

CHAPTER 2

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2.01 ELECTED OFFICIALS

- (1) **Aldermen** There shall be five (5) Aldermen of the City of Augusta. Two (2) Aldermen shall be elected at the spring election in the even numbered years for a term of two (2) years, commencing on the 3rd Tuesday of April in the year of his election. The remaining three (3) Aldermen shall be elected at the spring election in the odd numbered years for a term of two (2) years, commencing on the 3rd Tuesday of April in the year of his election.
- (2) **Mayor** The Mayor of the City of Augusta shall be chosen at the regular spring election in even numbered years for a term of two (2) years commencing on the 3rd Tuesday of April in the year of his election.
- (3) **Clerk-Treasurer** The City official hereinafter set forth shall be **elected** in accordance with Charter Ordinance No. 117 adopted by the referendum on November 7, 2006 hereto: The Clerk-Treasurer of the City of Augusta shall be chosen at the regular spring election in odd numbered years for a term of two (2) years commencing on the 1st day of May in the year of his/her election.

2.02 APPOINTED OFFICIALS

The City officials hereinafter set forth shall be appointed at the Special Organizational Meeting of the City Council by the Mayor subject to confirmation by a majority vote of the members of the City Council for a term of one year.

Attorney	Board of Health
Building Inspector	Health Officer

The Mayor shall not vote on the confirmation of such appointments, except in the case of a tie. All terms shall commence on the day following appointment.

2.03 CHIEF OF POLICE

- (1) **Office of Chief of Police Created** There is hereby created the office of Chief of Police. The Chief of Police shall be appointed and removed by a 4/5 vote of the City Council.
- (2) **Term** The term of the office of the Chief of Police shall be indefinite.
- (3) **Duties and Powers**
The Chief of Police shall have the duties and powers set forth in; Chapter 3 of the City of Augusta Code of Ordinances, Wisconsin State Statutes and the Augusta Police Department Policy and Procedure Manual.

2.04 FIRE CHIEF AND FIRE INSPECTOR

- (1) **Appointment** The office of Fire Chief shall be filled by election of all of the Volunteer Firemen, with the approval of a majority of the City Council. The Fire Inspector of the City of Augusta shall be appointed by the Fire Chief.
- (2) **Qualifications** The Fire Chief and Fire Inspector shall be members of the Fire Department in good standing who have had training and experience in fire department operations.

2.05 CIVIL DEFENSE DIRECTOR AND COORDINATOR

There is hereby created the office of Director of Civil Defense for the City of Augusta, this office being filled by the County Municipal Defense Director appointed pursuant to an ordinance entitled "Civil Defense for Eau Claire County" adopted by the Board of Supervisors of Eau Claire County on November 7, 1961, which ordinance is made a part of the City of Augusta by reference. The Acting Chief of Police of the City of Augusta shall serve as Civil Defense Coordinator.

2.06 DIRECTOR OF PUBLIC WORKS

- (1) **Appointment** The Director of Public Works shall be appointed by a majority vote of the City Council solely on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of the position.
- (2) **Term** The Director of Public Works shall hold office for an indefinite term, subject to removal by a 4/5 vote of the City Council after a public hearing.
- (3) **Duties and Powers** The Director of Public Works shall have the following duties and powers.
 - (a) He shall have the general charge and supervision of all public works in the city.
 - (b) He shall be responsible for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, storm sewers, culverts and drainage facilities, sanitation sewers, city buildings and structures and all machinery, equipment and property used in any activity under his control.

- (c) He shall have charge of all public services, including garbage and refuse collection and disposal, snow and ice removal, street cleaning and flushing, mosquito and rodent control.
- (d) He shall perform such other activities and duties as are imposed upon him from time to time by the City Council.
- (e) The Director of Public Works shall have the full authority to recommend employment of any individual to the City Council and further the authority to discipline or discharge any employee as regulated in Section 3 of the City of Augusta Employee Handbook.

