

## CHAPTER 2

### Mayor; Common Council

#### SEC. 2-2-1 COMMON COUNCIL

The Aldermen of the City 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 those powers set forth elsewhere throughout this Code.

State Law Reference: Section 62.11, Wis. Stats.

#### SEC. 2-2-2 ALDERMEN

- (a) **ELECTION, TERM, NUMBER.** The City shall have eight (8) Aldermen in addition to the Mayor, who is a member of the Common Council by virtue of the office as Mayor. The eight (8) Aldermen shall constitute the Common Council. One (1) Alderman shall be elected from each Aldermanic District. Aldermen from the even-numbered Aldermanic Districts shall be elected at the annual City election in the even-numbered years, and Aldermen from the odd-numbered Aldermanic Districts shall be elected at the City election in the odd-numbered years, all to hold office for a period of two (2) years.
- (b) **APPOINTMENT AS MAYOR.** An alderman shall be eligible for appointment as Mayor to fill an unexpired term.

State Law Reference: Section 62.09, Wis. Stats.

#### SEC. 2-2-3 MAYOR

- (a) **ELECTION.** The Mayor shall be elected in even-numbered years for a term of four (4) years.
- (b) **DUTIES.**
  - (1) The Mayor shall be the Chief Executive officer of the City. The Mayor shall be responsible for directing the overall operations of the City. The Mayor shall take care that the 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 the Mayor may deem advantageous to the City. When present, the Mayor shall preside at the meetings of the Council.
  - (3) The Mayor shall be responsible for coordination and operation of all City departments.
  - (4) The Mayor shall review the development of the City budget.
  - (5) The Mayor shall provide direction for the City's economic development and other long-range plans.
  - (6) The Mayor shall work on plans for service and personnel levels.
  - (7) The Mayor may participate in the sale and purchase of property on behalf of the City.
  - (8) The Mayor shall analyze and interpret federal, state and county legislation to determine its impact on the City.
  - (9) The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes and this Code of Ordinances.
- (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 implication otherwise provided. All such acts shall be submitted to the Mayor by the City Clerk and shall be in force upon approval evidenced by the Mayor's signature, or upon failing to approve or disapprove within five (5) days, which fact shall be certified thereon by the Clerk. If the Mayor disapproves, the Mayor's objection shall be filed with the Clerk, who shall present them to the Council at its

next meeting. A two-thirds (2/3) vote of all the members of the Council shall then make the act effective, notwithstanding the objection of the Mayor.

State Law Reference: Section 62.09(8), Wis. State.

#### **SEC. 2-2-4 PRESIDENT OF THE COUNCIL**

The Common Council at its first meeting subsequent to the regular election and qualification of new members shall, after organization, annually choose from its members a President who, in the absence of the Mayor, shall preside at meetings of the Council and, during the absence or inability of the Mayor, shall have the powers and duties of the Mayor, except that the President shall not have power to approve an act of the Council which the Mayor has disapproved, by filing objections with the City Clerk. When so officiating, the President shall be styled "Acting Mayor."

State Law Reference: Section 62.09(9)(e), Wis. Stats.

#### **SEC. 2-2-5 STANDING COMMITTEES; ACTION ON COMMITTEE REPORTS.**

(a) **STANDING COMMITTEES.** At the organizational meeting of the Common Council in each year following the annual election, each of the following committees, shall be established; the general duties of which shall be as follows.

(1) **ADMINISTRATION COMMITTEE.** The Administration Committee shall consist of eight (8) aldermen. The Administration Committee shall have jurisdiction over the departments of City Clerk, City Treasurer, City Assessor and City Attorney. It shall be the duty of this Committee to audit and act on all demands, claims and actions against the City. The Administration Committee shall study all resolutions referred to it. The Administration Committee shall also have jurisdiction over the Board of Health, Community Development Department, Finance Department, Health Department, Parks & Recreation Department, Personnel Department, and the Police and Fire Departments in all matters not under the jurisdiction of the Police Commission, Fire Commission and Joint Finance and Personnel Committee. This Committee shall confer with the Police Chief, Fire Chief, and other department heads under its jurisdiction. This Committee shall investigate all applications for licenses that are brought before the Common Council, except licenses and permits issued by the City Clerk as a ministerial duty. When action is required regular Administration Committee meetings shall take place on the first and third Monday of the month following the regular Common Council meetings provided that all such demands, claims, and accounts shall not be acted upon except at regular meetings of the Council. In addition, the Committee shall have the following general responsibilities:

