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GENERAL GOVERNMENT

1.01 **FORM OF GOVERNMENT.** The City of Green Bay is organized and governed under the provisions of Ch. 62, Wis. Stats., known as Mayor-Council Plan.

1.02 **THE COMMON COUNCIL.**

(1) **COMPOSITION.** The Council shall consist of the Mayor and one alderman from each aldermanic district.

(2) **COUNCIL PRESIDENT.** The Council shall, at its regular meeting on the third Tuesday of April following the Spring Election, elect from its members a President for a two-year term. The President, in the absence or inability of the Mayor, shall preside at meetings of the Council, and shall have the power and duties of the Mayor, except the President shall not approve an act of the Council which the Mayor has disapproved by filing objections with the Clerk. When so officiating, the President shall be referred to as "Acting Mayor."

(3) **COUNCIL VICE PRESIDENT.** The Council shall, at its regular meeting on the third Tuesday of April, following the Spring Election, elect from its members a Vice President for a two-year term. The Vice President, in the absence of the Mayor and President, shall preside at meetings of the Council, and during the absence or inability of the Mayor and President, shall have the powers and duties of the Mayor and President, except the Vice President shall not approve an act of the Council which the Mayor or President has disapproved by filing an objection with the Clerk. When so officiating, the Vice President shall be referred to as "Acting Mayor."

GENERAL PROVISIONS AS TO OFFICERS

1.03 **ELECTED OFFICIALS.**

(1) **GENERAL.** Elected officials of the City shall be a Mayor, one alderman from each aldermanic district, and a Municipal Judge.

(2) **TERMS.**

(a) **Mayor.** The Mayor shall be elected for a term of four years, which shall commence on the third Tuesday of April in the year of the election.

(b) **Alderman.** The Alderman shall be elected for two-year terms at the regular City elections. Whenever it is necessary to alter aldermanic districts for the purposes set forth in §62.08, Wis. Stats., the Council may provide a different tenure for the office of alderman. Aldermanic terms of office shall commence on the third Tuesday of April in the year of their election.

(c) **Municipal Judge.** The Municipal Judge shall be elected to a four-year term commencing with the regular Spring Election in 1978.

1.04 **APPOINTED OFFICIALS.**

(1) GENERAL. (Amd. GO 15-08) The following officials shall be appointed at a regular Council meeting on the third Tuesday in April and shall commence their term of office on May 1; but these dates may be delayed for a reasonable period of time due to special circumstances.

<u>OFFICIAL</u>	<u>HOW APPOINTED</u>	<u>TERM</u>
(a) Assessor	Mayor, subject to confirmation by Council	Two years even-numbered
(b) Building Inspector (Building Inspection Superintendent)	Planning Director, subject to confirmation by Council	Two years even-numbered
(c) City Attorney	Mayor, subject to confirmation by Council	Two years even-numbered
(d) Clerk	Mayor, subject to confirmation by Council	Two years even-numbered
(e) Comptroller	Mayor, subject to confirmation by Council	Two years even-numbered
(f) Director of Public Works	Mayor, subject to confirmation by Council	Two years even-numbered
(g) Zoning Administrator	Planning Director, subject to confirmation by Council	Two years even-numbered
(h) Treasurer	Mayor, subject to confirmation by Council	Two years even-numbered
(i) Director of Parks, Recreation, and Forestry	Mayor, subject to confirmation by Council	Two years even-numbered
(j) Director of Planning	Mayor, subject to confirmation by Council	Two years even-numbered

(2) OTHERS. (Amd. GO 15-08) The following officials shall be appointed as provided in the indicated sections of this Code or the Wisconsin Statutes. They shall take office upon completion of the appointment process and commence their regular term in office as shown below:

<u>OFFICIAL</u>	<u>CODE OR WIS. STAT.</u>	<u>HOW APPOINTED</u>	<u>TERM</u>
(a) City Sealer	22.01, Code	Planning Director	Indefinite
(b) Deputy Comptroller		Comptroller	Subject to Comptroller's appointment
(c) Fire Chief	§62.13, Wis. Stats.	Police and Fire Commission	Indefinite
(d) Police Chief	§62.13, Wis. Stats.	Police and Fire Commission	Indefinite
(e) Weed Commissioner	§94.21, Wis. Stats.	Director of Public Works	One year

1.045 **EXPIRATION OF MAYORAL APPOINTMENTS TO BOARDS AND COMMISSIONS.** (Amd. GO 39-02)

(1) Unless otherwise provided by law, mayoral appointments of citizens and alderpersons to City boards and commissions shall, regardless of any time remaining on the appointment, expire six months after the appointing mayor leaves office. This provision shall apply to the following boards and commissions:

- (a) Water Commission
- (b) Traffic Commission
- (c) Board of Review
- (d) Plan Commission
- (e) Parking Utility Commission
- (f) Annexation Commission
- (g) Economic Development Authority
- (h) Ethics Board

(2) This ordinance shall effect only those appointments first made after the effective date of this section.

1.05 **REMOVALS.**

(1) **ELECTED OFFICERS.** Elected officers may be removed by recall as provided in §9.10, Wis. Stats., or by the Common Council for cause pursuant to §§17.12(1)(d) and 17.16, Wis. Stats.

(2) **APPOINTED OFFICIALS, OFFICERS, OR EMPLOYEES.** Appointed officers may be removed as provided in §§17.12(1)(c) and (d) and 17.16, Wis. Stats., except as provided otherwise by charter ordinance.

1.06 **VACANCIES.**

(1) **ALDERMEN.** (Amd. GO 40-03) Pursuant to the terms and conditions of Sec. 17.23, Wis. Stats., in the event of an aldermanic vacancy, the City Clerk shall, within 14 days of a vacancy, advertise for and solicit applications from individuals to fill the vacant position. In addition to the application, an applicant must submit the signatures of 20 qualified electors from within the vacant district supporting the candidacy of the applicant. Applicants must submit applications and signatures to the City Clerk within 30 days of the initial advertisement of vacancy. Thereafter, at the next regular meeting of the Common Council, all qualified applicants shall be allowed time to make a presentation regarding their qualifications to the Council. The Common Council shall then, by majority vote, decide who will fill the vacancy.

(2) **APPOINTED OFFICIALS.** Vacancies in appointed offices shall be filled as provided in Sec. 17.23, Wis. Stats.

