

**CHAPTER 3****CITY RECORDS / CITY PROPERTY****3.01      PUBLIC RECORDS AND PUBLIC PROPERTY**

**(1)      PUBLIC RECORDS AND PUBLIC PROPERTY RESPONSIBILITIES.** All public records and public properties belonging to the City, including records and public properties of officers, special offices, committees, commissions, agencies, authorities, boards or other special government units of the City shall be safely kept, properly maintained and carefully preserved by the legal custodian thereof when:

**(A)**      These officers, employees or agents receive custody of the public records and public property from their predecessor or other persons.

**(B)**      These public records and public properties are required by State law or by City ordinance to be filed, deposited or kept in the offices of these officers, employees, or agents.

**(C)**      These public records and public properties are in lawful possession of these officers, employees or agents or the possession or control of which these officers, employees or agents may be lawfully entitled by State law or by City ordinance.

**(2)      PUBLIC RECORDS AND PUBLIC PROPERTY DELIVERY.** All public records and public properties of the City, including records and properties of offices, special offices, committees, commissions, agencies, authorities, boards or other special government units of the City, shall be delivered by the officer, employee or agent of these City government units to the successor officer, employee or agent of these City of Cornell government units upon demand by the officer, employee or agent of these City government units, upon expiration of the officer's term of office, upon the expiration of the employee's term of employment or upon the expiration of the agent's term of agency with the City, or upon the vacancy of the office. Upon death, the legal representative shall be responsible to deliver such public records or public properties upon demand to the successor of the deceased. The successor officer, successor employee or successor agent of these City government units shall acknowledge receipt of the public records and public properties and shall provide a receipt to the officer, employee, agent, or legal representative. The officer, employee, agent, or legal representative shall file a copy of such receipt with the City Administrator. If

a vacancy occurs before a successor is qualified, employed, or retained by the City, such public records and public properties shall be delivered to the City Administrator. The City Administrator shall acknowledge receipt and shall provide a receipt to the officer, employee, agent or legal representative. The City Administrator shall receipt these public records and public properties on behalf of the successor and these public records and public properties shall be delivered by the City Administrator to the successor upon the latter's receipt of office, employment or retention with the City. The City Administrator may utilize employment entrance and exit agreements.

**(3) PUBLIC RECORD ACCESS**

**(A) Custodian of Records**

(1) The below noted offices, special offices, committees, commissions, agencies, authorities, boards or other special government units of the City have designated the below noted as legal custodians of their public records and responsible to fulfill the duties under Chapter 19 and Subchapter 2, Public Records and Property, (1993-1994) Wisconsin Statutes.

City Administrator
Police Chief
City Assessor

(2) If no offices, special offices, committees, commissions, agencies, authorities, boards or other special government units of the City have been designated for any particular public records, then legal custodian for those records shall be the City Administrator, or, if by ordinance, another officer of the City.

**(B) Public Notice of Record Location**

(1) The above-noted offices, special offices, committees, commissions, agencies, authorities, boards and other special government units of the City shall adopt and display a public notice related to the custody of the public records under their custody. The Notice shall be posted in the City Hall. (Ref. 19.34 Wis. Stats.)

(2) The Common Council for the below noted offices, special offices, committees, commissions, agencies, authorities, boards or other special

government units of the City, declares, by this ordinance, that these offices, special offices, committees, commissions, agencies, authorities, boards, or other special government units or their legal custodians, do not have regular office hours to allow for inspection of records.

(List Unit of Government and Custodian)

City Assessor

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**(3)** The above public notice shall reflect, when displayed and published, if there are no regular business hours by the custodians and shall provide the alternative days and hours provided for access to and inspection of public records. The days and hours wherein which public access and inspection of public records are permitted are noted below:

(List Custodians Title, Location, Days and Hours)

City Administrator, City Hall, Monday through Friday, 8:00 a.m. to 5:00 p.m.  
City Assessor, City Hall, By appointment

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**(4)** If no regular hours exist, any person seeking a public record must provide at least twenty-four (24) hours advance written notice to the legal custodian if a regular two (2) consecutive hour per week schedule has been established and notices by a custodian in which access to the public record is permitted.

**(5)** If no regular schedule and no regular office hours are established as noticed above, then access to public records shall be permitted upon at least forty-eight (48) hours written or oral notice by the person seeking the records to the legal custodian stating his or her intent to inspect specific records with those records so described.

**(C) Access to Records**

**(1)** The legal custodian of any public record of the above-noted offices, special offices, committees, commissions, agencies, authorities, boards or any other special government units of the City shall provide to any person the right

to inspect any public record except if, as indicated by specific statute, this ordinance or where the similar public policy based on the exemptions in Section 19.85, (1993-1994) Wisconsin Statutes, should allow the legal custodian to restrict public access to these records. The legal custodian, when claiming a specific exemption for denying access to public record, must make a specific demonstration to person demanding access that there is a need to restrict public access at the time of the request for access to the public record.

**(2)** If and when the need to restrict the public record from public access has been eliminated, then the legal custodian must provide public access to the record. The legal custodian shall provide adequate security and restrictions for the public record when and if the legal custodian determines the record must be restricted from public access.

**(3)** The specific exemptions that may allow the legal custodian to restrict public access to records include, but are not limited to those public policy exemptions for closed meetings listed in Section 19.85, (1993-1994) Wisconsin Statutes, and those exemptions listed in Section 4.01 related to Open Meetings.

(List others)

Confidential police records including identities of law enforcement informants pursuant to Section 19.36, Wisconsin Statutes.

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**(D) Copying/Photographing Public Records**

**(1)** The legal custodian shall comply with the provisions of Section 19.35, (1993-1994) Wisconsin Statutes, relating to allowing a person access to a public record, to allow copying or photographing of a written public record, an audio tape, a video tape or a record to be published for later sale and distribution. The legal custodian may demand a specific written request of the person requesting the public record wherein the request will reasonably describe for the legal custodian the requested record. The request must have a reasonable limitation as to the subject matter or to the length of time represented by the record. If the legal custodian does not believe the request for the public record is sufficiently limited, the legal custodian shall notify or attempt to notify the requesting person that further subject matter or time limitations must be provided before the public record request can be fully met. The legal custodian cannot request the name of the requesting person or the reasons for the need to access the public record except if the legal custodian keeps the public record at a private residence, or if the legal custodian, for security reasons, believes

identification is necessary and appropriate or except if Federal law and regulations require identification of the requesting person.

**(2)** The legal custodian may require supervision during the inspection and copying of any public record and may impose reasonable restrictions in the manner of access to certain records if the records are irreplaceable or easily damaged. The Common Council declares the following records irreplaceable or easily damaged and establishes the following conditions for access and copying:

(List Records and Custodians)

All old and historical records, including Ordinances, Resolutions, and Minutes should be in the custody of the City Administrator.

Justice of the peace records (if any) shall be kept in the custody of the City Administrator.

If removed from the City Hall, records must be checked out and record kept of their location. If deemed necessary, the City Administrator may require copying in the City Hall in the Administrator's presence. The Common Council may change this procedure and deal with specific situation by Resolution.

**(3)** The Common Council has the following facilities (if any) for inspection, copying and abstracting the records.

(List Facility and Hours)

City Hall at 222 Main Street, Cornell, Wisconsin copy machine.

