

# CHAPTER 1. GENERAL GOVERNMENT

## SECTION 1.01 FORM OF GOVERNMENT

- (1) The corporate authority of the City of Mondovi shall be vested in the Mayor and Common Council.

## SECTION 1.02 CITY ALDERMANIC DISTRICTS

- (1) There shall be four aldermanic districts with numbers and boundaries as set forth herein:
  - (a) The First Ward and the First Aldermanic District shall include all lands lying north of the centerline of Main Street and County Trunk "A" and west of the centerline of Eau Claire Street.
  - (b) The Second Ward and Second Aldermanic District shall include all lands lying south of the centerline of Main Street.
  - (c) The Third Ward and the Third Aldermanic District shall include all lands lying east of the centerline of Eau Claire Street and north of the centerline of Main Street.
  - (d) There shall be a Fourth Aldermanic district designated as the At Large District the boundaries of which shall correspond to the boundaries of the corporate limits of the City as amended from time to time.
- (2) All said lands shall lie in Township 24 North, Range 11 West.

## SECTION 1.021 DESCRIPTION OF LANDS

(Amended 09/1981, 10/1982, 02/1989)

- (1) Lands owned by the City of Mondovi situate in the Town of Mondovi, Buffalo County, and contiguous to said City described as a tract of land bounded as follows: Commencing at the northwest corner of the Southwest Quarter of the Southwest Quarter of Section 13, in Township 24 North, Range 11 West, thence running due East 40 rods, thence South 20 rods, thence West 40 rods, thence north 20 rods to the place of the beginning.

Also, commencing at a point 40 rods East of the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 13, Township 24 North, Range 11 West, thence South 16 rods, thence East 20 rods, thence North 16 rods, thence West 20 rods to the place of beginning; commonly known as the "Tourist Park".

The North Half of the Southwest Quarter of the Southeast Quarter of Section 14, Township 24 North, Range 11 West; together with a right-of-way to and from said real estate across the following parcel of land, to-wit: Commencing at the Northwest corner of the Southeast Quarter of said Section 14, thence North 2 rods, thence West

53  $\frac{1}{3}$ , thence Southerly and Westerly skirting along the top of the hill along the North side of old road as is now traveled to the North Half of the Southwest Quarter of the Southeast Quarter to a point which is 96 feet South of the Northwest corner of said North Half of Southwest Quarter of Southeast Quarter, thence South 3 rods, thence in a Northeasterly direction following a line on said roadway as now traveled 3 rods South of the North line thereof to a point narrowing said right-of-way to a 2 rod strip which is 40 rods directly West of the point of commencing, thence East to the point of beginning.

Commencing at a point 17 rods North of Southwest corner of North One-Half of Southeast Quarter of Southeast Quarter of Section 14, Township 24 North, Range 11 West; thence running East 43 rods, thence North 15 rods, West 3 rods, thence North about 8 rods to roadway running in Easterly and Westerly direction to the City dumping grounds, for a place of beginning, thence Westerly along Southerly edge of said roadway 171 feet, thence South 60 feet, thence Northwesterly about 173 feet to the place of beginning; commonly known as "City Dump", are hereby detached from said Town of Mondovi and attached to and hereby made part of the City of Mondovi.

- (2) The City Clerk is hereby ordered and directed to file four certified copies thereof in the office of the Secretary of State together with four copies of a plat showing boundaries of territory attached.

#### SECTION 1.022 ANNEXATION OF INDUSTRIAL PARK

- (1) The City has purchased certain lands from Jasper C. Poff located in the Town of Mondovi and contiguous to the City for use as an industrial park.
- (2) A petition by Jasper C. Poff and Virginia Poff has been filed asking that certain lands owned by said petitioners and contiguous to the City be annexed by the City.
- (3) It is found to be in the best interest of the health, safety, and welfare of the residents of the City to annex said lands to the City.
- (4) Wisconsin Statutes s. 66.025 permits municipalities to annex a municipally owned territory by ordinance. Further, s. 66.021 (12) allows the City to enact an ordinance without notice annexing territory to the City upon petition by all the electors residing in such territory and the owners of all the real property in such territory.
- (5) The following described lands are hereby detached from the Town of Mondovi, Buffalo County, Wisconsin, and made part of the territory of the City of Mondovi:

The W  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Sec. 1 and E. 30 rods of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Sec. 12, all in Twp. 24 N., Rge. 11 W.