1.07 **SALARIES.** Salaries shall be determined by the Council, provided the salary of Mayor and members of the Council shall not be changed during their terms of office. (See §66.196, Wis. Stats.)

1.08 **CONTINUITY OF GOVERNMENT.**

(1) **DEFINITIONS.**

(a) **Unavailable.** A vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or the lawful incumbent of the office (including any deputy exercising the powers and discharging the duties of an office because of a vacancy) and any authorized deputy are absent or unable, for physical, mental, or legal reasons, to exercise the powers and discharge the duties of the office.

(b) **Attack.** Any attack by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons.

(c) **Authorized Deputy.** A person who is presently authorized to perform all of the functions, exercise all of the powers, and discharge all of the duties of an office if the lawful incumbent is unavailable.

(d) **Emergency Interim Successor.** A person designated pursuant to this section for possible temporary succession to the powers and duties, but not the office, of a City officer if such officer or any authorized deputy is unavailable to exercise the powers and discharge the duties of the office.

(2) **DESIGNATION, STATUS, QUALIFICATIONS, AND TERMS OF EMERGENCY INTERIM SUCCESSORS.**

(a) **Elective Officers.** Within 30 days after entering upon the duties of office, each member of the Council and all City elected officers shall, in addition to any authorized deputy, designate such number of emergency interim successors to the office and specify their rank in order of succession after any authorized deputies or emergency successors or combination thereof for the office.

(b) **Appointive Officers.** (Amd. GO 81-93) The Council shall within the time specified in sub. (a), in addition to any authorized deputy, designate for appointive officers, including the Chief of Police and the Fire Chief, such number of emergency interim successors to these officers and specify their rank in order of

succession after any authorized deputies so that there will be no less than three authorized deputies or emergency interim successors or combination thereof for each officer.

(c) Review of Designations. The incumbent of elective offices specified in sub. (a), and the Council in the case of those appointive offices specified in sub (b), shall review and, as necessary, promptly revise the designations of emergency interim successors to insure that at all times there are at least three such qualified emergency interim successors or authorized deputies or any combination thereof for each office specified.

(d) Qualifications. No person shall be designated or serve as an emergency interim successor unless such person may under State law or City ordinance hold the office of the person to whose powers and duties such person is designated to succeed, but no provision prohibiting an officer or employee of this City from holding another office shall be applicable to an emergency interim successor.

(e) Status of Emergency Interim Successor. A person designated as an emergency interim successor holds that designation at the pleasure of the designator, provided the designee must be replaced if removed. The designee retains this designation as emergency interim successor until replaced by another appointed by the authorized designator.

(3) ASSUMPTION OF POWERS AND DUTIES OF OFFICER BY EMERGENCY INTERIM SUCCESSOR. If, in the event of attack, any officer named in sub. (2)(a) and (b) and any authorized deputy is unavailable, the emergency interim successor highest in rank in order of succession who is not unavailable shall, except for the power and duty to appoint emergency interim successors, exercise the powers and discharge the duties of such officer. An emergency interim successor exercises or resumes and discharges these duties only until such time as the lawful incumbent officer or authorized deputy or emergency interim successor higher in rank in order of succession exercises or resumes the exercise of the powers and discharge of the duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law.

(4) RECORDING AND PUBLICATION. The name, address, and rank in order of succession of each duly authorized deputy shall be filed with the City Clerk and each designation, replacement, or change in order of succession of an emergency interim successor shall become effective when the designator files with the City Clerk the successor's name, address, and rank in order of succession. The City Clerk shall keep on file all such data regarding authorized deputies and emergency interim successors which shall be open for public inspection.

(5) FORMALITIES OF TAKING OFFICE. At the time of their designation, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to exercise the powers and discharge the duties of the office to which they succeed.

(6) QUORUM AND VOTE REQUIREMENTS. In the event of an attack:

(a) Quorum requirements for the Council shall be suspended; and

(b) Where the affirmative vote of a specified proportion of members for approval of an ordinance, resolution, or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient.

OFFICERS

1.15 **FULL-TIME OFFICIALS: DUTIES.**

(1) The Mayor, appointed City officers, officials, and department heads shall be full-time officials, unless otherwise designated. The Council may permit outside activities not interfering with adequate and efficient City administration.

(2) The duties of the various City officials shall be those prescribed by State law and such additional duties as imposed by the Council.

1.16 **MAYOR.**

(1) APPLICABLE STATUTE. See §62.09(8), Wis. Stats.

(2) CHIEF EXECUTIVE OFFICER. The Mayor shall be the chief executive officers, shall take care that the City ordinances and State laws are observed and enforced, and that all City officers and employees discharge their duties.

(3) RECOMMENDATIONS TO COUNCIL. From time to time, the Mayor shall give the Council such information and recommend such measures as the Mayor deems advantageous to the City.

(4) PRESIDING OFFICER. When present, the Mayor shall preside at the meetings of the Council.

(5) VETO POWER. The Mayor has that veto power provided by State law as to acts of the Council. All Council actions shall be submitted to the Mayor by the Clerk and shall be in force upon approval evidenced by signature or upon failing to approve or disapprove within five days, which fact shall be certified thereon by the Clerk. If disapproved, the Mayor shall file objections with the Clerk, who shall present them to the Council at its next meeting. A two-third vote of all the members of the Council shall then make the act effective notwithstanding the objections of the Mayor.

(6) SIGNATORY FOR GRANTS-IN-AID. The Mayor is authorized without approval of the Common Council to execute applications to state or federal agencies for financial grants-in-aid for all lawful purposes. This shall be done on the conditions that such applications shall not bind the City to an expenditure of funds, and a report that such an application, including the reasons therefor, shall be made to the Common Council within 30 days after execution by the Mayor. The Council, within 30 days of receipt of the report, may, upon majority vote of all of the members, cause the application to be withdrawn.

1.17 **ALDERMEN.**

(1) APPLICABLE STATUTE. See §62.11, Wis. Stats.

(2) POWERS. Except as elsewhere in the statutes specifically provided, the Council shall have the management and control of the City property, finances, highways, navigable waters, and the public service, and shall have power to act for the government and good order of the City, for its commercial benefit, and for the health, safety, and welfare of the public, and may carry out its powers by license, regulation, suppression, borrowing of money, tax levy, appropriation, fine, imprisonment, confiscation, 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.

(3) DELETED PER GO 20-95

1.18 **ASSESSOR.**

(1) APPLICABLE STATUTES. See the various duties and obligations imposed upon assessors by Wisconsin Statutes and the Administrative Code.