**(4)** The Common Council is not required to purchase or lease for any requesting person any equipment or facilities for photocopying, photographing or other copying.

## **(E) Fees**

**(1)** The City of Cornell may charge the actual, necessary and direct reproduction costs for a copy of a record. The Common Council has declared these costs to be as set forth in Appendix E.

(2) The Common Council declares offices, special offices, committees, commissions, agencies, authorities, boards and other special government units of the City need not pay for copying costs for public records.

(3) In addition to the copying cost charge, a fee for locating the record will be charged, if the cost to locate is more than fifty dollars (\$50.00), computed on a basis as set forth in Appendix E, and may charge a fee for the actual necessary and direct mailing or shipping fees. The City may require a prepayment of the fee if the total fees established by this subsection will exceed ten dollars (\$10.00).

**(F) Formal Request**

(1) If the above-noted Common Council, any offices, any special offices, any committees, any commissions, any agencies, any authorities, any boards or any other special government units of the City receives a request for a record, they shall as soon as practicable and without delay either fill the request or notify the requesting person to deny the request, in whole or in part, and the reason for the denial.

(2) If the requesting person makes the request orally, the previously noted offices, committees, commissions, boards or other special government units of the City may deny the request orally unless a demand for a written statement of the reason denying the request is made by the requesting person within five (5) business days of the oral denial. If the above-noted government bodies deny a written request, in whole or in part, the requesting person shall receive from the denying government body a written statement of the reason for denying the request. The written denial by these government bodies shall include a notice that this determination for denial is reviewable by mandamus under Section 19.37(1), (1993-1994) Wisconsin Statutes, or upon application to the Attorney General or District Attorney of the County of Chippewa.

**(G) Record Destruction if Request Pending.** The Common Council, any officer, any office, any special office, any committee, any commission, any agency, any authority, any board or other government unit of the City or any officer, employee, or agent of the above-noted may not destroy any public record at any time after any of the above noted receive a request for inspection or copying of the record until after the request is granted or until at least sixty (60) days after the date the request is denied. If an action is commenced under Section 19.37, (1993-1994) Wisconsin Statutes, within one hundred and fifty (150) days after the request is denied or after the decision of the trial court, whichever is later, the requested record may not be destroyed until after the final order of the trial court and after any final appellate

court. Upon order to produce the record and the order is not appealed, the requested record may not be destroyed until after the request for inspection or copying is granted.

**(H) Limitation Upon Access.** Prior to any public release, the legal custodian shall separate specific information and material from the public record that should not be released to the public because the release of the information or material would be prejudicial to the public interest. Specifically, certain records are exempt pursuant to Section 19.36, (1993-1994) Wisconsin Statutes, from public release and may be withheld by the City from disclosure:

**(1)** Records which are specifically exempted from disclosure by Federal or State law.

**(2)** Law enforcement records relating to investigations, information obtained for law enforcement purposes that are required by Federal law or regulation to be withheld as a condition to receipt of aid by the state.

**(3)** Records produced or collected under a contract entered into with a private person.

**(4)** Materials used for input for a computer program or the material produced as a product of the computer program. (Reference: Section 19.36(4), (1993-1994) Wisconsin Statutes.)

**(5)** Any record or a portion of a record containing information qualifying as a common law trade secret.

**(6)** Any record not to be disclosed as a public record under the public policy provision of Section 19.85, (1993-1994) Wisconsin Statutes, relating to open meetings.

**(I) Notice To Historical Society.** The Common Council, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the City and their officers, their employees and their agents of the aforesaid, prior to the destruction of any public records belonging to the City, noted below in Section (2), shall provide at least sixty (60) days notice, in writing, to the State Historical Society of Wisconsin. The Common Council shall not be requested, pursuant to Section 19.21, (1993-1994) Wisconsin Statutes, to provide notice to the State Historical Society of Wisconsin if the Common Council previously, by application, has received a waiver.

**(4) CONDITIONS AND TERMS FOR DESTRUCTION OF PUBLIC RECORDS**

**(A) Types of Records Destroyed.** The Common Council, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the City and their officers, their employees and their agents of the aforesaid shall destroy the following public records of the City only upon the conditions noted below and at the times noted below:

**(1) Obsolete Utility Records**

**(a)** The Common Council, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the City and their officers, their employees, or their agents are the legal custodians of the public utility records of the City. If the public utility records are considered obsolete, the above noted, as custodians, may destroy the following Public utility records of the City at any time two (2) years after the record was effective:

1. Utility Bills
2. Receipts of Current Billings
3. Customers' Ledgers
4. Vouchers and supporting documents pertaining to charges not included in plant accounts.
5. Other utility records after seven (7) years with the written approval of the State Public Service Commission.

**(b)** All other public utility records of the City, the above-noted custodians may destroy at anytime seven (7) years after the record was effective, unless a shorter time period has been fixed by the state Public Records and Forms Board pursuant to Section 16.61(3)(e), (1993-1994) Wisconsin Statutes, and then only after that shorter time period.

**(c)** Special preliminary assessment records may be destroyed after review and by Common Council authorization. Final resolution or order creating special assessments shall be preserved for forty (40) years unless destruction is specifically authorized by the Common Council.

**(2) Obsolete Financial Records.** The Common Council, any office, any special office any committee, any commission, any agency, any authority, any board or any other special government unit of the City and their officers, their employees



or their agents of the aforesaid are the legal custodians of all financial records of the City. If these financial records are considered obsolete, the above-noted custodians may destroy these financial records at anytime seven (7) years after the record was effective, unless a shorter time period has been fixed by the State Public Records and Forms Board pursuant to Section 16.61(3)(e), (1993-1994) Wisconsin Statutes, and then only after that shorter time period. Examples:

- (a) Bank statements, deposit books, slips, and stubs.
  - (b) Bonds and coupons after maturity.
  - (c) Canceled checks, duplicates and check stubs.
  - (d) License and permit applications, stubs, and duplicates.
  - (e) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
  - (f) Receipt funds.
  - (g) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
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### **(3) Other Obsolete Records**

(a) The Common Council, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government unit of the City and their officers, their employees or their agents of the aforesaid are legal custodians of all other public records of the City that are not utility or financial records. If these records are considered obsolete, the above-noted legal custodians may destroy these records at anytime seven (7) years after the record was effective unless another period has been set by statute and then only after such a period, or unless a shorter time period has been fixed by the State Public Records and Forms Board pursuant to Section 16.61(3)(e), (1993-1994) Wisconsin Statutes, and then only after the shorter time period. Examples:

- 1. Assessment rolls and related records, including Board of Review minutes.
- 2. Contracts and papers relating thereto.
- 3. Correspondence and communications.
- 4. Financial reports other than annual financial reports.

5. Insurance policies.
6. Justice dockets.
7. Oaths of office.
8. Reports of boards, commissions, committees and officials duplicated in the official minutes.
9. Resolutions and petitions.
10. Voter record cards.

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(b) No assessment roll containing forest crop acreage in the City may be destroyed without prior approval of the Department of Revenue.

**(5) SPECIFIC DATE OF DESTRUCTION FOR SPECIFIC PUBLIC RECORDS.**

The Common Council desires specifically that the following public records of the Common Council, its offices, its special offices, its committees, its commissions, its agencies, its authorities, its boards or other special government units not be destroyed until after the years listed below:

(List Examples)

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(A) **Tax Receipts.** Ten (10) years after the receipt was issued by the City.