## SECTION 1.023 ANNEXATION OF CERTAIN LANDS TO THE CITY OF MONDOVI

(Amended 10/1982, 02/1989)

- (1) The following described lands are hereby detached from the territory of the Town of Mondovi, Buffalo County, Wisconsin, and annexed to and made part of the Third Ward of the City of Mondovi:

N  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ ; N  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  (except the E. 495 feet) of Sec. 12; and the E.  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Sec. 1, all in Twp. 24 N., Rge. 11 W., Buffalo County, Wisconsin.

- (2) The City Clerk is hereby directed to file immediately with the Secretary of State a certified copy of this ordinance, a certificate and plat and one copy to each company that provides any utility service in the area annexed plus one copy with the Register of Deeds and one copy with the Clerk of the School District of Mondovi describing the territory annexed and the associated population.

## SECTION 1.03 ELECTED OFFICIALS

(Amended 10/1982, 03/1987, 02/1989)

- (1) Eligibility

No person shall be elected by the people to a city office who is not at the time of his/her election a citizen of the United States and of the State, and an elector of the City, and in case of an aldermanic district office, of the aldermanic district and actually residing therein.

- (2) Mayor

- (a) The Mayor shall be elected for a two year term and shall serve until his/her successor is elected and qualified as provided by statute.
- (b) The Mayor shall be the Chief Executive Officer of the City and shall perform such duties and have such power as is prescribed by law.

- (3) Alderman

- (a) Two Aldermen shall be elected from the First, Second, and Third Aldermanic Districts for staggered two year terms, so that one Alderman from each such district shall be elected each year. One Alderman shall be elected from the At Large District for a two year term commencing with the candidate elected at regular spring election for the office of Alderman in April 1983. Each Alderman shall serve until his/her successor is elected and qualified by statute.
- (b) As members of the Common Council, Alderman shall exercise the legislative functions of the City and shall perform such duties and have such powers as is prescribed by law.

- (4) The City of Mondovi, pursuant to s. 62.08 and s. 66.01 of the Wisconsin Statutes, hereby elects not to be governed by those portions of s. 62.08 relating to the creation of aldermanic districts which are in conflict with this ordinance.
- (5) This charter ordinance shall take effect sixty (60) days after its passage and publication subject to the provision of s. 66.01 of the Wisconsin Statutes.

#### SECTION 1.04 APPOINTED OFFICIALS

(Amended 10/1982, 03/1987, 08/1989, 09/1995)

##### (1) Eligibility

- (a) In general all appointive offices shall be filled by appointment by the Mayor with confirmation by the Common Council unless otherwise provided by law.
- (b) An appointee by the Mayor required to be confirmed by the Common Council, and who has been rejected by the Council, shall be ineligible to appointment to the same office for one year thereafter.

##### (2) City Clerk

- (a) The office of City Clerk shall be filled by appointment by the Mayor as provided herein, subject to confirmation by two-thirds vote of all the members of the Common Council, such office shall be for an indefinite term subject to termination at any time as provided in s. 17.12 (1) (c), Wis. Stats.

##### (2a) City Administrator

The office of City Administrator shall be filled by the same person who is appointed as City Clerk. The City Administrator shall have the following duties and responsibilities:

- (a) Prepare the annual City Budget, in accordance with such guidelines as may be provided by the Common Council; and in coordination with all Department heads, the Committee of Finance, and the Mayor. This budget shall be submitted to the Common Council for approval on a date set by the Common Council;
- (b) In coordination with the Mayor, prepare the agenda for all meetings of the Common Council, together with such supporting data as may be required. Nothing herein shall be construed as to give the City Administrator authority to limit or in any way prevent matters from being considered by the Common Council;
- (c) Attend all meetings of the Common Council, assisting the Mayor as required in the performance of the Mayor's duties; keep detailed minutes of all such meetings; and assure that proper records of all Common Council meetings are maintained;
- (d) Perform all accounting and bookkeeping for all departments. This also includes taking applications and administering the Residential Rehabilitation Program;