1.19 **BUILDING INSPECTION SUPERINTENDENT (BUILDING INSPECTOR).** The Building Inspection Superintendent:

(1) Shall perform the duties and have the powers of Building Inspector prescribed by ordinance and State laws.

(2) Shall act as office manager for the Division of Building Inspection and supervise the work of all persons included therein.

(3) Shall issue all permits from the Division of Building Inspection and keep an accurate record of all applications and permits issued by the persons under the superintendent's jurisdiction; keep a record of all fees collected showing the date of their receipt and delivery to the Treasurer; make a monthly and annual report to the Council of the above matters.

(4) Shall enforce the zoning ordinances of the City.

(5) Shall assign additional duties to the various inspectors of the Building Inspection Division when provided by ordinance, resolution, or state law.

1.20 **CHIEF OF POLICE.**

(1) APPLICABLE STATUTES. See §§62.13(3) and 62.09(13), Wis. Stats.

(2) The Chief of Police: (a) Shall have command of the police force of the City under the direction of the Mayor.

(b) Shall obey all lawful written orders of the Mayor or Common Council.

1.21 **CITY ATTORNEY.**

(1) APPLICABLE STATUTE. See §62.09(12), Wis. Stats.

(2) In addition to the statutory and common law duties and authority vested in the City Attorney, and without limitation thereon by the specific enumerations set forth below, the City Attorney and those persons designated by the City Attorney are authorized to:

(a) Investigate complaints alleging violation of the Municipal Code and, if the results of such investigation warrants, refer the findings to the appropriate officer, official, committee, board, or commission.

(b) File answers and counterclaims in legal or equitable actions to which the City is a party.

(c) Initiate injunctive and abatement actions or proceedings.

(d) Initiate or respond to appeals in all courts and before administrative bodies.

(e) Enter an appearance before any court, administrative agency, or quasi-judicial body of competent jurisdiction in any matter in which the City is or may become involved.

(f) Accept, reject, or negotiate a tentative offer of settlement in any pending litigation after communicating such offer to the Mayor and Finance Committee Chairman and receiving their approval, where such offer is received from the opposing party not less than six calendar days before the day of the scheduled formal hearing or trial upon the issue.

(3) The City Attorney and those persons designated by the City Attorney are delegated the authority to bind the City and its boards, commissions, and agencies to the terms and conditions set forth in the following classes of legal matters generally known as:

(a) Insurance waivers and releases.

(b) Assignment of subrogation claims.

(c) Insurance agreements pertaining to proof of financial responsibility.

(d) Stipulations in administrative or judicial proceedings or actions wherein the City incurs no financial obligations except for the payment of statutory costs.

(e) Bankruptcy claims.

(f) Real estate tax transfer forms.

(4) CITY ATTORNEY EMERITUS. See Charter Ordinance No. 6-1-67.

1.22 **CITY CLERK.**

(1) APPLICABLE STATUTE. See §62.09(11), Wis. Stats.

(2) DUTIES PRESCRIBED BY STATUTES OR COUNCIL. The Clerk shall perform such other duties as are prescribed by State Statutes or by order of the Council; generally shall perform, under direction of the Mayor or other presiding officer of the Council, all duties pertaining to the office as City Clerk, and shall be responsible for all the official acts of the assistant clerks.

(3) ADDITIONAL DUTIES OF CLERK. The City Clerk shall be the custodian of the minutes of both open and closed sessions of the Common Council and all boards, commissions, committees, and every subunit of the City, and the recording secretary of any such bodies shall be the official custodian of such minutes and be charged with the duty of keeping them in his or her physical possession until transcribed. The City Clerk shall keep such minutes in either a safe or a vault in conformity with State law.

1.23 **CITY SEALER.**

(1) POWERS.

(a) Applicable Statute. See §§98.04 and 98.05, Wis. Stats., and Ch. 22, Green Bay Municipal Code.

1.24 FINANCE DIRECTOR - COMPTROLLER

(1) **APPLICABLE STATUTE**. See §62.09(10), Wis. Stats.

(2) The Finance Director - Comptroller:

(a) Shall, monthly, report in writing to the Council the condition of outstanding accounts and of each of the City funds and claims payable therefrom, and shall file with the Clerk a detailed statement of the receipts and disbursements on account of each fund of the City and of each aldermanic district or other financial district during the preceding fiscal year, specifying the source of each receipt and the object of each disbursement, and also an estimate of the receipts and disbursements for the current fiscal year.

(b) Shall each month, and as often as reported, examine the Treasurer's accounts as reported and as kept, and attach thereto a report to the Council as to their correctness and as to any violation by the Treasurer of his or her duty in the manner of keeping accounts or disbursing monies.

(c) Shall examine each claim for services or goods presented against the City and determine whether it is proper; and if it is on contract, whether authorized and correct. For these purposes, the Comptroller may swear witnesses and take testimony. If the Comptroller finds no objection, the Comptroller shall mark approval on the claim. If the Comptroller disapproves in whole or in part, the Comptroller shall report to the Council the reasons. The Comptroller shall in all cases report evidence taken. No claim shall be considered by the Council or be referred to a committee until it has been so examined and reported on.

(d) Shall countersign contracts and purchase orders with the City if the necessary funds have been provided to pay the liability that may be incurred thereunder, and no contract or purchase order shall be valid until so countersigned.

(e) Shall, each year, make a list of all certificates for the payment of which special taxes are to be levied in time for the same to be inserted in the tax roll and certify its correctness.

(f) May, in writing, filed in the office of the Clerk, appoint a deputy who shall act under the Comptroller's direction and in the Comptroller's absence or disability; or in the case of a vacancy, shall perform the Comptroller's duties. The deputy shall receive such compensation as the Council provides. The acts of such deputy shall be covered by official bond as the Council directs.

1.25 DEPUTY COMPTROLLER. A Deputy Comptroller shall furnish a bond in the amount as provided in §4.11(2)(f), Green Bay Municipal Code.

1.26 DIRECTOR OF PARKS AND RECREATION/CITY FORESTER

(1) **POWERS AND DUTIES**. The Director shall administer and enforce the policies and regulations adopted by the Park Committee pursuant to powers and duties set forth in Ch. 27, Wis. Stats.

(2) The Director will also perform the duties of the City Forester.

