

CHAPTER 5
ADMINISTRATIVE AFFAIRS

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5.09 CITY CLERK SHALL KEEP ORDER BOOK. The City Clerk shall secure and keep at his office an order book in which shall be entered in duplicate the amount and description of each order of supplies and materials to be purchased for the City, and no bill for the purchase of any supplies or materials for the City shall be allowed by the Common Council unless the same is accompanied by the order therefore as issued by the City Clerk in pursuance of this chapter.

5.11 SYSTEM OF APPROVING FINANCIAL CLAIMS.

- (1) Chapter 66.044, Wisconsin Statutes, providing for an alternative system of approving financial claims is hereby and herewith adopted.
- (2) The system heretofore existing as set out in Sections 62.01(10), 62.11, 62.12, 62.25, 61.25(6), and 61.51, Wisconsin Statutes, and other relevant statutory provisions for the allowance and payment of claims are hereby and herewith discontinued.

- (3) Payment for all financial claims may be made from the City Treasury after the City Clerk shall have audited and approved each such claim as a proper charge against the treasury and shall have endorsed his approval thereon after having determined that the following conditions have been complied with:
 - (a) That funds are available therefore pursuant to the budget approved by the Council.
 - (b) That the item or service covered by such claim has been duly authorized by the proper official, department head, board or commission.
 - (c) That the item or service has been actually supplied or rendered in conformity with such authorization.
 - (d) That the claim is just and valid pursuant to law. The Clerk may require the submission of such proof and evidence to support the foregoing as in his discretion he may deem necessary.
- (4) The City Clerk shall file with the Common Council at each Regular Monthly meeting thereof, a list of the claims approved, showing the date paid, name of claimant, purpose and amount.
- (5) The Common Council shall authorize an annual detailed audit of its financial transactions and accounts by a public accountant licenses under the provision of Chapter 135 of the Wisconsin Statutes, the designation to be made by the Common Council.
- (6) The City Clerk shall obtain and maintain in force, a fidelity bond in the amount approved by the Common Council before this alternative system of approving claims shall be in force. Am. 04/21/98, 1705
- (7) The City Clerk shall forward to the Council any claim that he feels is doubtful, irregular or unusual for formal approval or denial by the Council. Rep. & Recr. 08/30/56, 555

5.111 WITHDRAWAL OF PUBLIC FUNDS AND USE OF FACSIMILE SIGNATURES ON CITY ORDER CHECKS.

- (1) All disbursements of the City Funds shall be made by City Order Checks, pursuant to the provisions of Section 66.042(2), Wisconsin Statutes. No such order check shall be released to the payee nor shall same be valid unless signed by the Clerk and Treasurer.
- (2) All of the checks drawn upon public depositories of the City of South Milwaukee shall be countersigned by the Mayor for all accounts except that order checks upon the South Milwaukee Water Department Fund Account shall be signed by the President of the Water Commission. Am. 10/17/78, 1078; Am. 04/21/98, 1705
- (3) In lieu of the personal signatures of the Clerk and Treasurer and the countersignatures of each order check of the City of South Milwaukee, there may be affirmed on such order check the facsimile signature of such Clerk, Treasurer and countersigning officers adopted by them and approved by resolution of the Common Council. The use of the facsimile signature by such officers shall be subject to the provisions of Section 66.042(2), Wisconsin Statutes, and acts amendatory thereof. Cr. 09/04/52, 474

5.12 ANNUAL FINANCIAL STATEMENT. The City Clerk shall make and file with the Common Council, at or before the second Regular Meeting in May of each year, a complete financial statement in detail of all various departments and funds of the City up to and including April 30, showing receipts and disbursements of each department and fund and the balance remaining on hand; also a statement of outstanding bonded and other indebtedness; and on or before the second Saturday thereafter, the Clerk shall cause such financial statement to be published in the official paper and five hundred copies thereof to be printed in pamphlet form and delivered to the taxpayers and others interested upon request.

5.13 CITY CLERK MAY HIRE DEPUTY. The City Clerk may engage a deputy to enable him to carry out the provisions of Sections 5.08 to 5.12 inclusive of the South Milwaukee Code and to assist him generally in the performance of his duties at a salary to be determined and fixed by the Common Council as in the case of salaries of other City Employees; such deputy shall hold office at the pleasure of and be subject to the orders of the City Clerk. The City Clerk and the sureties on his bond shall be liable for the acts of such deputy as provided by Section 62.09(11), Wisconsin Statutes.