- (e) Carry out all directives of the Common Council which require administrative implementation, reporting promptly to the Mayor any difficulties encountered therein;
- (f) Meet regularly with the Mayor in order to keep the mayor currently informed about activities of City departments;
- (g) Keep the Common Council currently informed about activities of the Clerk's office, either by written report or oral briefings at regular meetings of the Common Council;
- (h) Designate appropriate employees or departments for the handling or transacting business that is not of a routine nature;
- (i) Serve as a Purchasing Agent for the City, supervising all purchasing and contracting for supplies and services;
- (j) Establish procedures to facilitate communications between citizens and the municipal government to assure that complaints, grievances, recommendations, and other matters receive prompt attention by a responsible official; and to assure that all such matters are expeditiously resolved;
- (k) Act as Press Officer for the City. The City Administrator shall be the principal spokesman on all matters within the authority and responsibility of the office and shall assure that the news media are kept fully informed about the operations of the City Government;
- (l) Inform the Common Council on a regular basis, of the status of activities, programs, and department functions;
- (m) Develop program goals and objectives and organize and coordinate the implementation of approved projects and activities.
- (n) Exercise supervisory control over all City Departments, except for such authority vested by Wisconsin Statutes in certain boards and commissions;
- (o) Act as a liaison between the Mayor, members of the Common Council, public officers, citizens, representatives of public and private agencies concerning City programs, policies, and activities.
- (p) Ensure that all City ordinances are effectively enforced and coordinate enforcement procedures with appropriate law enforcement personnel.
- (q) Carry out policies established by the Common Council.
- (r) Perform the duties of personnel officer for the City including the supervision and coordination of all employees, other than police officers;
- (s) Prior to the appointment of the City Clerk, all candidates for the office shall be examined by a committee of three consisting of a supervisor and two Alderman to be designated by the City Council. Each candidate shall file an application for employment stating in detail his/her education, experience, and qualifications for the position. The committee shall ascertain the fitness of the individual candidate and shall report on the qualifications of each candidate to the Mayor and Common Council;
- (t) The Mayor shall appoint, subject to the confirmation by the Council, an assistant City Clerk who shall take on the power and duties of the City Clerk during the absence and inability of the person holding such office to so act;
- (u) The Clerk shall have entire charge and management of all public utilities owned by the City under the general control and supervision of the Common Council and

shall have such power and perform such duties as are assigned to a public utility commission pursuant to s. 66.068, Wis. Stats;

- (v) Annual recurring audit shall be made of the records of such official and such audit shall be made either by a certified public accountant or by the municipal accounting division of the State Department of Revenue pursuant to s. 73.03 (14), Wis. Stats., the designation to be made by the Common Council.

(3) Chief of Police

(Amended 01/2015)

- (a) The Chief of Police shall be appointed by the Mayor as provided herein, subject to confirmation by two-thirds vote of all the members of the Common Council, and shall hold office for an indefinite term subject to termination at any time as provided in s. 17.12 (1) (c), Wis. Stats.;
- (b) Prior to any appointment of Chief of Police, all candidates for the office shall be examined by a committee appointed by the Mayor, subject to confirmation by two-thirds vote of the Council. This committee shall be made up of five members consisting of one member which shall have a background in Law Enforcement and one member shall have background in Human Resources and/or hiring procedures as the Mayor and Council sees fit. The remaining three committee members shall be appointed by the Mayor subject to the two-thirds confirmation by the Council in their collective discretion. Each candidate shall file an application stating in detail his/her education, experience and qualification for the position and the committee shall ascertain the fitness of the individual candidate and prepare a recommendation of a minimum of two candidates. The recommendation shall report on the qualifications of each recommended candidate to the Mayor and the Common Council.
- (c) The Chief of Police shall have command of the police force of the City under the direction of the Mayor. It is the duty of the Chief to obey all lawful written orders of the Mayor or Common Council. The Chief and each Policeman shall perform such duties and have such powers as prescribed by law.