1.27 **DIRECTOR OF PUBLIC WORKS.** (Amd. GO 49-98) The Director of Public Works shall supervise the maintenance and cleaning of streets, the removal of snow and ice therefrom, the maintenance of bridges and sewers, the collection of garbage and refuse materials, the municipal parking system, and the performance of other such services as may be required by the Council, and shall issue permits for all work to be done on sidewalks, streets, curbs, and gutters.

1.28 **ELECTRICAL INSPECTOR.** The Chief Electrical Inspector shall keep records, issue permits, and enforce the electrical laws, and shall have such duties and supervision of the Office of Electrical Inspection as contained in Ch. 17, Green Bay Municipal Code.

1.29 **FIRE CHIEF.**

(1) APPLICABLE STATUTE. See §62.13(3), Wis. Stats.

(2) APPOINTMENT. The Fire Chief shall be a full-time officer, appointed by the Police and Fire Commission, and shall hold office during good behavior subject to suspension or removal by the Commission for cause.

1.31 **HEATING AND VENTILATING INSPECTOR A/K/A AIR POLLUTION CONTROL INSPECTOR.** The Air Pollution Control Inspector shall be responsible for the administration of smoke and other air pollution regulations in the City, including:

(1) The investigation of complaints and the making of inspections and observations of smoke conditions.

(2) The issuance of permits, certificates, and notices under Ch. 20, Green Bay Municipal Code; the keeping of applications, plans, permits, certificates, violations, complaints, and other records on file for Department purposes only.

(3) The examination of the application and plans for the construction, installation, or alteration of any fuel-burning equipment or any equipment pertaining thereto; and if found to meet the requirements of the rules and regulations, the issuance of an Installation Permit.

(4) The inspection of the installation of all equipment for which a permit has been issued and, when found that the work is completed in accordance with the rules and regulations, the issuance of an Operating Permit and thereafter, when operation is demonstrated to comply with the provisions of Ch. 20, Green Bay Municipal Code, the issuance of a Certificate of Operation.

(5) The publication and dissemination of information on methods of smoke reduction.

(6) The enlistment of the cooperation of civic, technical, scientific, and educational societies.

1.32 **MUNICIPAL JUDGE.**

(1) Pursuant to §755.01, Wis. Stats., there is created the office of Municipal Judge for the City of Green Bay.

(2) ELECTION: TERM. The Municipal Judge shall be elected at large and shall be an attorney at law licensed to practice in the State of Wisconsin. The term shall be four years commencing May 1

succeeding the election. Mid-term vacancies in the office of Municipal Judge shall be filled by special election to be held not less than 55 nor more than 70 days after the Council has ordered such election.

(3) SALARY. The Municipal Judge shall receive a salary as determined from time to time by the Council, which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during the term for which elected that has not executed and filed an official bond and oath as required by sub. (4).

(4) BOND: OATH. The Municipal Judge shall execute and file with the Clerk of the Circuit Court for Brown County the oath prescribed by §755.02, Wis. Stats., and a bond in the penal sum of \$2,000 as prescribed by 755.03, Wis. Stats.

(5) JURISDICTION. The Municipal Judge shall have jurisdiction as provided such courts by State law.

(6) PROCEDURE.

(a) The court of the Municipal Judge shall be called the "Municipal Court for Green Bay, Wisconsin" and shall be held at the discretion of the Municipal Judge.

(b) The procedure in Municipal Court shall be as provided in this section and State law.

(c) The Municipal Judge shall collect all forfeitures, penalty assessments, fees, and taxable costs in any action or proceeding and shall pay over such monies to the City Treasurer monthly.

(7) BAILIFF. Bailiffs shall be those persons approved by the Municipal Judge and the Chief of Police.

(8) MUNICIPAL COURT CONTEMPT PROCEDURE. The Municipal Judge may impose a forfeiture for contempt of court, as defined in §785.01(1), Wis. Stats., in accordance with the procedures under §785.03, Wis. Stats., in an amount not to exceed \$50; or upon nonpayment of the forfeiture, penalty assessment under §165.87, Wis. Stats., and jail assessment under §302.46, Wis. Stats., a jail sentence not to exceed seven days.

1.33 **PLUMBING SUPERVISOR.** (Rep. GO 18-04)

1.35 **TREASURER.**

(1) APPLICABLE STATUTE. See §62.09(9), Wis. Stats.

(2) POWERS AND DUTIES. The Treasurer:

(a) Shall collect all City, school, County, and State taxes, receive all monies belonging to the City or which by law are directed to be paid to the Treasurer, and pay over such money according to law.

(b) Shall keep a detailed account in suitable books in such manner as the Council shall direct which books shall at all reasonable times be open to inspection.

(c) Shall each month at the first meeting of the Council, and as often as it shall require, make to the Council a verified report of monies received and disbursed and of the condition of the treasury. Ten days

before each regular City election, the Treasurer shall file in the Clerk's Office a full and minute verified report of monies received and disbursed, tax certificates, vouchers and other things of pecuniary value in the Treasurer's custody, and of all transactions of the office from the date of the preceding like report.

(d) Shall receive no fees or other compensation except the salary fixed by the Council, except that in case of a sale of goods or chattels for payment of taxes, the Treasurer shall receive such fees as are allowed constables therefor. All other fees shall be paid into the treasury at the end of each day.

(e) Shall deposit immediately upon receipt thereof the funds of the City in the name of the City in the public depository designated by the Council. Such deposit may be in either a demand deposit or in a time deposit, maturing or in federal T-Bills, or bonds maturing in not more than one year. Failure to comply with the provisions hereof shall be prima facie grounds for removal from office. When the money is so deposited, the Treasurer and the bondsmen shall not be liable for such losses as are defined in §34.01(6), Wis. Stats. The interest arising therefrom shall be paid into the City treasury.

(f) May, in writing, filed in the office of the Clerk, appoint a deputy who shall act when the Treasurer is unavailable. The deputy shall receive such compensation as the Council shall provide. The acts of such deputy shall be covered by official bond as the Council shall direct.

(g) Shall make partial apportionment in advance, not exceeding 90 percent, of levies by vocational, technical, and adult education districts out of funds available from such levies and in the City treasury prior to the tax apportionment provided by §74.03(5), Wis. Stats., upon the filing of written request by the vocational, technical, and adult education district board stating that such advances are needed to continue operating.

1.36 **WEED COMMISSIONER.**

(1) APPLICABLE STATUTE. See §94.22, Wis. Stats.