(B) **Contracts & Insurance Policies Issued to City.** Fifteen (15) years after the policy was issued to the City.

(C) **Legal Claims Against the City.** Ten (10) years after the claim was noticed to the City.

(6) **TAPED RECORDS OF MEETINGS.** The Common Council, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the City and their officers, their employees

and their agents of the aforesaid may destroy any taped records of any public meeting of the aforesaid no sooner than ninety (90) days after the public meeting minutes have been approved by the appropriate government unit if the purpose of the tape recording was to make and maintain minutes of the public meeting.

### **3.02            PUBLIC BUILDINGS AND PUBLIC LANDS**

#### **(1)        HANDICAPPED ACCESS**

**(A)        New Building.** The Common Council shall design and construct any new City public building to allow physically disabled persons reasonable means of access including access from parking lots, if any, ancillary to the public building.

**(B)        Minimum Requirements for Use of Public Buildings.** The Common Council shall comply with minimum requirements established by the State of Wisconsin Department of Workforce Development to facilitate the use of City public buildings by physically disabled persons where traffic might reasonably be expected by such physically disabled person. The Common Council shall comply with the minimum requirements established by the State of Wisconsin Department of Workforce Development to and use of City public buildings.

**(C)        Parking Space Compliance.** The Common Council should not issue any authorizations to occupy any public building or private or public place of employment unless the owner thereof files with the City Administrator a true certificate of compliance with the State law, State regulations and rules related to ensuring the access to and use of public buildings or places of employment relating specifically to the reservations and marking of parking spaces for use by a motor vehicle used by a physically disabled person.

**(D)        Remodeling.** The Common Council shall meet the minimum regulations of the State of Wisconsin Department of Workforce Development and Section 101.13, (1993-1994) Wisconsin Statutes, for remodeling of City public buildings to ensure the access to and use of public buildings by physically disabled persons. Any City public buildings that are remodeled, unless excepted by rules of the State of Wisconsin Department of Workforce Development or by Section 101.13, (1993-1994) Wisconsin Statutes, shall be designed and constructed so as to provide reasonable means of access for physically disabled persons.

**(E)        Handicapped Access Grievance.** The City Administrator shall receive any and all grievances related to handicapped access to City buildings. Whenever possible, the grieving party shall place the grievance in writing. The City

Administrator shall refer such grievance to the Common Council at the next regularly scheduled meeting of the Common Council. The Mayor, upon receipt of the grievance, shall appoint a member of the Common Council to investigate the grievance and to file a report with the Common Council. The Common Council will comply with Federal and statutory regulations, including the Federal requirements under 31 CFR 51.55(A)1-6, in investigating and acting upon such grievances.

**(2) PUBLIC BUILDINGS AND PUBLIC LANDS ACCESS**

**(A) Authority for Public Access.** The Common Council has the authority to establish dates and times for public access to the public buildings and public lands owned or leased by the City. In addition, the Common Council has the authority to place additional restrictions on the use of the public buildings and public lands owned or leased by the City.

**(B) City Hall**

**(1)** The City Hall shall be open to the public at the times and dates listed in Section (D)(3)a. herein unless written notice to the contrary is posted at the usual and customary locations in the City.

**(2)** The City Hall or a part thereof shall be open to the public at other times with the approval of the Common Council. The use of the City Hall may be provided for non-governmental functions and events. These functions and events shall be private non-profit group meetings or social meetings upon which the meeting and the responsible party for the meeting are approved by the Common Council. The Common Council shall charge a daily rental fee for such use to the responsible party.

**(3)** The Common Council shall be responsible for maintenance and control of the City Hall. The Common Council may delegate authority for the daily maintenance and control of the City Hall to the City Administrator. City officers shall have keys to the City Hall and shall have the right to access of the City Hall at all reasonable times.

**(C) Other City Buildings, Parks/Lands**

**(1)** The City of Cornell has the following other buildings:

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City Library

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City Shop

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Brunet Falls City Park Pavilion

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Mill Yard Park Pavilion

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Police Department Building

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(2) The Common Council establishes the following times and dates for public access to these buildings:

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City Library: Monday 1:00 p.m. to 5:00 p.m.

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Wednesday 5:30 p.m. to 8:00 p.m.

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Thursday 10:00 a.m. to 5:00 p.m.

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Friday 6:30 p.m. to 8:00 p.m.

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Saturday 1:00 p.m. to 4:00 p.m.

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City Shop: Monday-Friday 7:00 a.m. to 3:00 p.m. for City Works  
and Utility Workers.

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Monday-Friday 7:30 a.m. to 4:30 p.m. for Office Workers

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Police Department: Monday-Friday 9:00 a.m. to 5:00 p.m.

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Mill Yard Park Pavilion: Open at all times unless closed by the Common Council or to private groups. To reserve the Pavilion, you must call the City Shop and the City Shop will turn the water on in the Pavilion.

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Brunet Falls City Park: Open at all times unless closed by the Common Council or to private groups.

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**(D) General Regulations for access to and from Public Buildings and Public Lands**

**(1) Litter and Discharge**

(a) The Common Council does not permit the disposal or discharge of any litter, solid waste, hazardous waste, garbage or any other refuse in any City public building and on the premises of any City of Cornell public land

except in disposal containers or waste collection areas authorized by the Common Council or except with a permit issued by the Common Council.

**(b)** No person shall dispose or discharge the above-noted waste in violation of this provision. Any person violating this provision shall immediately and totally reclaim and remove the disposed or discharged waste from City public buildings and City public lands. No formal request to reclaim and remove the above-noted waste by any City Police Officer or law enforcement officer shall be required to

violate this provision. Any person who fails to reclaim and remove the above-noted waste immediately from any City public buildings and City public lands after formal request to reclaim and remove the same by a City Police Officer or other law enforcement officer shall be immediately arrested and removed from the City public building and City public land.

**(2) Disorderly Conduct**

**(a)** The Common Council does not permit disorderly conduct in any public building and on any public land or contemptuous behavior or insolent behavior to any City official, employee, or agent in any City public building and on any City public land when the officer, employee or agent are on duty or working for the City.

**(b)** No person shall commit or cause disorderly conduct to the public or commit or cause contemptuous behavior or insolent behavior to a City official, employee or agent in a City public building and on any City public land when the officer, employee, or agent are on duty or working for the City. Loitering in a City public building or on any City public land, including City roads, after being formally requested to leave the City public building and City public land by the chief presiding officer of any public meeting or by the City Police Officer or other law enforcement officer shall be considered disorderly conduct under this provision. Any person who continues to violate this provision after formal request to cease the disorderly conduct or to cease the contemptuous or insolent behavior by the City Police Officer or other law enforcement officer shall be arrested and removed from the City public building and City public land.