- i. Review any proposed changes in the City's insurance coverage and risk management program
- ii. Have primary, but not exclusive, responsibility for reviewing the City's Code of Ordinances for adequacy.
- iii. Review Common Council action regarding proposed federal, state and county legislation impacting upon the City and its residents.
- iv. Review for Common Council adoption policies and procedures regarding City operations and the delivery of services to the public.
- v. Review for Common Council adoption resolutions expressing the policy of the City regarding matters for which a formal declaration of official policy is required.
- vi. Consider any other matters which may be referred by the Common Council.
- vii. The Administration Committee is empowered to seek bids or quotes, or neither, and has the obligation and the right to call on representatives of

various insurance companies to discuss their program.

- viii. Selection of insurance companies to service the City's requirements shall be based upon residence of the full time agent handling the insurance, but not limited thereto; net premium, and service rendered in the past and ability to perform in the future. The recommendations of the Administration Committee shall be subject to Common Council ratification, as to selection of the individual carrier and the amounts thereof.

(2) **BOARD OF PUBLIC WORKS.** The Board of Public Works shall consist of eight (8) Aldermen. Pursuant to Charter Ordinance O-24-79, the City of Menasha hereby elects pursuant to Chapter 66 of the Wisconsin Statutes to provide that the actions of the Board of Public Works shall be subject to Common Council approval and mayoral veto. The Board of Public Works shall have jurisdiction over the Department of Public Works which is supervised by the Director of Public Works and consists of the following divisions: Engineering, Streets, Bridges, Sanitation, and Municipal Buildings. This Board also has jurisdiction over parking meter and parking lot operations. It shall be the duty of this Board to study all resolutions referred to it, confer with the Director of Public Works, order street improvements and order work to be performed by personnel under its jurisdiction. All recommendations of this Board must be approved by the Common Council before going into effect. The Board of Public Works shall have jurisdiction over all public buildings and grounds, voting places for elections and all public improvements. When action is required regular Board of Public Works meetings shall take place on the first and third Monday of the month. In addition, the Board shall perform such duties as outlined by State Law. The Board of Public Works shall also have the following general responsibilities:

- i. Review policy guidelines regarding public improvements.
- ii. Review and approve any unusual requests for use of the City buildings.
- iii. Review any proposed changes, remodeling, additions, etc., to the City Hall or other city buildings and/or property.
- iv. Review traffic or pedestrian safety matters, prior to needed action for Common Council approval.
- v. Except for traffic enforcement, all other matters pertaining to traffic, traffic flow, streets, and related matters shall be referred to the Board of Public Works for recommendation.
- vi. Consider any other matter which may be referred by the Common Council.

(3) **PERSONNEL COMMITTEE.** The Personnel Committee shall consist of all members of the Common Council and the Mayor. The Personnel Committee shall have jurisdiction over but not be limited to personnel matters, administration of labor contracts and contract negotiations as well as any other matters which may be forwarded to it by the Mayor or the Common Council. It may be considered an Executive Committee. The Personnel Committee shall also have the following general responsibilities:

- i. Establish policies for the supervision and control of City officers and employees unless state law otherwise provides.
- ii. The Committee Chairman shall take an active part in labor negotiations with all collective bargaining units.
- iii. Review for the Council all salary adjustments for non-union personnel. In addition to other duties which may be delegated to the Personnel Committee from time to time by the Common Council, it shall review for the Council the hiring of full-time new personnel that are not considered replacements but added employees.
- iv. Review for the Common Council any issue involving grievances as required

by any labor contract.