1.40 **RETENTION OF PUBLIC RECORDS.** (Cr. GO 2-99)

(1) PURPOSE. Pursuant to Sec. 19.21, Wis. Stats., this ordinance authorizes the transfer or destruction of obsolete records.

(2) DEFINITIONS.

(a) Legal Custodian. The individual responsible for maintaining records pursuant to Sec. 19.33, Wis. Stats.

(b) Record. The meaning as defined in Sec. 19.32(2), Wis. Stats.

(3) GENERAL RETENTION PERIOD. Unless a different retention period is specifically adopted in the Records Retention Schedule or required by Wisconsin Statutes, all records shall be retained at least seven years before destruction.

(4) **RECORDS RETENTION SCHEDULE.** The schedule of retention periods differing from the period prescribed in Subsection (3) above shall be listed in the Records Retention Schedule of the City of Green Bay, which is adopted by reference as though fully set forth in this chapter. The official copy of the Records Retention Schedule shall be on file in the office of the City Clerk, who shall keep the same current at all times by such revision as is required by additions, deletions, and amendments adopted by the Common Council by ordinance from time to time.

(5) **NOTIFICATION OF STATE HISTORICAL SOCIETY.** At least 60 days prior to the destruction of any records pursuant to this section, the legal custodian shall notify the State Historical Society of Wisconsin in writing, unless the State Historical Society has waived notice for the type of records to be destroyed as indicated in the Records Retention Schedule.

(6) **DESTRUCTION PENDING LITIGATION.** Notwithstanding the above, no record subject to pending litigation shall be destroyed until the litigation is resolved.

BOARDS AND COMMISSIONS

1.50 **CONFIRMATION.** (Amd. GO 39-02) Appointees to the following bodies shall be confirmed by not less than a two-third vote of the members present when the Common Council considers their appointments:

- 1.52 Board of Review
- 1.53 Annexation Commission
- 1.54 Economic Development Authority
- 1.90(8) Ethics Board
- 5.01 Board of Police and Fire Commissioners
- 13.44 Zoning and Planning Board of Appeals
- 29.03 Traffic Commission

1.51 **BOARD OF PUBLIC WORKS.**

(1) **ABOLISHED.** A Charter Ordinance introduced March 16, 1982, and effective June 9, 1982, provides that the statutory organization of the Board of Public Works in cities of the second class set forth in §62.14(1), Wis. Stats., shall not apply in the City of Green Bay. Such Board is hereby abolished.

(2) **JURISDICTION.**

(a) The Improvement and Service Committee shall exercise the duties and authority vested in a Board of Public Works by Wisconsin Statutes except as hereinafter provided: §27.08(3), Wis. Stats., City Park Board.

(b) The Committee shall have that jurisdiction over special assessments in parks as provided by §27.10(4), Wis. Stats.

1.52 **BOARD OF REVIEW.**

(1) **APPOINTMENT AND ORGANIZATION.** (Amd. GO 51-03) The Board of Review shall consist of seven City residents appointed by the Mayor, subject to confirmation by the Council. No

appointed member shall occupy any public office or be publicly employed. Members shall serve for five-year terms and until their successors are appointed and qualified.

(2) DUTIES AND POWERS. The Board of Review shall have the duties and powers prescribed by §70.47, Wis. Stats.

1.53 ANNEXATION COMMISSION.

(1) APPOINTMENT AND ORGANIZATION. The Annexation Commission shall consist of six members, one of whom shall be a member of the Common Council and one who shall be a citizen member. The Director of Public Works, the Principal Planner, the President of the Green Bay Economic Development Authority, and the Mayor shall be members by virtue of their offices. The Council member and the citizen member shall be appointed by the Mayor, subject to confirmation by the Council. The term of the Council member shall be for one year, and the term of the citizen member shall be for three years. The Vice President of the Green Bay Economic Development Authority shall be an alternate member for the President of the Green Bay Economic Development Authority and shall act with full powers when the President is absent or cannot act because of a conflict of interest.

(2) POWERS AND DUTIES.

(a) All petitions for the annexation of land to the City shall be referred to the Commission for study and its written recommendation to the Council thereon. The Commission shall hold at least one public hearing on each petition in the Council Chambers at the City Hall.

(b) The Commission shall hold an organization meeting in June of each year for the purpose of electing a president, vice president, and secretary. Thereafter, meetings shall be held at the call of the President, Mayor, or Council. Four members shall constitute a quorum.

(c) The Council shall refer to the Commission for its recommendation all matters relating to or involving boundaries of the City.

(d) After approval of an annual budget by the Council for the Annexation Commission, all expenditures from such budget shall only be made upon approval of the expenditure by a majority of the Commission present. Before an order is drawn for any expenditure by the City Clerk, bills shall be submitted to the Commission for approval by a majority of the members present and certified by the President and Secretary to the City Clerk, together with vouchers for the same.

1.54 ECONOMIC DEVELOPMENT AUTHORITY.

(1) APPOINTMENT AND ORGANIZATION. The Green Bay Economic Development Authority, consisting of six citizens of the City, shall be appointed by the Mayor, subject to confirmation by the Council, for terms of three years. There shall also be one Council representative on the Authority who shall be appointed annually by the Mayor, subject to confirmation by the Council. In case of vacancy by death, resignation, or removal from the City, the unexpired term shall be filled in the same manner as appointments are originally made.

(2) OFFICERS: MEETINGS. The Green Bay Economic Development Authority shall hold regular meetings at least once a month. A president, vice president, and secretary shall be elected from the membership.

(3) **POWERS AND DUTIES.** The Authority shall devote itself to the study of methods and manner of developing industrial and commercial activities for the betterment and future growth of the City. To achieve this purpose, the Authority may make use of facilities of other City departments. All recommendations of the Authority shall be presented to the Council for consideration.

(4) **FINANCES.** The Authority may incur indebtedness within its annual budget as set by the Council. All expenditures from such budget shall only be made upon approval of the expenditures from such budget of the Authority. Before an order is drawn for any expenditure by the City Clerk, bills shall be submitted to the Authority for approval and certified by the President and Secretary to the City Clerk, together with vouchers for the same.

1.57 **CITY PLAN COMMISSION.** See §12.01, Green Bay Municipal Code.

1.59 **BOARD OF POLICE AND FIRE COMMISSIONERS.** See §5.01, Green Bay Municipal Code.