2.07 BOARD OF HEALTH: HEALTH OFFICER

The Eau Claire City-County Health Department shall serve as the Board of Health for the City of Augusta. A Health Officer of the City of Augusta.

2.08 BOARD OF REVIEW

The Board of Review of the City of Augusta shall be composed of the Mayor, Aldermen, City Clerk and City Assessor.

2.09 BOARD OF ZONING APPEALS

The Board of Zoning Appeals of the City of Augusta shall consist of five (5) members, who shall be residents of the City, appointed by the Mayor and confirmed by a majority vote of the City Council. Members of the Board of Zoning Appeals shall serve three (3) year terms and shall have the power and duties prescribed by Chapter 6 of this code and §62.23.

2.10 MUNICIPAL JUSTICE

- (1) **Municipal Court** Pursuant to §755.01 there is hereby created the office of Municipal Court for the City of Augusta.
- (2) **Office of Municipal Justice Created** Pursuant to §755.01, there is hereby created the office of Municipal Justice for the City of Augusta.
- (3) **Election: Term** The Municipal Justice shall be elected at large at the spring election in odd numbered years for a term of four (4) years commencing on May 1 succeeding his/her election. (SS 755.02 May 18, 2010)
- (4) **Salary** The Municipal Justice shall receive a salary of \$100.00 per month, which shall be in lieu of fees and costs. No salary shall be paid to the Justice for any time during his term for which he has not executed and filed his official bond and oath as required by sub.(5) of this section.
- (5) **Bond: Oath** The Municipal Justice shall execute and file with the Clerk of the Circuit Court for Eau Claire County the oath prescribed by §755.03.

(6) **Jurisdiction**

- (a) The Municipal Judge shall have such jurisdiction as provided by law and §755.045, and exclusive jurisdiction over violations of City ordinances.
- (b) Juvenile jurisdiction is as provided in §938. The municipal court is granted authority to impose the following alternative juvenile dispositions and sanctions:
 - 1. For a juvenile adjudged to have violated an ordinance, the municipal court is authorized to impose any of the dispositions listed in §938.343 and 938.344, in accordance with the provisions of those statutes.
 - 2. For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under §938.343 or 938.344, the municipal court is authorized to impose any of the sanctions listed in §938.355(6)(d), in accordance with the provisions of those statutes.
 - 3. This section is enacted under the authority of §938.17(cm).

(7) **Procedure**

- (a) The Municipal Court for the City of Augusta shall be open and in session only on dates formally set by the City Council. The Municipal Court is hereby directed to be open and in session on the third (3rd) Thursday of each month, but if the third (3rd) Thursday of a month falls on a legal holiday, then the Court session for that month shall be held on the fourth (4th) Thursday of that month.
- (b) The Municipal Justice shall keep his office and hold court in the municipal building.
- (c) The procedure in Municipal Court for the city shall be as provided by this section and state law including, but not excluding because of enumeration, Chapters 66, 755 and 800 of the Wisconsin Statutes.
- (d) The Municipal Justice shall collect all fines and taxable costs in any action or proceeding before him and shall pay over such monies to the Clerk-Treasurer monthly. At such time the Municipal Justice shall also pay over to the Clerk-Treasurer all forfeitures collected by him in actions for violation of City Ordinances.

(8) **Contempt of Court** The Municipal Justice may punish for contempt of Municipal Court for the city person guilty of either of the following acts and no other pursuant to §800.12 and 785.

- (a) Misconduct in the presence of the court which interferes with a court for proceeding or with the administration of justice, or which impairs the respect due the Court.
- (b) Disobedience, resistance or obstruction of the authority, process or order of the Court.

- (c) Refusal as a witness to appear, be sworn or answer a question.
- (d) Refusal to produce a record, document or other object.

The Municipal Court shall follow the procedures set forth in §785.03 in contempt matters. The Municipal Court may, upon finding any person guilty of contempt, order such person to forfeit not more than fifty dollars (\$50.00). In default of payment of the forfeiture, the person found guilty of contempt may be imprisoned in the County Jail not to exceed seven (7) days. However, no indigent person may be imprisoned under this section, and before there must be a finding that the person is able to pay the forfeiture but he or she willfully refuses to pay said forfeiture.

