by the Mayor. Chairman is elected by the Commission. Three (3) year citizen terms and one (1) year Aldermen term begin May 1. The City Council can determine or change the manner in which the Chairman of the Commission is designated.

(Duties)

- Review Park and Recreation department programs, properties, and expenditures, including all aspects of the golf course operations.
- Oversee Community Center construction and operations.
- Oversee Perch Lake concerns.
- Recommend sale or purchase of buildings and land if related to park operations.
- Help prepare budgets of Parks and Recreation Department and Golf Course. (See Ordinance 22.01 and Wis. Stats. Sec. 27.08)

Planning Commission:

(Composition)

Consists of seven (7) total members including the Mayor (who is always Chairman), the Park and Recreation Commission Chairman, two (2) Alderman elected by majority vote of the City Council each year, and three (3) additional citizen members appointed by the Mayor. Three (3) year citizen member term begins May 1. These three (3) members also serve on the Extra-Territorial Zoning Committee for the City.

(Duties)

Reviews and recommends course of action to the City Council in the following matters:

- All proposed zoning changes.
- All proposed TIF districts and subsequent TIF projects recommended for creation or funding.
- Conditional use permit requests.
- The location and architectural design of any new municipal building.
- The location of any statue or memorial.

- The location, acceptance, extension, alteration, vacation, abandonment or authorization for any public utility.
- All plats of land in the City or platting jurisdiction, including the review of all proposed subdivision plats.
- The location, character and extent, acquisition or sale of land for public housing.

Responsible also for reviewing and recommending:

- Zoning Code changes and Code updates.
- Comprehensive Planning efforts.
- Programs and policies concerned with creating a healthy and balanced housing environment.
- Recommends the sale of City owned land. Any Committee level recommendation to sell goes through Planning Commission prior to City Council presentation. (See Ordinance 1.42 and Wis. Stats. Sec. 62.23)

Board of Police and Fire Commission:

(Composition)

Consists of five (5) citizens appointed by the Mayor (without Council approval). Chairman is elected by the Commission. Five year term begins May 1.

(Duties)

Responsible for Police and Fire Department hiring, recruitment decisions, eligibility examinations for entry level and promotions, appointment reviews by each Department's Chief, for conducting hearings on discharge or major disciplinary actions. (See "Rules and Regulations of the Board of Police and Fire Commissioners of the City of Sparta" and Wis. Stats. Sec. 62.12)

Public Safety Committee:

(Composition)

Consists of three (3) Aldermen appointed by the Mayor without Council approval. One (1) year term begins May 1. Chairman is appointed by the Mayor.

(Duties)

- Review Police and Fire Department operational issues except personnel matters handled by Police and Fire Commission and Finance Committee. Can recommend disciplinary review of personnel to Police and Fire Commission in matters strongly related to public safety.
- Oversee all licenses, including liquor related issues.

- Review building inspection program as well as Ordinances and State Laws pertaining to Building Codes, heating, electric and plumbing codes and City Housing Codes.
- Also review appeals to the City Housing Code (see Ordinance 14.33).
- Handle issues generally related to the overall public health, safety and welfare.
- Help plan for Emergency Service and Disaster Assistance and work with Public Works and Parks and Recreation Department and Monroe County in developing and insuring necessary response and preparedness.

Board of Public Works:

(Composition)

Consists of seven (7) total members appointed by the Mayor with Council approval: includes three (3) citizen members and four (4) Aldermen. Chairman is elected by the Board per Wis. Stats. Sec. 62.14(2). One year term begins May 1 for the Aldermen and four year staggered terms for the citizen members.

(Duties)

Responsible for working with the Supervisors of the Street Department, Sanitation Department and Water Department and with the Director of Public Works for the efficient operation of these services. Wide jurisdiction over city infrastructure, heavy equipment and maintenance machinery.

Handle requests for restricting parking, handicap parking, street or alley closures, traffic signs, truck or van parking, and sewer hook-ups, bridge conditions and sidewalk concerns.