(4) Fire Chief

- (a) The Fire Chief shall be elected by a majority vote of the membership of the fire department, subject to confirmation by two-thirds vote by all the members of the Common Council, and shall hold office for a term of two years until his/her successor is elected and qualified.
- (b) No person shall be eligible for the office of Fire Chief whose entire time, both day and night is not ordinarily spent within the City limits and has not been a member of the fire department for at least two years.
- (c) The Fire Chief shall perform such duties and have such powers as a prescribed by law.
- (d) A vacancy in the office of Chief shall be filled by appointment by a majority vote of the membership of the fire department. Such person shall continue to hold office until the next regular date for electing a Fire Chief.

(5) Board of Health, Health Officer

- (a) The entire Common Council shall constitute the City Board of Health. The City Clerk shall act as clerk of the Board of Health. The Board of Health shall elect, from its members, a chairman. The Board of Health shall appoint a City Health Officer who shall be a member of the board and its executive officer and take oath of office.
- (b) The Board of Health shall immediately report to the Wisconsin Department of Health and Social Services, the names, post office addresses and occupations of the officers thereof, and any changes therein.
- (c) The Health Officer shall receive an annual salary to be fixed by the Common Council and shall be reimbursed for actual and necessary expenses.
- (d) If the Health Officer is not a physician, the Board of Health shall arrange for and provide in addition such services of a physician as may be necessary on a part-time basis and provide reasonable compensation therefore.

(6) Attorney, Building Inspector

- (a) The City Officials hereinafter set forth shall be appointed at the first regular meeting of the Common Council in May of even numbered years by the Mayor, subject to confirmation by a majority vote of the members of the Common Council:

Attorney  
Building Inspector (66.23 (9) (a))  
Assessor

- (b) The term of office of each official so appointed shall be two years. All terms shall commence on the 15<sup>th</sup> day of May following appointment.

(7) Board of Review

- (a) The Board of Review of the City of Mondovi shall consist of the Mayor, City Clerk-Assessor, and one member of the Common Council who shall be appointed by the Common Council.
- (b) The Board of Review shall have the powers prescribed by s. 70.47 of the Wis. Stats.
- (c) The Mayor and Council Members of the Board of Review shall receive compensation as shall be fixed by resolution of the Common Council.

(8) Board of Park Commission

- (a) There shall be a Board of Park Commissioners consisting of five residents of the City appointed by the Mayor subject to confirmation of the Common Council.

- (b) The members of such Board shall be appointed for staggered five year terms so that the term of one member of the Board shall expire each year.
- (c) The Board of Park Commissioners shall perform the duties and have the powers prescribed by Ch. 27 of the Wis. Stats.

(9) City Plan Commission

- (a) A City Plan Commission is hereby established. Its members shall consist of the Mayor, who shall be the presiding officer, the City Engineer, the Chairman of the Park Commission, a Building Inspector, and an Alderman and three residents of the City. Citizen members shall be a person of recognized experience and qualifications.
  - (i) The Alderman member of the commission shall be elected by a two-thirds vote of the Common Council, in April of each year.
  - (ii) The three Citizen members shall be appointed by the Mayor to hold office for a staggered three year term and shall be appointed annually during April.
- (b) The City Plan Commission shall perform the duties and have the powers prescribed by s. 62.23, Wis. Stats.

- (10) Pursuant to s. 7.30 (1) of the Wisconsin Statutes, there shall be two sets of Election Inspectors totaling 14 in all and a maximum of seven alternate officials to Perform election duties as set forth in Ch. 5 to 12 of the Wisconsin Statutes.

SECTION 1.05 COMPENSATION

(Amended 01/1990, 09/2001)

- (1) Salaries shall be paid to the Mayor and Aldermen as follows:
  - (a) Mayor: \$400.00 per month, \$75.00 mileage per month, \$20.00 per special meeting.
  - (b) Alderman: \$200.00 per month, \$20.00 per special meeting.
- (2) Salaries set forth herein shall be effective with each regular term of office commencing on or after April 16, 2002.
- (3) Salaries shall be paid at the end of each month unless the Council shall at any regular meeting by ordinance order payment at more frequent intervals.