**(3) Hours/Days of Operations**

**(a)** The following will be the normal hours and days the

following public buildings and public facilities will be open to the general public:

<u>Building or Facility</u>	<u>Days</u>	<u>Hours</u>
<u>City Hall</u> <u>p.m.</u>	<u>Monday through Friday</u>	<u>8:00 am-5:00</u>
<u>City Library</u>	<u>Monday</u> <u>Wednesday</u> <u>Thursday</u> <u>Friday</u> <u>Saturday</u>	<u>1:00 p.m.-5:00 p.m.</u> <u>5:30 p.m.-8:00 p.m.</u> <u>10:00a.m.-5:00 p.m.</u> <u>6:30 p.m.-8:00 p.m.</u> <u>1:00 p.m.-4:00 p.m.</u>
<u>City Shop</u>  <u>p.m.</u>	<u>Monday through Friday, Office</u> <u>Monday through Friday, City</u> <u>Works and Utility Workers</u>	<u>7:30 a.m.- 4:30 p.m.</u>  <u>7:30 a.m.-3:00</u>
<u>Mill Yard Park Pavilion</u> <u>Brunet Falls City Park</u>	<u>Every day</u> <u>Every day</u>	<u>all times</u> <u>all times</u>
<u>Police Department</u>	<u>Monday through Friday</u>	<u>9:00 a.m.- 5:00 p.m.</u>

**(b)** The Common Council may provide other times and dates for these buildings or facilities by written order. The above-noted days and hours do not limit access for authorized City officers or City employees to these buildings and facilities. Authorized City officers and City employees may gain access for work or emergency actions to these buildings or facilities at any time except for areas established by the Common Council as limited or non-access areas. These limited or non-access areas shall be specifically described by the Common Council and the reason for access limitation shall be so stated if security so permits.

### **3.03 Disposal of Surplus City Equipment and Tools**

#### **(1) Definitions.**

(A) Equipment and tools defines and includes any item or piece of machinery that is utilized by any City department in their operations.

(B) Surplus equipment and tools defines and includes any item or piece of machinery owned by the City which has no further usefulness to the City. Any item of property shall be considered to have no further usefulness when:

- (1) The item or its function has been totally replaced by other City property and no probable future function exists for it;
- (2) The City no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item;
- (3) The item is no longer able to reliably or economically perform the work required of it.

#### **(2) Reporting.**

(A) Each department, on an annual basis, will file with the City Administrator a list of items that are surplus and ready for disposal.

#### **(3) Disposition.**

(A) All surplus equipment and tools shall only be disposed of as follows:

- 1) Donation to a non-profit organization or to a government agency;
- 2) Public auction or sale;
- 3) Sale by sealed bid; or
- 4) Traded in

(B) If a sale is conducted by sealed bid, the City maintains the right to refuse any and all bids.

(C) If a sale is conducted by public auction, the City maintains the right to set a minimum accepted bid.

(D) Before an item can be traded in, it must be placed at live auction utilizing the trade-in offer plus one dollar as minimum accepted bid; or placed on an online auction for a minimum of ten days utilizing the trade-in offer plus one dollar as minimum accepted bid.



(E) The City Administrator shall, at least ten days before sale, auction, or accepting bids, advertise such sale, auction, or bids in the official newspaper of the City.

(F) When the fair market value of an item has been determined by the department head and City Administrator to be less than \$500.00, the City Administrator shall have final say on disposal or destruction of the item.

## CHAPTER 4

### **OPEN MEETINGS/CITY NEWSPAPER ORDINANCE**

#### **4.01 OPEN MEETINGS/CITY NEWSPAPER ORDINANCE**

(1) **OPEN PUBLIC MEETINGS.** All meetings of the Common Council shall be held in open session and shall be open to the public, except as noted in paragraph (6). In addition, all meetings of any committees, any commissions, any agencies, and boards and any other special government units of the City shall be held in open session and open to the public, except as noted in paragraph (6).

#### **(2) PUBLIC NOTICE OF MEETINGS**

(A) **General Public Notice.** All meetings of the Common Council and all meetings of any committees, any commissions, any agencies, any boards or any other special government units of the City shall provide public notice of these meetings pursuant to Section 19.84, (1993-1994) Wisconsin Statutes, and pursuant to this ordinance.

(B) **Responsible Person.** The City Administrator, or his or her designee and the chair or presiding officer of any committee, commission, agency, board or any other special government unit of the City, or his or her designee, shall be the responsible person to communicate orally or in writing notice of any meeting to any concerned media who have filed a written request for such public notice of meetings and to any official newspaper for the City of Cornell.

(C) **Time for Notice.** The public notice of any meeting of the Common Council and the public notice of any meeting of any special office, committee, commission, agency, board or any other special government unit of the City shall be given at least twenty-four (24) hours prior to the commencement of the meeting, unless for good cause such public notice is impossible or impractical in which case, shorter notice may be given, but in no case may public notice of any meeting be provided less than two (2) hours in advance of the meeting.

(D) **Elements of Notice.** Any written public notice of any meeting shall set forth the time, date, place and subject matter of the meeting, including any possible closed meeting and any subject matter intended for consideration of any possible closed session. The actual form of the written public notice shall be used that is reasonably likely to apprise members of the general public, any concerned

media and the official newspaper of the meeting.

**(3) SPECIAL GOVERNMENT UNITS**

**(A) Special Government Units Notice.** Any committee, commission, agency, board or other special government unit of the City shall comply with Chapter 19, (1993-1994) Wisconsin Statutes, and the sections of this ordinance. Any committee, commission, agency, board or other special government unit shall, in addition, provide a written copy of a public notice of any meeting to the City Administrator or to the Deputy Clerk of the City of Cornell prior to any meeting.

**(B) Exceptions.** The special government unit need not provide such public notice pursuant to Section 19.84(6), (1993-1994) Wisconsin Statutes if all of the following apply:

**(1)** If the special government unit is a formally constituted committee or subcommittee of the Common Council;

**(2)** If the committee or subcommittee of the Common Council is meeting during a lawful meeting of the Common Council, during a recess of a lawful meeting of the Common Council, or immediately after adjournment of a lawful meeting of the Common Council;

**(3)** If the committee or subcommittee of the Common Council is meeting for the purpose of discussing or acting upon a matter which was the subject of the meeting of the Common Council; and

**(4)** If the Mayor publicly announces the time, place and subject matter of the meeting of the committee or subcommittee in advance at the meeting of the Common Council.

**(4) POSTING AND PUBLISHING OF PUBLIC NOTICE**

**(A) Posting.** At minimum, the responsible person to provide any public notice or his or her designee shall post written public notice of any meeting of the Common Council and any meeting of any committee, commission, agency, board or any other special government unit of the City at the following location:

- (1)** City Hall
- (2)** Cornell Courier Building
- (3)** United States Post Office

(B) **Publishing.** In lieu of or in addition to the above noted written posting of the public notice for the meeting of the Common Council and any other special government units noted herein, proper written public notice may be achieved under Chapter 19, (1993-1994) Wisconsin Statutes, and this ordinance by the City Administrator or his or her designee publishing a Class 1 notice pursuant to Chapter 985, (1993-1994) Wisconsin Statutes, for any meeting of the Common Council or any other government units noted herein, in the City of Cornell official newspaper and by publishing public notice of any meeting at the discretion of the City Administrator of the Common Council, in any other publication likely to apprise the general public of the meeting. Publication of the public notice of a meeting in the official newspaper or in any other publication is not required by this ordinance except as noted below.