(4) **NEENAH-MENASHA JOINT FIRE FINANCE & PERSONNEL COMMITTEE.**

- i. **ORGANIZATION AND APPOINTMENT.** The Neenah Menasha Fire Rescue Joint Finance & Personnel Committee shall consist of six Council members, three from Neenah and three from Menasha and shall include the Council Presidents of both cities, a member of the Neenah Finance & Personnel Committee, the chair(s) of the Menasha Administration Committee or Personnel Committee, and two alderpersons at-large, one appointed by the Mayor of Neenah from the Neenah Common Council and one appointed by the Mayor of Menasha from the Menasha Common Council. The at-large alderperson shall be appointed for one-year terms that may be renewed. In the event of the chair of either the Neenah Finance & Personnel Committee or the Menasha Administration Committee or Personnel Committee is also the President of the respective Council, then the Mayor of that city shall appoint one additional at-large alderperson so that at all times each city shall have three representatives to this Committee. Such appointment(s) shall be subject to confirmation by the Common Council.
  - ii. **POWERS & DUTIES.** The oversight of the day-to-day operations & budgetary matters of the Neenah Menasha Fire Rescue shall be conducted by the Joint Fire Finance & Personnel Committee. The Joint Fire Finance & Personnel Committee shall review budgetary issues, labor contracts, position vacancies, proposed new positions, capital outlay items and expenses of \$5000 or more and make recommendations to the Common Councils of the Cities of Neenah and Menasha. The recommendations of the Joint Finance & Personnel Committee shall be acted upon separately by the common councils of both Neenah and Menasha and shall be effective only upon the concurrence of both councils.
  - iii. **SEVERABILITY.** In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.
- (b) **SPECIAL COMMITTEES.** The Mayor may, from time to time, appoint such special committee or committees as he/she may deem advisable or as provided for by motion or resolution stating the number of members to perform such duties as may be assigned to them.
- (c) **TIME FOR MAYORAL APPOINTMENTS.** All mayoral appointments to boards, commissions or committees of whatever nature which require Council confirmation shall be submitted to the Common Council no later than thirty (30) days after the expiration of a particular term of office, unless the Mayor submits reasons why said position cannot be filled.
- (d) **COUNCIL ORGANIZATION.** All Council Committees, including the Board of Public Works, at their first organizational meeting shall name their own chairman and vice-chairman for purposes of organization only. The City Clerk shall call the organizational meeting of the Administration Committee as soon after Council approval as is convenient. The Director of Public Works shall call the organizational meeting of the Board of Public Works as soon after Council approval as is convenient. The Human Resources Director shall

call the organizational meeting of the Personnel Committee as soon after Council approval as is convenient.

(e) **MAYOR'S MEMBERSHIP.** The Mayor shall be an ex-officio member of the Administration Committee and the Board of Public Works, but, however, he shall be a voting member of the Personnel Committee.

(f) **REFERENCE AND REPORTS.**

(1) The Mayor shall refer new business coming before the Common Council to the appropriate committee, unless otherwise referred or disposed of by motion of the Council.

(2) Committee reports shall be in writing and shall be filed with the City Clerk.

(g) **COOPERATION OF CITY OFFICERS.**

(1) 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.

(2) It shall be the duty of the City Clerk, or deputy, and all department heads Chief of the Fire Department and Chief of the Police Department, Director of Public Works, or in their absence, their assignee, to attend all meetings of their committee of jurisdiction unless for due cause their attendance has been excused by the Mayor. In the event the Chiefs of the respective Fire and Police Departments cannot attend and have been excused by the Mayor, they may delegate a command officer to represent them. The Fire Chief and the Chief of Police need not attend regular Council meetings unless requested by the Mayor, the President of the Council or a chairman of a standing committee. It shall further be the duty of all salaried officers of the City to attend the Common Council's regular meeting whenever requested by the Mayor, the President of Council, or the head of any standing committee. When the Chief of Police is not in attendance at the regular Council meeting, he shall designate an officer to act as sergeant at arms.

(3) Unless required by any State Statute, no standing committees will have the power to make recommendations to the Common Council nor to bind the City in any fashion. All issues reviewed by standing committees must be considered by the Common Council.

(h) **SECRETARY.** The City Clerk or designee shall be secretary of the Administration Committee, the Board of Public Works, and the Personnel Committee. Should a secretary of a standing committee or Board of Public Works not be able to attend a meeting for any reason whatsoever, the City Clerk will appoint an acting secretary on a meeting by meeting basis.