1.60 **WATER COMMISSION.** See §21.03, Green Bay Municipal Code.

1.61 **ZONING AND PLANNING BOARD OF APPEALS.** See §§13.44 and 12.06, Green Bay Municipal Code.

1.62 Repealed per GO 39-02.

1.63 Repealed per GO 39-02.

1.64 **TRAFFIC COMMISSION.** See §29.03, Green Bay Municipal Code.

1.65 **CONSTRUCTION ACCEPTANCE TEAM.**

(1) **ORGANIZATION.** There is created the Construction Acceptance Team which shall consist of the following individuals: the Building Inspector, Plumbing Supervisor, Electrical Inspector, Heating and Ventilating Inspector, and the City Structural Engineer.

(2) **JURISDICTION.** All governmental units within the City shall comply with the rules and regulations herein set forth.

(3) **POWERS AND DUTIES.** The Construction Acceptance Team shall be responsible for the final acceptance of any new building, reconstruction, or remodeling of existing buildings prior to final acceptance and payment for such construction or reconstruction.

(a) **Bids.** At the time of advertising for bids for a specified project, the Construction Acceptance Team shall receive sufficient copies of the plans and specifications for their review so they may familiarize themselves with items specified which may be over, above, and beyond the requirements of the particular Building Code. A copy of all addenda and change orders shall also be delivered to the Team as and when they are issued.

(b) Permit. The governmental unit involved in the construction or reconstruction shall take out the standard permit and pay the established rates in accordance with the Building Code, which fees shall not be included in the architect's fees.

(c) Final Payment. Disbursement of final payment due on each primary contract, including architect's fees, shall be withheld until such time as the Construction Acceptance Team has approved, which approval shall be withheld until the architect has certified to the Construction Acceptance Team that the work is in accordance with specifications, including necessary or recommended addenda and change orders. The architect, in making a final inspection, may request all or part of the Acceptance Team to accompany him on his final inspection.

(d) Certification. Only after certification by the Construction Acceptance Team to the governmental unit involved that the building meets Code and specification requirements, including material and equipment manufacturer's specifications, may final payment be authorized and the occupancy permit issued.

(e) Arbitration. In case of dispute between the architect and/or contractor and the Acceptance Team, the matter shall be arbitrated by a representative of the architect, a representative of the contractor, and the Director of Public Works.

DIVISIONS OF CITY GOVERNMENT

1.75 **BUILDING INSPECTION DIVISION**. The Division of Building Inspection shall consist of the Air Pollution Control Department, Building Inspection Department, Electrical Inspection Department, and Plumbing Inspection Department of the City.

1.76 **PURCHASING DIVISION, FINANCE DEPARTMENT**. (Rep. & Rec. GO 38-96) There is an established centralized Purchasing Division of the Finance Department headed by the Purchasing Agent, who will serve under the direction of the Finance Director/Finance Committee. The Purchasing Agent will organize, supervise, and administer all policies and procedures of the Division consistent with existing Finance Department procedures, existing ordinance and statutes, and established City policy and labor agreements of the City of Green Bay relating to employee personnel. The Purchasing Agent shall be a professional with a minimum of five years experience in the purchasing of materials, supplies, and services. The Purchasing Agent shall be an individual with demonstrated executive and organizational ability. He/she shall be a full-time public official of the City.

1.80 **CITY EMPLOYEE RESIDENCY REQUIREMENT**. (Amd. GO 47-01)

(1) **DECLARATION OF POLICY**. It is recognized that a policy requiring the majority of its employees to live in the corporate limits of the City is likely to enhance an employee's community pride, promote efficiency of operation, provide jobs for City residents, increase the efficiency of recall of employees in emergency situations, and promote an understanding of local customs and habits through the development of a community identity. Accordingly, the Common Council adopts the following residency policy.

(a) General Policy. Unless specifically provided otherwise, all employees of the City are required to establish and maintain their actual bona fide residence within the boundaries of the City within 12 months of the date of their employment.

(b) Administrative Employees. All administrative employees, except department heads and those positions specifically requiring residency or emergency availability response as determined by the City, will

be permitted to reside outside of the City limits unless the percentage of administrative employees living outside of the City limits exceeds 20% of the total number of such employees. At that time, the Common Council will review the situation and determine a course of action that may include imposing a residency requirement on all new administrative hires.

(c) Bargaining Units. Collective bargaining and meet and confer groups may negotiate in their agreements a residency exception that is no less restrictive than that applicable to administrative employees provided adequate provision is made concerning emergency services and the specific needs of each department.

(2) RESIDENCY DEFINED. The term "residence", as used in this section, shall be construed to mean the actual living quarters which must be maintained within the City by an employee. Neither voting in the City nor payment of taxes of any kind by employee, by itself, shall be deemed adequate to satisfy the requirements of this section, nor shall the provisions of this section be satisfied by the maintaining of a rented room or rooms by an employee solely for the purpose of establishing residency when it appears that his/her residence is outside the City. Ownership of real property within the City when not coupled with the maintenance of actual living quarters in the City, as herein required, shall be deemed insufficient to meet the requirements of this section.

(3) NOTIFICATION. All City employees shall report the address of their current residence and telephone number to their department head. Any subsequent changes must be reported to the department head within 10 days of the date the change occurred. The department head will notify the Personnel Department which will maintain a current roster of employees and their addresses and telephone numbers. An employee shall not change his/her residency to a location outside the boundaries of the City until approval has been given by the Personnel Committee and the Common Council. Failure to properly notify the City, and receive approval, prior to changing residency to a location outside the boundaries of the City will automatically place the employee in violation of this ordinance.

(4) REVIEW OF VIOLATIONS. The Personnel Committee is hereby authorized to investigate complaints made to the City with respect to the residency of employees of the City and may initiate any such investigation on its own motion. Department heads are expected to enforce the residency requirement in their own departments. Upon notification or discovery of an employee who is not a City resident, a department head will investigate the circumstances and take appropriate action which may include discharge. Upon appeal, the Personnel Committee shall make a finding with respect to whether or not such an employee is or is not actually a resident of the City in accordance with the requirements set forth herein. No consideration shall be given by the Personnel Committee to the fact that such employee intends to maintain residency in the City if actually the employee does not maintain such a residence as herein provided for. Whenever the facts disclose the existence of dual residencies, the decision of the Personnel Committee shall be final.