(5) **RECORDING, BROADCASTING AND PHOTOGRAPHING OF MEETINGS**

(A) **General Media Coverage Rule.** Pursuant to Section 19.90, (1993-1994) Wisconsin Statutes, any concerned media, the official newspaper of the City or any other person may broadcast, photograph or record any part or all of any open session of a meeting of the Common Council, or any meeting of any special office, committee, commission, agency, board or any other special government unit of the City covered by this ordinance.

(B) **Exceptions.** The Mayor or the chair or presiding officer of any City meeting or any other City government meeting of the City, its officers or its employees may, prior to or at the meeting establish reasonable standards for the location and placement of any broadcasting, photography or recording devices. No person shall broadcast, photograph or record any matter or persons at any government meeting in the City of Cornell in such a manner to unreasonably interrupt the deliberations and discussions nor unreasonably block the view or the opportunity to hear any person at any City of Cornell government meeting.

(6) **EXCEPTIONS TO OPEN MEETING**

(A) **Procedure for Closed Session**

(1) Any meeting of the Common Council and any public meeting of any committee, commission, agency, board or any other special government unit may be held in the closed session upon a motion for a closed session duly made and carried by a roll call vote of the members. The vote shall be conducted in a manner to allow the public to ascertain how each member of the Common

Council or each member of the committee, commission, board or any other special government unit of the City voted on the motion. The actual vote for a closed session shall be recorded in the minutes by the

recording officer of the meeting with a clear identification of the names of the members voting for the motion and the names of the members opposing the motion. Prior to the adoption of the motion, the Mayor or the presiding officer of the meeting formally shall, at the open meeting portion, announce to all persons at the meeting the nature of the business or matter to be considered at such closed session and shall also formally announce the specific closed meeting exemption and subsection under Chapter 19, (1993-1994) Wisconsin Statutes.

(2) No person in the closed session shall bring before any closed session meeting any business or matter except that business or matter which relates to the business or matter contained in the formal announcement of the closed session by the Mayor or by the presiding officer of the public meeting.

(B) **Purposes for Closed Session.** A closed session of the Common Council or a closed session of any special office, committee, commission, agency, board or any other special government unit of the City may be held for the following purposes:

(1) Deliberation concerning a case which was the subject of any judicial or quasi judicial trial or hearing before the Common Council or before any special office, committee, commission, agency, board or any other special government unit of the City.

(2) Dismissal, demotion, licensing, or discipline as follows:

(a) Considering dismissal, demotion, licensing or discipline of:

1. Any public employee for the City.
2. Any person licensed by the City.
3. Any special office, committee, commission, agency, board or any other special government unit of the City.

(b) The investigation of charges against any person by the City may be done provided that the public employee or person licensed is given actual notice of any evidentiary hearing by the Common Council or by any committee, commission, agency, board, or any other special government unit of the City prior to

the final action being taken by said Common Council or the committee, commission, agency, board or any other special government unit of the City and the open meeting notice of the public meeting at which final action may be taken. The actual notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session.

**(c)** The above paragraphs do not apply to any evidentiary hearing or meeting of the Common Council or any committee, commission, agency, board or any other special government unit of the City where the public employee or person licensed requests in writing prior to the meeting or hearing to the City Administrator that an open session be held.

**(3)** Considering employment, promotion, compensation or performance evaluation data of a public employee of the City where the Common Council of the City or any committee, commission, agency, board or any other special government unit of the City has jurisdiction over the public employee or exercises responsibility for the public employee.

**(4)** Considering specific strategy for crime detection or prevention in the City.

**(5)** Deliberating or negotiating the purchasing of public property for the City or for any committee, commission, agency, board or other special government unit of the City or conducting other specified public business for the City or for any special office, committee, commission, agency, board or any other special government unit of the City whenever competitive or bargaining reasons require a closed session.

**(6)** Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or investigation of charges against specific persons except where paragraph (b) applies, which, if discussed in public, would be likely to have substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.

**(7)** Conferring with legal counsel for the Common Council of the City or for any committee, commission, agency, board or any other special government unit of the City about litigation which exists or is likely to arise.

**(8)** Consideration of requests for confidential written advice from any ethics board established by and for the Common Council.

**(9)** Considering any and all matters related to any business under Section 560.15, (1993-1994) Wisconsin Statutes, which, if discussed in public, could adversely affect the business, its employees or former employees.

**(C) Exceptions**

**(1)** The Common Council and any committee, commission, agency, board or any other special government unit may not commence a meeting, subsequently convened in closed session and thereafter reconvened in open session within twelve (12) hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session. For this purpose, the officer or designee effecting notice may use the phrase "The board may reconvene in open session to consider other topics".

**(2)** Neither the Common Council, any committee, commission, agency, board or any special government unit of the City nor any member of the above-noted, nor any person shall construe this ordinance to authorize the Common Council or any special office, committee, commission, agency, board or any other special government unit of the City to consider at a closed session meeting the final ratification or approval of any collective bargaining agreement under Subchapter IV or V of Chapter 111, (1993-1994), Wisconsin Statutes, where this agreement has been negotiated by the Common Council or by any special office, committee, commission, agency, board or any other special government units of the City or on their behalf.

**(7) EXCLUSION OF MEMBERS**

**(A)** The Common Council may, pursuant to Section 19.89, (1993-1994), Wisconsin Statutes, adopt written rules to exclude members of the Common Council from closed meetings of any committees, commissions, agency boards or any other special government units of the City if those committees, commissions, boards or other special government units of the City are subunits of the Common Council.

**(B)** No member of the Common Council may be excluded from an open or closed meeting of the Common Council. (Ref. 19.89, Wis. Stats 1993-1994)

**(C)** No member of the Common Council that has or believes he or she

has any direct or indirect conflict or conflicts as noted shall knowingly attend or continue to remain at any closed or open meeting of any committee, commission, agency, board or any other special government units of the City where at these meeting items related to the conflict will be discussed and/or will be voted upon.

**(D)** The City Administrator shall have the right to attend all closed sessions of the Common Council unless the Common Council by a majority vote excludes the City Administrator from any particular closed session.

**(8) STATE LAW.** The Common Council and any member of any committee, commission, agency, board or any other special government units of the City shall comply with all applicable provisions of the State open meeting law (Chapter 19, (1993-1994) Wisconsin Statutes). Any meeting established, notices provided and any employee and by any agents of the City of Cornell shall comply with all applicable provisions of the State open meeting law (Chapter 19, (1993-1994) Wisconsin Statutes).

#### **4.02 OFFICIAL CITY NEWSPAPER ORDINANCE**

##### **(1) OFFICIAL CITY NEWSPAPER**

**(A)** The Common Council, pursuant to Section 985.05 (1993-1994) Wisconsin Statutes, may designate an official City of Cornell newspaper. This official City newspaper, if designated, shall publish all legal notices published in a newspaper by the City unless otherwise specifically required by State law. This official newspaper must be published or have general circulation in the City and must be eligible under Section 985.03, (1993-1994) Wisconsin Statutes, as its official City newspaper or utilized the same for specific notice.