## **SEC. 2-2-6 GENERAL POWERS OF THE COMMON COUNCIL**

(a) **GENERAL.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

(b) **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.

- (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 of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **CITY FINANCES.** The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the City finances.
- (e) **CONSTRUCTION OF POWERS.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.

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

## **SEC. 2-2-7 COOPERATION WITH OTHER MUNICIPALITIES**

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

State Law Reference: Section 66.0301 Wis. Stats.

## **SEC. 2-2-8 INTERNAL POWERS OF THE COUNCIL**

The Common Council has the power to preserve order at its meetings, compel attendance of Aldermen and fine or expel for neglect of duty and punish by fine members or other persons present for disorderly behavior. The Common Council shall be judge of the election and qualification of its members.

State Law Reference: Section 62.11, Wis. Stats.

## **SEC. 2-2-9 SALARIES**

- (a) The Mayor and Aldermen 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 a salary or per diem compensation be paid the Mayor and Alderman.  
State Law Reference: Section 62.09(6), Wis. Stats.
- (b) The annual salary for aldermen shall be \$5,190
- (c) The salary of the president of the Common Council shall be \$300 per annum over and above the salary given to the other aldermen and shall be payable bi-weekly consolidated with regular aldermanic salary.

- (d) The aldermen's salary shall be paid bi-weekly.
- (e) The annual salary for the mayor shall be \$64,000
- (f) The mayor's salary shall be paid bi-weekly.

**SEC 2-2-10 Removed 5/21/2018**

**SEC 2-2-11 Removed 5/21/2018**

**SEC. 2-2-12 OPEN MEETINGS.**

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

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

**SEC 2-2-13 Removed 5/21/2018**

**SEC 2-2-14 Removed 5/21/2018**

**SEC. 2-2-15 ORDER OF BUSINESS.**

- (a) **CREATION OF THE AGENDA FOR COMMON COUNCIL MEETINGS AND COMMITTEE MEETINGS.** Members of the Council and City officers desiring a matter to be placed on the agenda shall submit the same in writing to the City Clerk, who shall be responsible for agenda preparation and distribution, not later than end of business day on the Tuesday preceding the regular meeting. Items not received by the Clerk prior to the Tuesday deadline shall require the approval of the Mayor for placement on the Council agenda or approval of the Committee Chair for placement on any Committee agenda. In no event shall any item be placed on the agenda after noon on the Thursday preceding the regular meeting unless an emergency exists. The person placing such emergency item on the agenda shall be required to file with the City Clerk a written statement as to the emergency.
- (b) No item may be included in the Common Council packet nor be listed as a communication unless it is authored. The Clerk may reject any communication if the Clerk determines that the author is not valid.

**SEC. 2-2-16 INTRODUCTION OF BUSINESS, RESOLUTIONS AND ORDINANCES; DISPOSITION OF COMMUNICATIONS.**

- (a) **SUSPENSION OF RULE.** Whenever the Common Council decides to waive the rule pertaining to ordinances or resolutions as provided in this Section, it may do so by suspension of its rules requiring a two-thirds (2/3) vote of all the Aldermen.
- (b) **SPECIAL RULES PERTAINING TO RESOLUTIONS AND MAYOR'S APPOINTMENTS**
  - (1) Resolutions and Mayor's appointments may be introduced by the Mayor or any member of the Common Council provided the Mayor and the Common Council receive advance notice. Advance notice shall consist of placing the resolution or Mayor's appointment in the Aldermen's boxes in the City Hall by at least the Thursday before the Common Council meets or by having it available for pick up by the Aldermen at the Police Department. Giving such a resolution or Mayor's appointment to the Police Department is prima facie evidence that the Aldermen received said resolution or Mayor's appointment.
  - (2) The advance notice requirement for resolutions under this Subsection shall not apply to matters in which the State Statutes set a time limit within which the Common Council can act on the subject matter of the resolution or matters related to it or

when a public hearing is required by State Statutes.

**SEC 2-2-17 Removed 5/21/2018**

**SEC 2-2-18 Removed 5/21/2018**

**SEC 2-2-19 Removed 5/21/2018**