- (9) **Amendment to State Statutes Adopted** When any of the Wisconsin Statutes referred to in this section are amended or renumbered from time to time, those amendments and new numbers are hereby automatically adopted by the City in this Ordinance.

2.11 GENERAL REGULATIONS GOVERNING ALL CITY OFFICERS

- (1) **Effect** The provisions of this section shall apply to all officers of the City, regardless of the time of creation of the officer or selection of the officer unless otherwise specifically provided by ordinance or resolution of the City Council.
- (2) **Oath of Office** Every officer of the City, including members of the City Council and committees, shall before entering upon his duties and within five (5) days of his election or appointment or notice thereof take the oath of office prescribed by law and file said oath in the office of the City Clerk. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.
- (3) **Bond** Every officer shall, if required by law or the City Council, upon entering the duties of his office, give a bond in such amount as may be determined by the City Council with such surety's as are approved by the Mayor, conditioned upon the faithful performance of the duties of his office. Official bonds shall be filed as are oaths as provided in sub. (2) of this section.
- (4) **Salaries** All officers of the City shall receive such salaries as may be provided from time to time by the City Council by ordinance or resolution. No officer receiving a salary from the City shall be entitled to retain any portion of any fees collected by him for the performance of his duties as such officer in the absence of a specific law or ordinance to that effect. Payment of regular wages and salaries established by the City Council shall be by payroll, as provided in section 14.03 (3). The regular payday shall be the last day of each month.
- (5) **Vacancies** Vacancies in elective offices shall be filled by appointment by a majority vote of the City Council for the remainder of the unexpired term. Vacancies in appointive offices shall be filled in the same manner as the original appointment for the remainder of the unexpired term unless the term for such office is indefinite.

2.12 AN ORDINANCE ESTABLISHING THE SALARIES OF ELECTED OFFICIALS

(1) **Aldersperson Compensation** The salary of an Aldersperson shall be a base salary of \$1,000.00 (one thousand dollars) per year payable in equal monthly installments. An Aldersperson shall also be paid an additional \$45.00 (forty five dollars) per meeting payable monthly. Meeting compensation shall be limited to 1 meeting per day.

(2) **Mayor Compensation** The salary of the Mayor shall be a base salary of \$1,800.00 (one thousand eight hundred dollars) per year payable in equal monthly installments.

The Mayor shall also be paid an additional \$50.00 (fifty dollars) per meeting payable monthly. Meeting compensation shall be limited to 1 meeting per day.

(3) **Meetings** As used herein, the term “meeting” included all meetings of the City’s common council and its subcommittees, departments and subdivisions; educational seminars regarding municipal government; and any other gathering attended by an aldersperson or the Mayor in an official capacity as a representative of the City.

2.13 CITY PLAN COMMISSION

(1) **How Constituted** The City Plan Commission shall consist of seven (7) citizens. They shall be persons having an interest in and an understanding of the City and the duties and responsibilities of the Plan Commission. They shall receive such compensation as the Common Council may provide.

(2) **Appointment and Terms of Office** The City Plan Commission shall consist of seven (7) members. The Mayor and two (2) members of the City Council shall be members of the City Plan Commission. The members shall be appointed by the Mayor subject to confirmation by the City Council. In making such appointments, the Mayor shall, insofar as practicable, make such appointments from a list of applicants who have submitted their qualifications to fill such positions. Appointments shall be for a term of three (3) years and made initially in such a manner that the terms of not more than three (3) members expire in each year. A vacancy in the membership shall be filled for the unexpired term. Terms for the members shall commence on the first (1st) day of May.

(3) **Organization and Procedure**

(a) The Chairman and Vice Chairman of the commission shall be designated by its members.

(b) Meetings shall be held regularly at least once each three (3) months and additionally as required at the call of the chairman or majority of the entire commission. Meetings shall be held at a time and place specified by the commission with advance notice to the City Clerk and shall be open to the public.