**(B)** If at any time the City has no official newspaper and under State law, publication in an official newspaper is required, then the Common Council may provide for publication in a newspaper published or generally circulated in the City of Cornell after the newspaper is so designated under Sections 66.01 to Section 66.08, (1993-1994) Wisconsin Statutes. If no newspaper is published in the City, the City may provide proper publication by publishing in a newspaper published in the County of Chippewa having general circulation in the City of Cornell if the newspaper is designated by the proper City officers and special government units conducting any proceeding or meetings noted in Sections 66.01 to 66.08, (1993-1994) Wisconsin Statutes; and by the posting by the City officers, their designee or by the special government unit conducting the proceeding or meeting in at least three (3) public places in the City. If no newspaper qualifies and cannot be designated by the proper



City officers and special government units conducting the proceedings or meetings under Section 66.01 to 66.08, (1993-1994) Wisconsin Statutes, then the above-noted posting shall be sufficient publication.

(2) **ADOPTION OF RESOLUTION FOR OFFICIAL CITY NEWSPAPER.** The Common Council authorizes by adoption of this ordinance that the official City newspaper shall be the "Cornell and Lake Holcombe Courier".

**Reserved for Future Use.**

## **CHAPTER 5**

### **FISCAL MANAGEMENT**

#### **5.01 FISCAL MANAGEMENT ORDINANCE**

(1) **FISCAL YEAR.** The fiscal year for the City of Cornell is the calendar year.

(2) **BUDGET ADOPTION**

(A) The Common Council shall adopt an annual budget. (Reference Section 65.90, Wisconsin Statutes.)

(B) The Common Council shall establish the duties of the City Administrator in preparing and presenting to the Common Council the City annual budget. The duties, at a minimum, are the following:

(1) The City Administrator will prepare a budget timetable for the Common Council.

(2) The City Administrator will prepare a budget worksheet for the Common Council.

(3) The City Administrator will prepare estimates for the Common Council on the revenues and the cash balance for the year-end.

(4) The City Administrator will prepare and present expenditure requests to the Common Council.

(List Other Duties)

(3) **Reserved for future use.**

(4) **BUDGET HEARING.** The Common Council shall conduct a budget hearing prior to the adoption of the budget, pursuant to Section 65.90, (1993-1994) Wisconsin Statutes. At least fifteen (15) days prior to the budget hearing, the City Administrator shall

publish a Class 1 notice containing the time and place of the budget hearing, a summary of the budget and notice of the place where the budget, in detail, is available. The City Administrator shall also publish notice of the budget hearing in at least three (3) public places at least fifteen (15) days prior to the budget hearing. The budget hearing shall be held at the City Hall unless otherwise noted by the published or posted notice.

**(5) ESTIMATES OF BUDGET.** Each elected officer and each appointed officer responsible for a department, office, committee, commission, agency, board or other special government unit of the City shall file with the City Administrator, by a date established by the City Administrator, the following for their department, office, special office, committee, commission, agency, board or other special government unit of the City:

- (A)** Prior year's receipts, revenues, disbursements, and expenditures.
- (B)** Current year's receipts, revenues, disbursements, and expenditures.
- (C)** Estimated receipts, revenues, disbursements and expenditures for next year.

**(6) ELEMENTS OF BUDGET.** Each budget prepared by and approved by the Common Council shall include the following:

- (A)** All existing indebtedness.
- (B)** All anticipated revenue from all sources for the ensuing year.
- (C)** All proposed appropriations for departments, committees, commissions, and boards, active or reserve accounts for next year.
- (D)** All actual revenues and expenditures for proceeding year.
- (E)** All actual revenue and expenditures for not less than six (6) months of current year.
- (F)** All estimated revenues and expenditures for the balance of the year.

(G) All anticipated unexpended or unappropriated balances and surpluses.

(7) **ELEMENTS IN BUDGET SUMMARY.** Each budget summary prepared by and approved by the Common Council shall include the following:

(A) All expenditures by major expenditure category for the proposed budget, the budget in effect and the budget of the preceding year.

(B) All revenues by major revenue service for the proposed budget, the budget in effect and the budget of the preceding year.

(C) Any financial source and use not identified in subsection (A) and (B).

(D) All beginning and year end balances for the proposed budget, the budget in effect and the budget of the preceding year.

(E) Additional budget summary information can be included by order of the Common Council but shall be reported separately under the heading "additional information".

(8) **INITIAL PREPARATION OF BUDGET**

(A) The annual budget shall be initially prepared by and approved by the Common Council based on the data and estimates provided by the City Administrator. The following City employees, officers, and agents along with the City Administrator shall assist the Common Council in preparing the annual budget:

(List)

Police Chief, City Work Superintendent, Utilities Superintendent, Mayor

(9) **APPROVAL OF BUDGET.** The Common Council, after the public hearing, shall act upon the annual budget. The Common Council may amend the annual budget prior to final adoption. The annual budget shall be finally adopted by the Common Council on or before December 15th of each year. Under normal circumstances, the Common Council will adopt the budget by December 1st of each year. The annual budget, as finalized shall be adopted by a majority roll call vote of the members of the Common Council.

**(10) CHANGES IN FINAL BUDGET.** The **amount of the tax** to be levied or certified, the **amounts of the various appropriations** and the **purposes** of the appropriations stated in the approved annual final budget **may not be changed** unless authorized by a roll call vote of **two-thirds (2/3rds)** of the members of the Common Council. (Reference Section 65.90(5)(A), Wisconsin Statutes.)

**(11) EXPENDITURE OF FUNDS.** The Common Council shall not authorize money to be drawn from the treasury of the City nor shall the Common Council incur any obligation for the City for the expenditure of money except as these expenditures or obligations that are made pursuant to the annual final budget appropriations or that are made pursuant to any revised annual budget appropriations. Any unencumbered budget balance of the authorized appropriations shall revert to the general fund and shall be subject to reappropriation by the Common Council. No order for payment may be issued in excess of funds available or appropriated for the purpose for which the order is drawn unless authorized by a two-thirds (2/3rds) roll call vote of the Common Council.

**(12) CLAIMS AND PAYMENTS**

**(A) Claims Procedure- for Claims Subject to Section 893.80 (Claims for damages).** The Common Council shall develop and maintain a policy and plan, to manage and control any legal claims against the City of Cornell, its officers, its employees and its agents. All claims filed pursuant to Section 893.80, (1993-1994) Wisconsin Statutes, shall be filed with the City Administrator. The City Administrator shall immediately contact the Mayor regarding the claims. The Mayor shall arrange any appropriate and necessary meeting of the Common Council for actions pursuant to Section 893.80, (1993-1994) Wisconsin Statutes, to allow or disallow any claim. The Mayor shall, at his or her discretion, contact the City of Cornell Attorney regarding the claim prior to the meeting of the Common Council. The Common Council and any other City employee or City officer involved with the claim or incident related to the claim shall respond as follows:

Notify the Mayor or City Administrator for consultation with the Insurance carrier for the City Insurance and the City Attorney.

**(B) General Policy for Claims**

**(1)** No claim, account or demand for payment against the City shall be paid until a voucher has been filed with or prepared by the City Administrator. All claims, accounts and demands for money shall be filed with the City Administrator.

**(2)** The Common Council shall approve or disallow any claim made under Section 893.80, (1993-1994) Wisconsin Statutes. Except as otherwise provided herein.