5.14 MUNICIPAL RESERVE FUND.

- (1) There is hereby established in the City of South Milwaukee a fund, separate and distinct from every other fund and designated as the "Public Works Street Repair and Replacement of Equipment Reserve Fund." The sources of said fund shall be such monies or securities from any source whatsoever, as the Common Council may, by resolution, by a two-thirds vote from time to time direct to be paid into said fund. Funds for replacement of equipment shall be limited to not more than 10% of the total fund.
- (2) The City Treasurer shall keep a separate record relating to such fund, including an accurate account of the transactions, investments, earnings and expenditures, and shall make a report annually, on or about the 15th day of January of each year, to the Common Council.
- (3) The Finance Committee of the Common Council shall from time to time recommend to the Council the investment of said fund, or part thereof, as it accrues. Disbursements, investments, sale or transfer of any securities held in said fund shall be, by resolution of the Common Council, on checks or City orders, signed by the Mayor, the City Clerk or City Treasurer.
- (4) All interest or income earned by said fund on its investments shall, when it accrues, be added to said fund to augment the same for the purposes for which said fund is provided, unless otherwise provided by a majority vote of the Common Council.
- (5) The City Treasurer shall keep all cash on hand, belonging to said reserve fund, in a separate account in one of the depositories in the City of South Milwaukee, as shall be designated by the Finance Committee of the Common Council. The said Finance Committee shall also designate a suitable, safe depository, wherein the City Treasurer shall keep all bonds or other securities in which said fund shall be invested. (Charter Ordinance, January 5, 1943)

5.15 CITY LIABLE FOR TAXES PAID TO CITY TREASURER. Pursuant to the authority granted by Section 70.67(2), Wisconsin Statutes, the Common Council of the City of South Milwaukee hereby agrees and binds the City of South Milwaukee to pay, in case the City Treasurer shall fail to do so, all taxes of any kind required by law to be paid by the City Treasurer to the County Treasurer. Am. 10/29/53, 499

5.16 TAX RECEIPTS - METHOD OF PREPARATION.

- (1) The City of South Milwaukee elects to prepare its tax receipts in accordance with the method provided for by Section 74.08(1), Wisconsin Statutes.
- (2) Pursuant to Section 74.08(1), Wisconsin Statutes, the aggregate amount of state, county, local, school and other taxes, while Section 5.15 of this section of the South Milwaukee Code are in effect, shall be carried in a single column on the property tax receipts of the City of South Milwaukee. There shall be printed or stamped on said property tax receipts to separate proportion or rate of taxes levied for state, county, local, school and other purposes.

5.17 USE OF CITY HALL.

- (1) The City Clerk shall be Superintendent of the City Hall Building, and it is hereby made his duty to have the buildings kept in a clean and neat condition at all times and to have charge of the buildings at all times when not used by persons lawfully entitled to use the same and for that purpose shall have authority to employ the necessary help to aid in cleaning the City Hall Building. Am. 10/29/53, 499; Renumbered 04/21/98, 1705
- (2) Except when necessary to accommodate official meetings, the City Administration Building will be closed on all Saturdays, Sundays, and days specifically identified as paid holidays for City employees. On all other days, the City Administration Building will be open from 7:30 a/m. to 4:00 p.m. Am. 10/7/14, 2091

5.18 WITHHOLDING OF INCOME TAX OF OFFICIALS AND EMPLOYEES.

- (1) The City Clerk is hereby designated as the withholding agent, and beginning with the first payroll after the adoption of this section, he is directed to withhold from the salary or wages paid to each officer or employee of the City on every payroll the withholding income tax in the amount required by the provisions of the current Internal Revenue Code, as amended.
- (2) At the time of making up the payroll or immediately thereafter, the amounts deducted therefrom under the provisions of this section shall be entered in a separate account in the books of the City Treasurer. The monies accumulated from such withholdings shall be paid to the United States Director of Internal Revenue for the District in which the City of South Milwaukee is located as required by law.
- (3) The Clerk shall keep such records and make such reports to each officer or employee and to the Bureau of Internal Revenue of wages paid and the tax collected and paid with respect thereto as that bureau may require and prescribe.
- (4) Any premium due to the State of Wisconsin Investment Board pursuant to Chapter 34 of the Wisconsin Statutes upon any deposit made pursuant to this section shall be paid by the City of South Milwaukee.
- (5) The operation of this section shall end at the time the Withholding Income Tax is terminated by action of the Federal Government, and thereupon the account established for the receiving of the tax funds thereunder shall be closed with the last payment to the Federal Government of the funds withheld. (2) & (4) Am. 10/29/53, 499