(5) VIOLATIONS. After a public hearing to determine the status of an employee's current residency, upon the finding of a violation of this section, the Personnel Committee shall make a recommendation of suspension or termination of the employee to the Council, whose decision shall be final.

(6) EXTENSIONS. No extensions will be granted to newly hired employees to establish their actual bona fide residence within the boundaries of the City beyond the time limit as indicated in sub. (1) above.

(7) EXCEPTIONS. If unusual circumstances or cases of hardship arise, considering the standards hereafter enumerated, which appear to the Personnel Committee to merit exemption from the City residency requirement, the Committee shall make a finding based upon the standards enumerated below and

recommend appropriate action to the Council. Such recommendation shall include the name and title of the employee as well as the reason or reasons for the exception. The requesting employee shall not change his/her place of residency to a location outside of the boundaries of the City until approval has been given by the Council.

(8) **STANDARDS.** The following standards may be considered by the Personnel Committee in deciding to grant or not to grant an exception to the City residency requirement:

(a) Location of the Employee's Normal Worksite. Employees exempted from the City residency requirement on the basis of this standard are expected to maintain their bona fide residence closer to their normal worksite than to the boundaries of the City. Subsequent changes of residence shall conform to the intent of this section.

(b) Unusual Hardship. Employees exempted from the City residency requirement on the basis of this factor may be granted such exemption for a period not to exceed six months. Exemptions granted on the basis of this standard shall terminate earlier than six months if the basis for the unusual hardship no longer exists. Failure to re-establish residency within the time period approved by the Personnel Committee and the Common Council shall automatically place the employee in violation of this ordinance.

(c) Interjurisdictional Provision of Services. Exemptions on the basis of this standard shall terminate at the time the service is no longer provided on an interjurisdictional basis.

(d) Pre-Existing Agreements. In some instances, exemptions from the residency requirement have been made before adoption of these residency standards because of unique circumstances. Such exemptions not covered by the three standards enumerated above shall remain in effect with the understanding that if those employees move, they shall move into the City.

All cases of exemption from the City residency requirement shall be reviewed by the Personnel Committee annually. Individual cases may be reviewed more frequently at the discretion of the Committee. In addition, the Personnel Director shall periodically review the status of the residency of the City employees to assist in the determination of violations of this section.

(9) **POLICE AND FIRE DEPARTMENTS.** The provisions of this section shall be fully applicable to members of the Police Force and Fire Department.

CODE OF ETHICS

1.90 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 governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. To assist in attaining these goals, there is established a code of ethics for all City officials, including members of boards, committees, and commissions, and employees, whether elected or appointed, paid or unpaid. 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 which are incompatible with the best interests of the City and by requiring such officials and employees to disclose personal interests, financial or otherwise, in matters affecting the

City. The purpose of this code and the rules and regulations established hereby are declared to be in the public interest.

(2) **RESPONSIBILITY OF PUBLIC OFFICE.** Public officials and employees hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this state; to observe the highest standards of law in the exercise of the powers and duties of their office; to impartially carry out the laws of the nation, state, and city; to discharge faithfully the duties of their office regardless of personal considerations; and to recognize that the public interest must be their prime concern.

(3) **DEDICATED SERVICE.** Appointive officials and employees shall adhere to the rules of work and performance standards established for their positions. Officials and employees shall not exceed their authority or breach the law or ask others to do so. They shall cooperate with public officials and employees from other governmental bodies, agencies, and jurisdictions unless prohibited from doing so by law.

(4) **FAIR AND EQUAL TREATMENT.** No official or employee shall use or permit the use of city-owned vehicles, equipment, materials, or property unless authorized to do so. All officials and employees are obligated to give the same consideration to matters and persons in like or similar circumstances and may not arbitrarily or capriciously treat one person differently from another.

(5) **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 any direct financial interest which is incompatible with the proper discharge of his or her official duties in the public interest contrary to the provisions of this section or which tends to impair his or her independence of judgment or action in the performance of his or her official duties.

(b) Definitions.

1. **Financial Interest.** Any interest which yields directly 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. **Persons.** Any person, corporation, partnership, or joint venture.

3. **Official duty or act.** One done by an officer in his or her official capacity under color and by virtue of his or her office. An authorized act.

4. **Violation.** Violation includes any unlawful behavior by a public officer in relation to the duties of his or her office, willful in its character, including any willful or corrupt failure, refusal, or neglect of an officer to perform any duty enjoined by law on him or her.

(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 his or her official duties or would tend to impair such official's or employee's independence of judgment or action in the performance of such duties, unless otherwise permitted by law and unless disclosure is made as herein 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 official or employee use such information to advance the financial or other private interest of such official or employee or others.

3. Gifts and Favors. Discretion and the judgment of a reasonable, prudent person shall be exercised in the acceptance of giving of gifts which may tend to influence such official or employee in the discharge of his or her duties, or grant in the discharge of his or her duties any improper favor, service, or thing of value, except campaign contributions under sub. (7).

4. No public official, subject to this code, shall solicit private donations or funds for any City-related purpose unless authorized to do so in his or her official capacity under color of law or by virtue of his or her office. Any public official who receives funds for any City-related purpose shall file a report of the receipt and expenditure of such funds with the City Clerk within 30 days thereof. For purposes of this subsection, "City-related purposes" shall mean those purposes authorized by the Common Council of the City of Green Bay, its boards, commissions, or committees. Nothing contained herein shall limit the statutory powers and authority of any public official, nor shall the provisions of this subsection prohibit the private, confidential solicitation of funds, by any person or public official, for any charitable, campaign, or other private purpose.

5. (Cr. GO 7-06) No alderperson, during his/her term of office, or one year thereafter, is eligible for any employment with the City of Green Bay, whether by regular employment or contractual services. Exceptions to this policy will be as follows:

a. Where an alderperson is appointed to fill a vacancy for another elected office or is elected;

b. Where an alderperson serves as a poll worker or at any other position which has a stipend of less than \$1,000 a year; or

c. Where an alderperson is appointed to a post with an 80% majority consent of the Council.

(d) Contracts with the City. No City officer or employee, who in his or her capacity as such officer or employee participates in the making of a contract in which such person has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such official or employee, shall enter into any contract with the City unless, within the limitations of §946.13, Wis. Stats., the contract is awarded through a process of public notice and competitive bidding.

(e) Disclosure of Interest in Legislation. To the extent known, any member of the Common Council who has a financial interest in any proposed legislation before the Common Council shall disclose on the records of the Common Council the nature and extent of such interest.