**(3)** All vouchers shall be approved or rejected by the City Council prior to payment. All claims, accounts and demands for payment shall be verified by the claimant or the claimant's agent. The City Administrator shall make disbursements from the City Treasury upon receipt of the approved voucher and upon the written order of the City Administrator for payment. Any disbursement of City funds from demand deposits of the City shall be by draft or order check. Any disbursement of City funds from savings or time deposits of the City shall be by written transfer order. All drafts or order checks and transfer orders shall be signed by the City Administrator. The Mayor shall countersign all drafts, order checks, and transfer orders. For interest on late payment Ref. 66.285 (1993-1994) Wis. Stats.

**(C) Exceptions to Common Council Approval of Claims**

**(1)** Any bills and vouchers not in excess of Three Thousand Five Hundred Dollars (\$3,500.00) may be paid by the City Administrator without approval of the Common Council if the Cornell Administrator reviews and approves in writing each bill or voucher as a proper charge against the City Treasury and after the City Administrator determines:

**(a)** Funds are available under the City budget to pay the bill or voucher.

**(b)** The item or service covered by the bill or voucher has been duly authorized.

**(c)** The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.

**(d)** The claim appears to be a valid claim against the City.

**(2)** The Common Council may by resolution, direct that certain recurring expenses be paid without advance approval by the Council to prevent late charges or inconveniences.

**(3)** The City Administrator shall file, at least monthly, with the Common Council a written list of claims approved, the date paid, name of claimant,

purpose and amount of claim. The City Administrator can demand proof of compliance with the above-noted (a)-(d) prior to approval.

**(13) FINANCIAL STATEMENT**

**(A)** The City Administrator shall maintain financial records of the City by book or on computer disk-subject to printing, and shall prepare a written financial statement in accordance with Section 62.09(11)(g), (1993-1994) Wisconsin Statutes and publish the Public Notice of receipts and disbursements by March 15th of each year.

**(B)** The annual financial statement shall include previous year's revenues and expenditures and the current indebtedness of the City of Cornell.

**(14) PUBLIC CONTRACTS**

**(A) Items Required for Bids** (Reference Wis. Stats. §62.15, and §66.29.)

**(1)** The Common Council shall advertise for bids for any public contract. A public contract means a contract for the construction, execution, repair, remodeling or improvement of any public work or building or for the furnishing of materials or supplies, with an estimated project cost to the City greater than Fifteen Thousand Dollars (\$15,000.00). The Common Council shall, prior to execution of any public contract, require proof of notice of publication, if publication is required.

**(2)** The City of Cornell shall not enter a public contract with an estimated project cost of more than Five Thousand Dollars (\$5,000.00) but not more than Fifteen Thousand Dollars (\$15,000.00) unless the Common Council or a City official or employee designated by the Common Council give a Class 1 notice under Wisconsin Statutes Ch. 985, before the execution of the contract.

**(3)** This ordinance shall be interpreted to comply with the public bidding requirements of Wis. Stats. §62.15, as it may be amended from time to time. To the extent permitted in Wis. Stats. §62.15, this ordinance shall not apply to public construction if the materials for such a project are donated or if the labor for such a project is provided by volunteers. To the extent permitted by Wis. Stats. §62.15, this ordinance is not mandatory for the repair and reconstruction of public facilities when damage or threatened damage thereto creates an emergency as determined by Resolution of the Common Council, in which the public health or welfare of the City is endangered. NOTE: Cross ref. 14.01(1). The Common Council has the duties of the Board of Public Works and Public Utility Commission regarding



emergency exceptions to Wis. Stats. §62.15, the Public Bidding Law.

(4) The Common Council may, in addition, require that the estimated amounts less than Fifteen Thousand Dollars (\$15,000.00) be placed for bid and that certain additional items such as equipment to be sold and services to be rendered to the City be contracted for by bid. The Common Council shall require that the following additional items be bid:

(B) **Advertising Required for Bids.** The Common Council or its designee shall, except as noted in subparagraph (16)(D), advertise for proposals to perform the terms of the public contract by publishing a proper notice under Chapter 985, (1993-1994) Wisconsin Statutes.

(C) **Lowest Bidder**

(1) The City of Cornell shall let a public contract for which advertising for proposals is required to the lowest responsive and responsible bidder.

(2) The Common Council shall comply with the requirements in Section 66.29, (1993-1994) Wisconsin Statutes, relating to bidder's proof of financial responsibility, correction of errors, separation of contracts, bidder's certificate, settlement of disputes and payment of public contracts.

(D) **Exceptions to Bid Process.** This ordinance does not apply to any public contract entered into by the City with another municipality. Municipality, for this ordinance is defined as: the state or any department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, water utility district, mosquito control district, municipal electric company, county or city transit commission or regional planning commission. In addition, the public bid requirements are optional with respect to public contract for the repair and construction of public facilities in the City when damage or threatened damage creates an emergency. The emergency must be declared by the Common Council prior to entering into a contract and the emergency must endanger the public health or welfare of the City. This exception does not apply when the Common Council declares that the emergency no longer exists. Finally, the public bid requirements do not apply to any public work performed directly by the City of Cornell. Non bid contracts are to be reported to the Council. Ref. 62.15(14) (1993-1994) Wis. Stats.

(E) **Private Interest in Public Contract Prohibited**

(1) All City officers and employees shall comply fully with Section No. 8.01 relating to ethics and shall not violate Section 946.13, (1993-1994) Wisconsin Statutes.

(2) In addition, pursuant to Section 946.13, (1993-1994) Wisconsin Statutes, no City officers and employees shall negotiate a public contract, bid a public contract or enter into any contract or participate in the making of a public contract in which he or she has a private pecuniary interest, direct or indirect, which involve receipts and disbursements by the City of Cornell aggregating more than Fifteen Thousand Dollars (\$15,000.00) in any year.

**(15) BONDING**

**(A) General Authority.** The Common Council is authorized to bond pursuant to Chapter 67, (1993-1994) Wisconsin Statutes, and this ordinance. this ordinance is not applicable to the following types of bonds and borrowing:

**(B) Amount of Bond and General Obligations.** The Common Council is authorized to bond, except as provided in Section 67.01(9), Wisconsin Statutes, to the amount of five percent (5%) of the value of the taxable property in the City as equalized for State purposes with the percentage amount not to exceed five percent (5%) of the value of the taxable property located in the City as equalized for such purposes. Maximum amount of bonds noted herein and other obligations do not apply to revenue bonds issued by the City. The following projects, as projects are defined in Chapter 67, (1993-1994) Wisconsin Statutes, and for this ordinance can be undertaken for public purposes as public purpose is defined in Chapter 67, (1993-1994) Wisconsin Statutes, by the City by issuance of bonds:

**(C) Procedure.** The Common Council, if the City of Cornell seeks to issue a bond, must, pursuant to Chapter 67, (1993-1994) Wisconsin Statutes, adopt a resolution prior to issuance of the bond, except as noted below. This initial resolution adopted by the Common Council must state the purpose and maximum amount of the borrowing. After the adoption of the initial resolution by the Common Council, the City Administrator shall initially record the resolution and call a special referendum election for the purpose of submitting the resolution to the electors of the City for their approval. The City shall follow the referendum procedure established in Section 67.05, (1993-1994) Wisconsin Statutes. Referendums are not required for:

**(1)** Refunding obligations.

**(2)** Acquiring, developing, remodeling, constructing and equipping lands, buildings and facilities for regional properties either alone or acting jointly under Section 66.30, (1993-1994) Wisconsin Statutes.