5.19 ELECTION TO INCLUDE CITY PERSONNEL UNDER THE WISCONSIN MUNICIPAL RETIREMENT FUND.

- (1) Pursuant to Section 66.90, Wisconsin Statutes, the City of South Milwaukee hereby elects to include eligible City personnel under the provisions of the Wisconsin Municipal Retirement Fund in accordance with the terms thereof.
- (2) Election is hereby made to provide prior service credits at rates equal to two times the rates of municipality credits for current service, to be applicable to employees as defined by Section 66.90, Wisconsin Statutes, who are employed by the City of South Milwaukee on the effective date of this section.
- (3) Upon the final enactment of this section, the City Clerk shall submit a certified notice of the election made hereunder to the Board of Trustees of the Wisconsin Municipal Retirement Fund. Such notice of election shall:
 - (a) Be in writing;
 - (b) Indicate the date and results of such election;
 - (c) Include a certification of the prior service contribution rate selected as being applicable to the employees of the municipality;
 - (d) Be officially certified by the Clerk of the municipality.
- (4) The effective date of participation shall be January 1, 1944. (Charter Ordinance 10/28/43)

5.20 WORKING HOURS OF OFFICIALS AND EMPLOYEES.

- (1) Represented Employees. The regular working hours of all employees subject to a labor agreement shall be as defined in such agreements. Am. 04/21/98, 1705
- (2) The regular working hours of other full-time employees shall be from 7:30 A.M. to 4:00 P.M. unless otherwise established by the department head with the approval of the Common Council. Am. 04/21/98, 1705, Am. 10/7/14, 2091
- (3) The regular working hours for the following full-time City officials shall be as described in the job description of the official which has been adopted by the Common Council: Am. 04/21/98, 1705

- City Clerk	- Building Inspector
- City Administrator	- Fire Chief
- Deputy City Clerk	- Police Chief
- Assistant to City Administrator	- Wastewater Treatment Facility Superintendent
- City Treasurer	- Water Utility Superintendent
- City Engineer	- Library Director
- Street Superintendent	- Senior Center Director
- Public Health Administrator	
- (4) All other elected and appointed officials shall be part-time and shall devote as much time to their office as their duties may require. Am. 04/21/98, 1705

5.21 VACATIONS. Vacations for all City employees governed by a labor contract shall be as dictated by the applicable labor contract and vacations for all full-time elected and appointed officials shall be pursuant to the policy adopted by the Common Council. Rep. & Recr. 04/21/98, 1705

5.22 SICK LEAVE. Sick Leave. Sick leave for all appointed officials shall be as determined by policy of the Common Council. Rep. & Recr. 04/21/98, 1705

5.23 ELECTION DAY - HOURS OF VOTING. On every Election Day, all the polling places shall be open for voting from 7:00 A.M. until 8:00 P.M.

5.24 ADVERTISING ON MUNICIPAL PREMISES. All advertising, notices and display of materials of every kind on any municipal building or part thereof is prohibited unless done with the consent of or at the direction of that municipal official charged with control of the building. All political advertising on municipal buildings and vehicles is prohibited. The provisions of this section are not intended to prohibit individuals from displaying messages by buttons, clothing or hand held displays which do not create a disturbance of the peace or interfere with the conduct of the regular City business. This ordinance shall not apply to municipal property rented or leased to others who are not municipal affiliated entities. Rep. & Recr. 03/12/96, 1636

5.25 LICENSES TO BE WITHHELD UNTIL ALL PAYMENTS DUE THE CITY OF SOUTH MILWAUKEE BY LICENSEE ARE PAID IN FULL. In the event the license or permit is granted by the Common Council, the Clerk shall hold and not issue the license or permit until the Treasurer certifies that all personal property taxes, ambulance invoices, other City invoices, assessments and forfeitures due the City of South Milwaukee by the licensee have been paid in full. Rep. & Rec./ 8/5/03, 1845

5.26 ADMINISTRATIVE SERVICES & FEES. The fees for various administrative services charged to the City shall be as established by resolution of the Common Council. Rep. & Recr. 01/07/92, 1505

5.27 PUBLIC DOCUMENTS.

- (1)(a) The City Clerk shall be the official custodian of all records pertaining to the affairs of the City except those generated and maintained by the following: Police Department, Fire Department, Vital Statistics Department, Health Department, Water Department, Library, Library Board, Board of Appeals, Housing Authority, Police and Fire Commission, Civil Service Commission, and Municipal Court.
- (b) All requests for public documents not generated and maintained by the above boards, departments and commissions shall be addressed initially to the City Clerk who shall then, in conformity with Chapter 19 of the Wisconsin Statutes and subject to the limitations of Section 19.36 of the Wisconsin Statutes, provide the document; or if the document is not among her records, refer the request to the Department Head where such document may be located. Requests for records generated and maintained by the above excluded departments, boards and commissions shall be addressed initially appropriate. Such official, department head or chairman shall then, in conformity with Chapter 19 of the Wisconsin Statutes and subject to the limitations of Section 19.36 of the Wisconsin Statutes, respond to the request.