Set policy for brush and tree removal, snow removal, long term capital improvement planning, recycling, refuse and sludge disposal, sewer user fees, wastewater treatment plant and water utility operations. (See Ordinance 380 and Wis. Stats. Sec. 62.14).

Handles bill approval process in place of Finance Committee for the Water & Sewer Utilities.

Board of Review:

(Composition)

Consists of five (5) total members appointed by the Mayor with Council approval plus one (1) alternate member. Chairman is elected by the Board. Five year term begins May 1.

(Duties)

Conduct hearings for aggrieved taxpayers who have applied for changes in the assessed value of their real estate or personal property. (See Wis. Stats. Sec. 70.46-70.48)

Authority of Elected/Appointed Officials

All powers granted to cities are vested in their governing bodies. A city governing body can generally act only through ordinance, resolution or motion adopted by a majority vote of a quorum at a properly noticed public meeting. As a matter of law, an individual alderman or committee member has no more authority than any other citizen. Thus, unless the governing body has delegated authority to one of its members to take certain authorized actions on behalf of the municipality, individual members of a governing body have no authority to make purchases, enter into contracts, give direction to municipal officers and employees, conduct investigations, bring suit or make any binding legal commitment on behalf of the municipality.

Staff Use and Misuse

Employees of the City of Sparta are hired to perform various jobs that benefit the City of Sparta. Those tasks are dictated by the policies and missions of their departments. Other departments, individual committee members or aldermen should not interfere with the task that the employees are set out to accomplish. Their work is directed by their Department Head. The work of the Department Head is directed by the City Administrator.

If you have questions about the work being done by a city employee or have a request for a project, you should contact the appropriate Department Head. They will provide you with an answer regarding their employee's work. They will also inform you of whether their department can perform your project request or not. They will likely refer you to the City Administrator or appropriate committee if your project request is not within their normal duties.

V. CITIZEN COMPLAINT PROCEDURES

In general, complaints should be handled by the person who receives the complaint and in a prompt, friendly manner. If you cannot resolve the problem yourself, direct the person to the appropriate department or supervisor. Unresolved complaints can be directed up the chain of command until the complaint is resolved or all avenues have been exhausted. The final forum for any complaint is to appear before the City Council (with the exception of Police & Fire Commission discipline procedures).

Both the police department and the building inspection department have written complaint forms. These forms are geared toward common recurring problems and they gather the appropriate information about a situation so the problem can be addressed. In some cases the building inspection department will not investigate a complaint unless it is in writing. This reduces the amount of time spent investigating frivolous complaints.

VI. PRESS RELATIONS

Questions from the press should be handled delicately. Information provided should be kept to your area of jurisdiction and should not disclose any information discussed in closed session. If you are unsure about the appropriate response to an inquiry, refer the press to the appropriate Department Head or the City Administrator.

VII. ETHICS

State Laws on Prohibited Conduct

Using Office for Private Gain

No public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of themselves or their immediate family, or for an organization with which they are associated.

Illegal Influence

No person may offer or give a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the local public official's vote, official actions or judgement, or could reasonably be considered as a reward for any official action or inaction on the part of the local public official.

Taking Action Affecting Matter in which Official has Interest

No public official may take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest. Nor may a public official use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated. When in doubt the public official should abstain from discussion and voting on the issue.

Private Financial Interest in Public Contracts

A public official is prohibited from participating in the making of a contract in which the officer or employee has a private pecuniary interest, direct or indirect, or performing in regard to that contract some function requiring the exercise of discretion on the officer's or employee's part. Abstaining from all discussion and votes relating to the matter will prevent a violation.

City Ethics Code

The City ethics code duplicates some of the State standards and in some cases is more stringent than the State standards. The full City ethics policy can be found in Ordinance 1.11 of the City of Sparta Municipal Code.

Fair and Equal Treatment

No official or employee shall request or permit unauthorized use of City-owned vehicles, equipment, materials or property for personal convenience or profit. No official or employee shall grant any special consideration, treatment or advantage to any citizen.