Any other official or employee who has a financial interest in any proposed legislative action of the Common Council and who participates in discussion with or gives an official opinion or recommendation to the Common Council shall disclose on the records of the Common Council the nature and extent of such interest.

(6) DISCLOSURE OF CERTAIN FINANCIAL INTEREST. (Amd. GO 39-0280-93, GO 81-93, GO 38-94)

(a) A person elected, appointed, or hired for any office or position of employment or appointed to any board, commission, or authority set forth below shall file initial and amended statements of economic interest as required by the provisions of this section.

ELECTED OFFICIALS

Mayor
Municipal Judge
Aldermen-Supervisors

APPOINTED OFFICIALS

Administrative Assistant
Assessor
City Attorney
City Clerk
City Sealer
Comptroller
Director of Public Works
Personnel Director
Purchasing Agent
Superintendent of Inspection
Treasurer
Plumbing Supervisor
Police Chief
Fire Chief
Park and Recreation Director
Chief Electrical Inspector
Director of Planning (Cr. GO 23-99)

BOARDS (Amd. GO 39-02)

Board of Review
Ethics Board
Zoning and Planning Board of Appeals

COMMISSIONS

Annexation Commission
Parking Utility Commission
Plan Commission
Police and Fire Commission
Room Tax Commission
Traffic Commission
Water Commission
Neighborhood Preservation Commission

AUTHORITIES

Economic Development Authority
Housing Authority
Redevelopment Authority
Transit Authority

(b) Within seven days after such person becomes a candidate for any elective City office enumerated in sub. (a) above, or prior to appointment to such office enumerated in sub. (a) above, such person shall file a statement of economic interest with the City Clerk.

(c) Form of Statement.

1. Interest in Land. A person filing any statement of economic interest under this section shall file the statement on a form prescribed by the Ethics Board and shall supply the following information to the Board: a description of all parcels of real estate within the City and adjoining towns or villages in which the person owns any interest, including an option to purchase, if such property is to be considered for rezoning or purchase by any entity of government, but exempting homestead property.

2. Corporate Interests. All candidates for a political office of the City and all appointive positions enumerated in sub. (a) above shall identify all corporate interests in any business organization, either as an owner, part owner, partner, or silent partner, in which such individual owns more than 2 percent of the outstanding stock or more than 2 percent of any other business ownership that is doing business with the City in an amount in excess of \$5,000.00 annually.

(d) Amended Statements. Any person required to file a statement hereunder shall not be required to file an amended statement unless that person undergoes a change in those economic interests that are required to be disclosed by this section. Such person shall file the amended statement in the manner prescribed by sub. (b) above within seven days of the date of any change in circumstances requiring filing thereof.

(e) Elected and appointed officials and employees shall comply with the provisions of this section within 30 days after the requirements hereof are imposed upon such office or position.

(7) CAMPAIGN CONTRIBUTIONS. Campaign contributions shall be reported by all candidates for City office in conformity with the Wisconsin Statutes.

(8) ETHICS BOARD.

(a) There shall be an Ethics Board which shall consist of five members: one alderman; one City officer or employee; and four citizens, one of whom shall be an alternate who shall vote only in the absence or abstention of a member. Each member shall be appointed by the Mayor and subject to confirmation by the Common Council. The citizen members shall be chosen from the private sector and shall not be affiliated with City government in any capacity, including, but not limited to, employment (including employment for which the salary is in any way funded by or through the City), appointment, or election. Terms of office of citizens shall be three years, one appointment to be made annually. The Ethics Board shall elect its own chairman and vice chairman and the City Attorney shall furnish the Board whatever legal assistance it deems is necessary to carry out its functions. If any member of the Ethics Board petitions the Board for a hearing and advice regarding his or her own conduct, such member shall not be eligible to sit in his or her own case, and the alternate shall substitute therefor when the need arises.

(b) The jurisdiction of the Ethics Board is limited to acting within the scope of subs. (8)(d) and (9) of this code.

(c) The Ethics Board may recommend amendments of this code to the Common Council.

(d) Upon the sworn complaint of any person alleging facts which, if true, would constitute a violation of this section, the Board shall conduct a "due process" public hearing unless a private hearing is requested by the person accused and, in written findings of fact and conclusions based thereon, make a determination concerning the complaint. If the Ethics Board finds there is probable cause a person has violated a provision of this section, it shall refer the matter to the City Attorney, District Attorney, or Common Council for appropriate action. In making such referral, the Ethics Board shall attach the findings and conclusions as well as such documents as it decides are germane to the issue; the statement of determination shall not be admissible as evidence in any court.

(e) A four-fifths vote of the entire membership of the Board shall be required to make a finding of probable cause.

(9) APPLICABILITY OF CODE. When an official or employee has doubt as to the applicability of a provision of this code, such person may apply in writing to the Ethics Board for an advisory opinion. The official or employee shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of the code before such advisory decision is made. This code shall apply except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of a statutory provision is discretionary but determined by the Ethics Board to be more appropriate or desirable.

(10) PENALTY AND SANCTIONS. Violation of any provision of this section may constitute cause for suspension, removal from office or employment, or other disciplinary action.

(11) SEVERABILITY. If any provision of this section is held invalid or unconstitutional, or if the application of this section to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this section which can be given without the invalid or unconstitutional provision or application.

STATEMENT OF ECONOMIC INTERESTS PURSUANT TO
CITY OF GREEN BAY CODE OF ETHICS 1.90(6)(c)

NOTE: THIS FORM IS REQUIRED TO BE COMPLETED AND FILED IN THE OFFICE OF THE CITY CLERK. IF THE ANSWER TO ANY QUESTION CONTAINED HEREIN IS "NONE", SO STATE, SIGN THE STATEMENT, AND DELIVER TO THE CLERK.

I, _____, hereby declare and certify that the information contained herein is, to the best of my knowledge, true, correct, and complete.

1. Describe all parcels of real estate within the City and adjoining towns or villages in which you own any interest, including an option to purchase, but exempting homestead property, and state if such property is to be considered for rezoning or purchase by an entity of government.

2. Identify any and all corporate interests in any business organization, either as an owner, part owner, partner, or silent partner, in which you own more than 2 percent of the outstanding stock or more than 2 percent of any other business ownership that is doing business with the City in an amount in excess of \$5,000.00 annually.

Dated this _____ day of _____, _____.