- (c) Any denial of the request for a document by the City Clerk or any Department Head or other individual shall specify the reason for the denial, and shall advise the requester that review of the denial is available by petition for a writ of mandamus under Section 19.37(1) or upon application to the Attorney General or District Attorney. Any request which does not sufficiently identify the document or record sought so that a reasonable person can discern the object or request shall be denied for that reason.
- (d) The cost charged for any copying shall be the actual cost incurred. The cost for mailing is an actual cost. The cost charged for any search shall be imposed only when such cost exceeds \$50.00.
- (2)(a) **DESTRUCTION OF RECORDS.** City Officers may destroy the following non-utility 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 an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven (7) years after payment or receipt of any sum involved in the particular transaction, unless a longer or shorter period has been fixed by the State Public Records Board pursuant to Section 16.61(3)(e), Wisconsin Statutes, and then after such shorter period:
 - (1) Bank statements, bank reconciliations, deposit books, slips and stubs, investment records.
 - (2) Bonds and coupons after maturity.
 - (3) Cancelled checks, duplicates and check stubs.
 - (4) License and permit applications, stubs and duplicates.
 - (5) Payrolls and other time and employment records of personnel.
 - (6) Receipt forms.
 - (7) Special assessment records and tax rolls.
 - (8) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
 - (9) Budget work papers.
 - (10) Financial reports and records other than annual financial reports.
- (b) City Officers may destroy utility 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 an auditor licensed under Chapter 442 of the Wisconsin Statutes, subject to State Public Service Commission regulations, but not less than seven (7) years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to Section 16.61(3)(e), Wisconsin Statutes, and then after such shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed not less than two billings and customers' ledgers may be destroyed not less than two (2) years after payment or receipt of the sum involved or the effective date of said record.
 - (1) Contracts and papers relating thereto.
 - (2) Excavation permits.
 - (3) Inspection records.

- (c) City Officers may destroy the following records of which they are the legal custodian and which are considered to be obsolete, but not less than seven (7) years after the record was effective unless another period has been fixed by the State Public Records Board pursuant to Section 16.61(3)(e), Wisconsin Statutes, and then after such a shorter period.
- (1) Contracts and papers relating thereto.
 - (2) Correspondence and communications.
 - (3) Board of Review proceedings and determinations.
 - (4) Municipal Court records.
 - (5) Oaths of Office.
 - (6) Reports of boards, commissions, committees and officials duplicated in the Common Council proceedings.
 - (7) Election notices and proofs of publication.
 - (8) Cancelled voter registration cards.
 - (9) Official bonds.
 - (10) Police records.
 - (11) Assessment records and rolls.
 - (12) Health Department records.
 - (13) Employment records.
- (d) Notwithstanding the above provisions appearing in this section, it is intended hereby that election materials may be destroyed according to lesser time schedules as made and provided in Section 7.23, Wisconsin Statutes.
- (e) Unless notice is waived by the State Historical Society, at least 60 days notice shall be given the State Historical Society prior to the destruction of any record as provided by Section 19.21(4)(a), Wisconsin Statutes.
- (f) Any tape recordings of a governmental meeting of the City may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.
- (3) **PRESERVATION THROUGH MICROFILM.** Any City Officer or the director of any department or division of City Government may, subject to the approval of the City Clerk, 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 Section 16.61(7)(a) and (b), Wisconsin Statutes, and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of this chapter. Cr. 03/19/91, 1492

5.28 INSTALLMENT PAYMENTS OF PROPERTY TAX BILLS.

- (1) PAYMENT IN FULL. Real Property Taxes not paid pursuant to the following installment schedule are due on January 31 of the tax levy year. Special assessments, special charges and special taxes are due on January 31 of the tax levy year. Personal Property Taxes are due on January 31 of the tax levy year. Rep.& Recr. 08/15/89, 1438
- (2) DELINQUENT TAXES - INTEREST CHARGED.
 - (a) When the first installment of real property taxes is not paid on or before January 31st, the whole amount of such real property tax is then due and payable and shall be collected by the City Treasurer, together with special assessments, special charges and personal property taxes. All such taxes and charges remaining unpaid on February 1st shall be delinquent and shall be collected by the City Treasurer with interest at the rate of 1% and a late charge penalty of .5%. Interest and penalties shall be charged from the preceding February 1st. Rep.& Recr. 12/05/89, 1449

5.29 REGULATION OF SMOKING AND CLEAN INDOOR AIR. – Repealed 6/1/10, 2005
(See Section 23.30)

5.30 MANDATING OF EMPLOYEE BENEFITS FOR PRIVATE BUSINESSES.

No ordinance of the City of South Milwaukee nor any other municipal ordinance, rule, or regulation shall mandate that any person, partnership, limited liability corporation or other corporation or business entity of any kind, other than the City itself, shall provide certain wages or benefits to its employees or set the amount or type of any employee wages or benefits to be provided by an employer located within the City limits. Created, 12/16/2008, 1985

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