Financial and Personal Interest Prohibited

No official or employee, 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 his official duties in the public interest contrary to the provisions of this section or would tend to impair his independence of judgement or action in the performance of his official duties.

Incompatible Employment

No official or employee shall engage in or accept private employment or render service, for private interest, which employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgement or action in the performance of his official duties, unless otherwise permitted by law and unless disclosure is made.

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 he use the information to advance the financial or other private interest of himself or others.

Gifts and Favors

No official or employee shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person which to his knowledge is interested, directly or indirectly, in business dealing with the City; nor shall any official or employee accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties, or grant in the discharge of his duties any improper favor, service or thing of value. Gifts received under unusual circumstances should be referred to the Ethics Board within 10 days for recommended disposition.

Representing Private Interest before City Agencies or Courts

No officer or employee shall appear on behalf of any private person, other than himself, his spouse or minor children, before any City agency or Municipal Court. However, a Council Member may appear before City agencies on behalf of his constituents in the course of his duties as a representative of the electorate or in the performance of public

or civic obligations.

Disclosure of Interest in Legislation

Any Council member who has a financial interest or personal interest in any proposed legislation before the Council shall disclose on the records of the Council or the Ethics Board the nature and extent of such interest. Any other official or employee who has a financial or personal interest in any proposed legislative action of the Council and who participated in discussion with or gives an official opinion or recommendation to the Council shall disclose on the records of the Council the nature and extent of the interest. When in doubt the public official should abstain from discussion and voting on the issue.

Compatibility of Offices and Positions

The same person cannot hold two public offices or an office and a position where one post is superior to the other. This does not apply to sitting on multiple committees, but does exclude an employee from serving on the Council or a committee unless specifically authorized by state law.

Exceptions to the Compatibility in Office Rules

Volunteer fire fighters, emergency medical technicians or first responders whose annual compensation from one or more of those positions, including fringe benefits, does not exceed the amount specified in State Statute 946.13(2)(a) (currently \$15,000 per year) may also hold an elective office in the City. Also, local governing body members can serve on both the City Council and County Board simultaneously without a conflict.

Ineligibility for any Position Created During Term of Office

Except as expressly authorized by statute, no member of the City Council shall, during the term for which the member is elected, be eligible for any office or position created during that term. The member is also ineligible for any office or position where the Council selects the candidate. This subsection does not apply to a member of the Council who resigns before the position is created.

Misconduct in Office

Any public officer or public employee who does any of the following is guilty of a Class E felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed two years or both:

1. Intentionally fails or refuses to perform a known mandatory, nondiscretionary, ministerial duty of the officer's or employee's office of employment within the time or in the manner required by law.

2. In the officer's or employee's official capacity does an act which he or she knows is in excess of the officer's or employee's lawful authority or which the officer or employee knows the officer or employee is forbidden by law to do in the officer's or employee's official capacity.
3. By commission or omission, in the officer's or employee's official capacity, exercises a discretionary power in a manner inconsistent with the duties of the officer's or employee's office of employment or the rights of others with intent to obtain a dishonest advantage for the officer or employee or another.
4. In the officer's or employee's official capacity intentionally and materially falsifies an entry in an account or record book or return, certificate, report or statement.
5. Under color of the office or employment, intentionally solicits or accepts for the performance of any service or duty anything of value which the officer or employee knows is greater or less than is fixed by law.

Bribery

Any public officer or public employee who directly or indirectly accepts or offers to accept any property or personal advantage, which the officer or employee is not authorized to receive, pursuant to an understanding that the officer or employee will act in a certain manner regarding any matter which is pending or might come before the officer or employee in the officer's or employee's capacity as such officer or employee or that the officer or employee will do or omit to do any act in violation of the officer's or employee's lawful duty is guilty of a Class D felony. A Class D felony is punishable by a fine not to exceed \$10,000, or imprisonment not to exceed five years, or both.