(c) A quorum shall be four (4) members and all official action shall require a majority vote.

(d) The Chairman shall designate one (1) of the members as secretary. The commission may delegate the responsibility of taking and maintaining the minutes and record of the commission to the City Clerk.

- (e) Written minutes shall be kept showing all actions taken, resolutions, findings, determinations, transactions and recommendations made; a copy of such minutes shall be filed with the City Clerk.
 - (f) The commission may adopt additional rules, not inconsistent herewith, for the transaction of its business.
- (4) **Powers** The commission shall have such powers as provided by State law and as may be necessary to enable it to perform its functions and duties and to promote municipal planning. Such powers shall include the following:
- (a) To employ experts and a staff, and to pay for their services and such other expenses as may be necessary to enable it to perform its functions and duties and to promote municipal planning. Such powers shall include the following:
 - (b) To make reports and recommendations relating to the plan and development of the municipality to public officials, agencies, utilities, and other organizations and citizens.
 - (c) To recommend public improvements programs and financing thereof to the City Council.
 - (d) To request available information from any public official to be furnished within a reasonable time as it may require for its work.
 - (e) 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 marks thereon.
- (5) **Duties** The commission shall have the following functions and duties:
- (a) Make and adopt a master plan for the physical development of the City and such other functions and duties in relationship thereto in accordance with Section 62.23(2) and (3) of the Wisconsin Statutes.
 - (b) Recommend an official map to the City Council and such other functions and duties in relationship thereto in accordance with §62.23(6).
 - (c) Recommend a zoning district plan and regulations to the City Council in accordance with §236.45.
 - (d) Recommend land division regulations to the common council in accordance with §236.45.
 - (e) Recommend changes to the master plan, official map, zoning, land divisions and fire prevention ordinances that it deems necessary or desirable.
 - (f) Consider and report or recommend on all matters referred to it.

- (6) **Additional Powers and Duties** The commission shall have all additional powers and duties granted or assigned to it by the City Council. All the powers and duties granted or assigned by the Wisconsin Statutes to City Plan Commissions are hereby granted or assigned to the commission.

2.14 CODE OF ETHICS

- (1) **Declaration of Policy** The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policies be made in proper channels of the governmental structure; that public offices not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a code of ethics for all City of Augusta 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. The purpose of this 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 Augusta and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the City. The provisions and purpose of this code and such rules and regulations as may be established are hereby declared to be in the best interests of the City of Augusta.

- (2) **Standards of Conduct** There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to-wit:

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

- (3) **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 Wisconsin and carry out impartially the laws of the nation, state and municipality and 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.
- (4) **Dedicated Service** All officials and employees of the City of Augusta should be loyal to the objectives expressed by the electorate and the programs developed to attain these objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

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 the other public officials and

employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(5) **Fair and Equal Treatment**

- (a) **Use of Public Property.** No official or employee shall request or permit the unauthorized use of City-owned vehicles, equipment, materials or property for personal convenience or profit.
- (b) **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.

(6) **Conflict of Interest**

- (a) **Financial and Personal Interest Prohibited.** No official or employee, 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 ordinance or which would tend to impair independence of judgment or action in the performance of official duties.

(b) **Definitions**

1. **Financial Interest.** Any interest which shall yield, directly or indirect, 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.
2. **Personal Interest.** Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.
3. **Person.** Any person, corporation, partnership or joint venture.

(c) **Specific Conflicts Enumerated.**

1. **Incompatible Employment** No official or employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.
2. **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 interest of the official or employee or others.

3. ***Gifts and Favors*** No official or employee shall accept any gift, whether in the form of service, loan, thing or promise, from any person which may tend to impair his or her independence of judgment or act in the performance of his or her duties or grant in the discharge of his or her duties any improper favor, service or thing of value. Any official who receives, directly or indirectly, any gift or gifts having an aggregate value of more than fifty dollars (\$50.00) within any calendar year from any person who is known by said official or employee to be interested directly or indirectly in any manner whatsoever in business dealings with the City upon which the official or employee has any influence or input or over which the official or employee has any jurisdiction, discretion or control, shall disclose the nature and value of such gifts to the Ethics committee by January 20 next following the year in which the gift or gifts are received.