SECTION 1.06 GENERAL REGULATIONS GOVERNING ALL CITY OFFICERS

(Amended 01/1990)

- (1) The provision of this section shall apply to all officers of the City, regardless of time of creation of the office or selection of the officer unless otherwise specifically provided by ordinance or resolution of the Common Council.

(2) Oath of Office

Every officer of the City, including members of city boards and commissions shall before entering upon his/her selection or appointment take the oath of office prescribed by s. 19.01, Wis. Stats., and file said oath in the office of City Clerk. Any person re-elected 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, upon entering upon the duties of his/her office, give a bond in such an amount as may be determined by the Common Council with such sureties performance of the duties of his/her office. When so approved, bond shall be filed within ten days after the officer executing the same shall have been notified of election or appointment with the City Clerk. The Common Council may at any time require a new and additional bonds of an officer.

(4) Vacancies

Vacancies in elective officers shall be filled by appointment by a majority vote of the Common Council for the remainder of the unexpired term. Vacancies of appointive officers shall be filled in the same manner as the original appointment for the residue of the unexpired term unless the term for such an office is indefinite.

(5) Outside Employment

No full time officer of the City shall engage in any other remunerative employment within or without the City; provided that the City Council approves such outside employment or activity if it finds that it does not interfere or conflict with such officer's ability to perform his/her duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from such officer of any officer.

SECTION 1.06A RESIDENCY QUALIFICATION FOR CITY OFFICERS, MEMBERS OF COMMITTEES AND EMPLOYEES

(Amended 02/2015)

- (1) No person shall be eligible for office, membership on a city board, commission or committee, to any position as an officer, member of city board, commission or committee unless such person resides within the corporate limits of the City of Mondovi unless permission to reside outside such corporate limits shall be expressly granted by the City Council.
- (2) In the event that any such City officer, member of any city board, commission or committee shall cease to reside within the corporate limits of the City of Mondovi,

- the office of that person shall be automatically forthwith vacated unless express permission has been granted by the City Council pursuant to Subsection (1).
- (3) The Police Chief, all full-time law enforcement, fire and emergency personnel shall live within 15 miles of the Corporate Limits of the City of Mondovi.
  - (4) Full-time employees in the positions noted in Subsection (3) above, who live more than 15 miles outside the corporate limits of the City of Mondovi when this ordinance is adopted, shall be exempt from this residency requirement.

## SECTION 1.06B ANTI-NEPOTISM POLICY FOR CITY OFFICERS AND EMPLOYEES

(Amended 10/2009)

### (1) Definitions

- (a) “Employee” shall mean any person who is hired to perform part or full time services on behalf of the City in exchange for wages or a salary but does not include independent contractors.
- (b) “Immediate Family” shall mean an Official’s spouse, mother, father, child, sibling, nieces and nephews, and persons related to an Official’s or Employee’s spouse in the same capacities. Immediate family also includes other relatives by blood or marriage if such person receives, directly or indirectly, one-half or more of his or her support from the Official or Employee or if the Official or Employee receives one-half or more of his or her support from that person.
- (c) “Nepotism” shall constitute the hiring of a person defined as a member of an Official’s or an Employee’s immediate family, in which hiring process the official or Employee in question participates.
- (d) “Official” shall mean the City Clerk, a member of the Common Council or the Mayor.

### (2) Hiring, Evaluation, and Discipline of Immediate Family Members Regulated

No Official or Employee of the City shall participate in the solicitation of applications from, interviews of, or other pre-employment analysis of the appropriateness of an individual identified as a member of that Official’s or Employee’s immediate family. No Official or Employee shall participate in any debate or discussion in a meeting, or in the voting for an offer of employment with the City of Mondovi to that person. In addition, such Official or Employee shall recuse him or herself from any post-employment evaluations or decision making pertaining to that person, including, but not limited to, retention, discipline, reclassification, compensation, promotion or termination. For the purpose of this policy, all discussions, debate and decisions on this matter may be made by majority vote of a quorum of the Common Council members available, excluding the Official or Employee in question, consisting of a minimum of three members of the City Council. The Mayor may vote to break a tie but only where he or she is not the Official or Employee of the City whose immediate family member is the subject of the vote taken. The Official or Employee affected by

those provisions shall leave the Council Chambers during any closed meeting consisting of that Official's or Employee's immediate family member.