**(D) Term of Bond.** All City of Cornell bonds by this ordinance shall be made payable not later than twenty (20) years after the original date. The Common Council may require that the bonds be made payable prior to the twenty (20) years.

**(E) Debt Service Fund.** The Common Council shall, pursuant to Section 67.11, (1993-1994) Wisconsin Statutes, establish a Debt Service Fund to

service the municipal obligations under the bond.

**(F) Temporary Borrowing.** The Common Council may, pursuant to Section 67.12, (1993-1994) Wisconsin Statutes, and this ordinance, issue municipal obligations in anticipation of receiving Federal or State aids, taxes levied or other deferred payments. The municipal obligations issued under the section shall not exceed, by this ordinance, forty percent (40%) but, pursuant to Section 67.12, (1993-1994) Wisconsin Statutes, never more than sixty percent (60%) of the municipality's total actual and anticipated receipts in the borrowing fiscal year and shall be repaid no later than twelve (12) months but, pursuant to Section 67.12, (1993-1994) Wisconsin Statutes, never more than eighteen (18) months after the first day of the fiscal year. This amount does not constitute an indebtedness for purpose of determining the municipal constitution debt limitation. In addition, the Common Council Board may issue for the City of Cornell promissory notes as evidence of indebtedness for any public purpose. Each note, plus interest, shall be paid within ten (10) years but, pursuant to Section 67.12, (1993-1994) Wisconsin Statutes, never to exceed ten (10) years. Promissory notes issued for treatment plants under Section 144.241, (1993-1994) Wisconsin Statutes shall be repaid within twenty (20) years after completion of the treatment work project.

**(G) Protest Action.** The Common Council may not issue, pursuant to Section 67.22, (1993-1994) Wisconsin Statutes, for the City any bonds, except refunding bonds, if within thirty (30) days after the adoption of the initial resolution a petition is filed with the City Administrator contesting the issuance of bonds which is signed by a majority of the electors as defined in Section 6.02(1), (1993-1994) Wisconsin Statutes, in the City of Cornell and which requests that the contested bond issue not be made.

**(H) Diversion of Funds.** Every City officer and employee, the surety on these bonds of these officers and employees, and any other person participating directly or indirectly in any impairment of the borrowed money fund of the City of Cornell or a debt service fund of the City shall be liable to the City to restore such fund in total. The Common Council, upon knowledge of such diversion, shall immediately inform the City Attorney of the diversion and request the appropriate legal advice regarding the diversion.

**(16) MULTIPLE PAYMENTS OF PROPERTY TAXES.** The Administrator shall make changes to the assessment roll ordered by the Board of Review as follows:

**(1)** In full on or before January 31 or in two (2) equal installments unless the total real property tax is less than One Hundred Dollars

(\$100.00). If less than One Hundred Dollars (\$100.00), the taxes are due by January 31. If paid in two (2) installments, the first installment is due on or before January 31 and the second payment is due on or before July 31. All special assessments, special charges, and taxes are due on or before January 31. The first payment is to be paid to the City Administrator of the City of Cornell and the second payment is to be paid to the County Treasurer.

**(17) INVESTMENT PROCEDURE/PUBLIC DEPOSITORY**

**(A) Long Term Investment Depository.** The Common Council may order the City Administrator to invest long term funds and temporary funds not needed by the City of Cornell and to order specific dollar investments in specific financial institutions and in specific types of investments. These funds, however, must be invested in one of the approved financial institutions and approved investments noted in Section 66.04, (1993-1994) Wisconsin Statutes.

**(B) Temporary and Long Term Fund Depository.** The Common Council shall name the public depository or public depositories for any temporary fund investments and long term fund investments. The City Administrator shall deposit funds promptly on a weekly basis or when he or she receives over One Hundred Dollars (\$100.00) at any one time, whichever is earlier. These public depositories shall be approved financial institutions as noted in Section 66.04, (1993-1994) Wisconsin Statutes. The public depositories approved are:

- (1)** The Northwestern Bank, Cornell, Wisconsin
- (2)** American Bank, Cornell, Wisconsin
- (3)** First Federal Bank, Cornell, Wisconsin

**(18) RESERVED FOR FUTURE USE.**

**(19) APPROPRIATIONS**

**(A) Non-Appropriation Items.** The Common Council may appropriate City of Cornell funds as established by law. The City of Cornell specifically cannot appropriate funds for the following:

- (1)** No appropriation of any kind shall be made by the City nor any municipal liability created or tax levied as a consideration or inducement to the State of Wisconsin to locate any public education, charitable, reformatory or penal institution.

(2) No appropriation of any kind to authorize funds or pay to a physician, surgeon or a hospital, clinic or other medical facility for which the performance of an abortion except those permitted under and which are performed in accordance with Section 20.927, (1993.1994) Wisconsin Statutes.

(B) **Items to Review in Appropriations.** The Common Council, prior to approving any appropriations, shall review, at minimum, the following:

(1) The current availability of funds under the approved City budget.

(2) That the proper City authority approved the purchase of the item or service.

(3) That the item or items to be received by the City are of the same type, amount and designation as the item originally approved by the City authority.

(4) That the item or items to be received by the City are in satisfactory quality and quantity.

(5) That the item or items have been and will continue to be received in a timely manner by the City.

(6) That the City has had no past legal or financial problems with or concerns regarding the vendor or the service provider.

(7) That the City has complied with the proper bidding law and ordinances regarding the item or items.

(8) That the proper City authority that approved the item or service and the Common Council has no direct or indirect conflict or interest regarding the item or service.

(9) That the City has not been charged any sales tax.

(10) That the City has not already paid previously for the item or service.

(11) That the vendor or service provider has the financial, the commercial and the legal ability to fully comply with any contract.

(12) That no real or alleged conflict of interest or ethical concerns have been raised regarding the appropriation.

**(20) FIRE COST REIMBURSEMENT**

(A) The Common Council of the City of Cornell may develop and maintain the proper funding for fire protection. The Common Council may charge property owners a fee for the cost of fire protection provided to their property according to a written schedule established by the Common Council. This will include fire protection provided by a fire department created by municipal intergovernmental cooperation agreement pursuant to Section 66.30, Wisconsin Statutes, and specifically to the "Cornell Area Fire Department". See Appendix B for current resolution and/or ordinance.

(B) If the Common Council has established a schedule for the cost of fire protection, it will be as set forth as Appendix B, which Schedule may be changed by Resolution from time to time. Copies of future Resolutions shall be included in Appendix B.

(1) In the event the charge for a fire call remains unpaid following a billing notice to the landowner, the cost shall be put on the property tax bill as a special charge, pursuant to Section 66.60(16)(a), (1993-1994) Wisconsin Statutes.

**(21) FINANCIAL AUDIT**

(A) **Scope of Audit.** The Common Council shall provide for financial audits of the City. The following accounts of the City will be audited:

(B) **Audit Regularity**

(1) The Common Council shall receive interim financial statements from the City Administrator. These statements shall be prepared on a monthly basis. These statements shall be received by the Common Council at the meeting after the report is submitted.

(2) The Common Council shall arrange for a financial audit of the City, at least annually. The audit will be completed by a certified public accountant or by the Department of Revenue if the Department of Revenue provides this service. The City Administrator will cooperate with these audits.

**Reserved for Future Use.**

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