- i. No official or employee may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could reasonably 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.
- ii. 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 is excluded from this prohibition.
- iii. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.
- iv. Gifts received by an official or employee under unusual circumstances should be referred to the Ethics Committee within 10 days of receipt for recommended disposition.

- (d) **Representing Private Interests Before City Agencies or Courts.** No officer or employee shall appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any City agency or municipal court. However, members of the City Council may appear before City agencies on behalf of the constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations.
- (e) **No official, employee or agent of this City** shall participate in the selection, award or administration of a contract awarded by the City if a conflict of interest, real or apparent, would be involved. An example of such a conflict prohibited would arise when the official, employee or agent; any member of their immediate family; their partner, or an organization which employs or is about to employ any of the above; has a financial or other interest in the firm awarded the contract.

- (f) **Contracts with the City** No city officer or employee who in his/her capacity as such officer or employee participates in the making of a contract in which he/she has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on his part, shall enter into any contract with the City unless, within the confines of §946.13.
1. The contract is awarded through a process of public notice and competitive bidding, or
 2. The City Council waives the requirement of this section after determining that it is in the best interest of the City to do so.
 3. The provisions of this section shall not apply to the designation of a public depository of public funds.
- (g) **Disclosure of Interest in Legislation** Any member of the City Council who has a financial interest or personal interest in any proposed legislation before the City Council shall disclose on the records of the City Council, or the Ethics Committee created by this ordinance, the nature and extent of such interest.
1. Any other official or employee who has a financial interest or personal interest in any proposed legislative action of the City Council or any board, commission or committee upon which the official or employee has any influence or input or of which the official or employee 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 City Council or the appropriate board, commission or committee the nature and extent of such interests.
- (7) **Advisory Opinion** Any questions as to the interpretation of any provisions of this Code of Ethics shall be referred to Policy and Personnel Committee and/or City Council, which, if it deems it necessary or appropriate, may request an advisory opinion from the city attorney.
- (8) **Jurisdiction and Application** The Policy and Personnel Committee shall have administrative jurisdiction over this Code of Ethics and shall be deemed the Ethics Committee for that purpose.
- (a) The committee may make recommendations with respect to amendments to this Code of Ethics.
 - (b) Upon the sworn complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this ordinance, the committee 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 committee shall conduct a public 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

committee shall make written findings of fact of the subject official or employee and shall refer the matter to the City Council for final disposition.

- (c) In the event a member of the Policy and Personnel Committee is allegedly involved in an ethics code violation, the City President, subject to the confirmation of the City Council, shall appoint another alderman to temporarily replace the member of the committee who is under investigation.
 - (d) 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.
- (9) **Sanctions** A determination that an official's or employee's actions constitute improper conduct under the provisions of this ordinance may constitute a cause for suspension, removal from office or employment, or other disciplinary action.
- (10) **Distribution of Code of Ethics** The City Clerk shall cause a copy of this Code of Ethics to be distributed to every public official and employee of the City of Augusta within thirty (30) days after enactment of this code. Each public official and employee elected, entering upon his or her duties.
- (a) Each public official, the City President, the Chairman of each board, commission or committee and, through the City Clerk, the head of each department, shall between May 1st and May 31st, each year, review the provisions of this code with his or her fellow Council, Board, Commission, Committee members or Subordinates as the case may be, and certify to the City Clerk by June 15th that such annual review has been undertaken. A copy of this code shall be continuously posted on each department bulletin board wherever situated.
 - (b) Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement, will be consistent with the terms and conditions set forth in the applicable labor agreement.
- (11) All ordinances or parts of ordinances contravening the terms and provisions of this ordinance are hereby to that extent repealed.
- (12) This ordinance shall take effect upon passage and publication as provided by law.