(3) Supervision of Immediate Family Member

No Official or Employee subject to this Ordinance shall supervise an immediate family member in the performance of his or her job on behalf of the City. Should this conflict with other policies, ordinances, or directives of the City, this Ordinance, to the extent of such conflict, shall prevail.

SECTION 1.07 PUBLIC RECORDS

(Amended 12/1982, 01/1993)

(1) Definitions

- (a) "Authority" means any of the following city entities having custody of a city record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and political created by constitution, law, ordinance, rule or order, or a formally constituted sub-unit of the foregoing.
- (b) "Custodian" means that officer, department head, division head, or employee of the City designated under sub. (3) or otherwise responsible by law to keep and preserve and City records or files, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.
- (c) "Record" means any material on which written, draw, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to: handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely personal property of the custodian and have no relation to his or her office; material to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than public library which are available for sale, or which are available to inspection a public library.

(2) Duty to Maintain Records

- (a) Except as provided under sub. (7), each officer and employee of the City shall safely keep and preserve all records received from his or her predecessor other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or

her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.

- (b) Upon the expiration of an officer's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefor to the office or employee, who shall file said receipt with the City Clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted by the Clerk, on behalf of the successor, to be delivered to such successor upon latter's receipt.

(3) Legal Custodian(s)

- (a) The City Clerk, or in his or her absence or disability or in the case of vacancy, the deputy clerk, is hereby designated the legal custodian of all city records.
- (b) The legal custodian shall have the full legal power to render decisions and to carry out the duties of an authority under sub. Ch. 11 of Ch. 19, Wis. Stats., and this section. The designation of a legal custodian does not affect the power and duties of an authority under this section.

(4) Public Access to Records

- (a) Except as provided in sub. (6), any person has a right to inspect a record and to make or receive a copy of any record as provided in s. 19.35 (1) Wis. Stats.
- (b) Records will be available for inspection and copying during all regular office hours.
- (c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.
- (d) A requester shall be permitted to use facilities comparable to those available to city employees to inspect, copy, or abstract a record.
- (e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- (f) A requester shall be charged a fee to defray the cost of locating and copying records as follows:
  - (i) The cost of photocopying shall be \$0.25 per page. Said cost has been calculated not to exceed the actual, necessary, and direct cost of reproduction.
  - (ii) If the form of written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
  - (iii) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio or video tapes, shall be charged.

- (iv) If mailing or shipping is necessary, the actual cost thereof shall be charged.
  - (v) There shall be no charge for locating a record unless the actual cost therefore exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester.
  - (vi) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.
  - (vii) Elected and appointed officials of the City of Mondovi shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
  - (viii) The legal custodian may provide copies of a record without charges or reduced charge where he or she determines that waiver or reduction of fee is in the public interest.
- (g) Pursuant to s. 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the cost thereof. This subsection does not apply to members of the Common Council.

(5) Access Procedures

- (a) A request to inspect or copy a records shall be made to the legal custodian. A request shall be deemed sufficient if it is reasonably described the requested record or the information requested. However, a request for a record without a reasonable limitation as to the subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under s. 19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under a sub. (4) (f) 6. A requester may be required to show an acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- (b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny that request whole or in part and reasons therefore. If the legal custodian, after conferring with the city attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.

- (c) A request for a record may be denied as provided in Sub. (6). If a request is made orally, the request may be denied orally unless a demand for a written statement of reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. If every written denial of a request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under s. 19.37(1), Wis. Stats., or upon application to the attorney general or a district attorney.

(6) Limitations on Right to Access

- (a) As provided by s. 19.36, Wis. Stats., the following records are exempt from inspection under this section.
- (i) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
  - (ii) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
  - (iii) Computer programs, although materials used as input of a computer program or the material produced a product of the computer program is subject to inspection;
  - (iv) A record or in portion of a record containing information qualifying as a common law trade secret.
- (b) As provided by s. 43.30, Wis. Stats., public library circulation records are exempt from inspection under this section.
- (c) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the city attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from the disclosure would outweigh the public interest in full access to the requested record. Examples of matter for which disclosure may be refused include, but are not limited to, the following:
- (i) Records obtained under official pledges or confidentiality which were necessary and given in order to obtain the information contained in them.
  - (ii) Records of current deliberations after a quasi-judicial hearing.
  - (iii) Records of a current deliberation concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any city officer, or employee, or the investigation of charges against a city officer or employee, unless such officer or employee consents to such disclosure.
  - (iv) Records concerning current strategy for crime detection or prevention.

- (v) Records of current deliberations or negotiations on the purchase of city property, investing city funds, or other city business whenever competitive or bargaining reasons require nondisclosure.
  - (vi) Financial, medical, social, or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
  - (vii) Communications between legal counsel for the City and any officer, agent, or employee of the City, when advice is being rendered concerning strategy with respect to current litigations in which the City or any of its officers, agents, or employees is likely to become involved, or communications which are privileged under s. 905.03, Wis. Stats.
- (d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the City Attorney prior to releasing any such record and shall follow the guidance of the City Attorney when separating out the exempt material. If in the judgement of the custodian and the City Attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of exempt material, the entire record shall be withheld for disclosure.

(7) Destruction of Records

- (a) City officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or and auditor licensed under Ch. 442 of the Wisconsin Statutes but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the state public records board pursuant to s. 16.61(3), and then after such shorter period:
- (i) Bank statements, deposit books, slips and stubs
  - (ii) Bonds and coupons after maturity.
  - (iii) Cancelled checks, duplicates and check stubs.
  - (iv) License and Permit applications, stubs and duplicates.
  - (v) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund or Unemployment Compensation Fund.
  - (vi) Receipt forms.
  - (vii) Special assessment records after complete payment of special assessments.
  - (viii) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
- (b) City officers may destroy the following utility records of which they are legal custodians and of which are considered obsolete after completion of any required

audit by the Bureau of Municipal Audits or any auditor licensed under Ch. 442 of the Wisconsin Statutes, subject to state public service commission's regulations, but not less than seven years after the record was effective unless a shorter period has been filed by the state public records board pursuant to s. 16.61 (3)(e), Wis. Stats., and then after such shorter period, except that water stubs, receipts of current billings and customer's ledgers may be destroyed after two years.

- (i) Water and sewer stubs and receipts of current billings.
- (ii) Customer ledgers.
- (iii) Vouchers and supporting documents pertaining to charges not included in plant accounts.
- (iv) Other utility records after seven years with written approval of the State Public Service Commission.

(c) City officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the state public records board pursuant to s. 16.61 (3) (e), Wis. Stats., and then after the shorter period.

- (i) Assessment rolls and related records, included Board of Review minutes.
- (ii) Contracts and paper relating thereto.
- (iii) Correspondence and communications.
- (iv) Financial reports other than annual financial reports.
- (v) Insurance policies.
- (vi) Court dockets.
- (vii) Oaths of Office
- (viii) Reports of boards, commissions, committees and official duplicated in the office board minutes.
- (ix) Resolutions and petitions.
- (x) Voter record cards.

(d) Unless notice is waived by the state historical society, at least 60 days' notice shall be given the state historical society prior to destruction of any record as provided by s. 19.21 (4)(a), Wis. Stats.

(e) Any tape recordings of governmental meeting of the City may be destroyed, erased or reused no sooner than 90 days after the minutes of the meetings having been approved and published, if the purpose of the recording was to make minutes of the meeting.

(8) Preservation through Microfilm

Any city officer, or the director of any department or division of city government may (subject to the approval of the Common Council) keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction

method. Such records shall meet the standards for photographic reproduction set forth in s. 16.61 (7)(a) and (b), Wis. Stats., and shall be preserved along with other files by the department or division and shall be open to public inspection and copying according to the provisions of state law and subs (4) through (6) of this ordinance.

#### SECTION 1.08 POLL HOURS

The poll hours at an election shall be open from 7:00 a.m. until 8:00 p.m.