

Effective Date:	06/14/2005
Updated:	09/09/2014



CITY OF BERLIN NEW OFFICIALS GUIDELINES

Organization & Powers of Cities & Villages

I. ORGANIZATION OF CITY GOVERNMENT

There are 190 cities and 395 villages in Wisconsin. Most of these 585 municipalities use the mayor-council or president-village board form of government. Ten cities use the council-manager form of government and nine villages use the village board-manager form of government. The statutes also provide for the commission form of government, but this form has not been used in Wisconsin since 1957.

While the administration of city government may be organized in several ways, the predominant form is the mayor-council form described in ch. 62 of the Wisconsin Statutes, known as the "city charter law." It is used in 180 cities in Wisconsin. Under this form, corporate authority is vested in a common council, consisting of alderpersons generally elected by districts and a mayor elected at large. The council is the policy-making or legislative part of city government, while the mayor is the chief executive officer and directs the administration of the city.

The Mayor

The mayor is, by statute, a member of the council, presides at its meetings and may vote on measures before the council in the event of a tie vote. The mayor can sign or veto such legislative actions of the council. As chief executive officer of the city, the mayor has a statutory duty to "take care that city ordinances and state laws are observed and enforced and that all city officers and employees discharge their duties." Sec. 62.09(8)(a), Stats. The mayor's authority as chief executive officer is not unlimited. For example, a mayor cannot unilaterally decide what uses are to be made of city property and cannot, without prior council approval, enter into a contract on behalf of the city. Also, a mayor cannot, without prior council approval, expend municipal funds.

The mayor is the head of the police and fire departments, except in cities where the police and fire commission has been granted optional powers by the electorate. In cities without a police and fire commission, the mayor appoints all police officers. The chief of police has command of the police force under the direction of the mayor, and must obey lawful written orders of the mayor and common council.

Sometimes distinctions are made between a "strong mayor" system and a "weak mayor" system. These terms refer to the amount of independent power exercised by the mayor. A "weak" system is characterized by shared administrative responsibility among the mayor, elected administrative officers, various boards and commissions, and independent appointed officials. A "strong" type involves unification of responsibility and accountability in the mayor's office. This includes the mayor's selection of most major departmental officials, the administrative supervision over governmental services and the preparation of an "executive" budget. Wisconsin cities generally fall in the "weak" mayor category.

The Common Council

The common council is made up of "alderpersons" and the mayor. In contrast to other city officers, the statutes do not provide a list of duties for alderpersons. A common council serves as the legislative arm of city government. It decides policy matters. In addition to enacting ordinances, resolutions and motions, it approves and amends the annual budget, levies taxes, approves the paying of claims made against the city, grants licenses issued by the city, and enters into contracts on behalf of the city. The council also appoints or confirms the appointment of certain city officers.

The council may conduct business at a meeting only when a quorum is present. Two-thirds of all the members of the council constitutes a quorum. In cities with five or fewer alderpersons, a majority constitutes a quorum. Sec. 62.11(3)(b), Stats. While the mayor is a member of the council and presides over council meetings, the mayor is not counted in determining whether a quorum is present. Secs. 62.09(8)(b) & 62.11(1), Stats.

Cities may determine the size of their councils. Some cities have as many as 20 council members (e.g. Madison), but the average ranges between 6 and 10. John A. Martin, "City Councils and Village Boards: What Determines Their Size," *the Municipality*.

Councils may adopt rules of parliamentary procedure. Sec. 62.11(3)(e), Stats. The council is the judge of the election and qualification of its members, may compel their attendance, and may fine or expel for neglect of duty. Sec. 62.11(3)(a), Stats. In order to remove a member, however, the council must comply with the procedures for removal set out in secs. 17.12 and 17.16, Stats.

Councils may create as many or as few committees as they wish. Common councils may determine by ordinance the size, organization and powers of council committees.

Other City Officers

In addition to the council and the mayor, cities are served by a number of other officials, boards and commissions. The state statutes list the following non-governing body city officers: a clerk, a treasurer, an attorney (full time or part-time), a health commissioner or board of health, a police and fire commission, a chief of police, a chief of the fire department, a weed commissioner, a board of public works, an engineer, an assessor, a constable and a street commissioner. The city may eliminate some of these offices and it may combine or consolidate many of these offices as it sees fit. The common council may also create additional officers, boards and commissions not mentioned in the statutes.

Under home rule power, a city may decide whether these officers will be elected or appointed and whether the appointments will be by the mayor or the council or by the mayor with council confirmation. The trend has been for cities to remove officials from the ballot. Appointment, rather than election, allows the selection of officers with the necessary skills, education and training to handle the increasingly complex tasks of city government. Many clerks and treasurers now are appointed rather than elected and, in some cases, their authority encompasses many administrative duties.

Boards and Commissions

The statutes provide for a number of municipal boards and commissions. Some are mandatory. Examples of mandatory bodies include: (1) board of police and fire commissioners (in cities having a population exceeding 4,000 and villages having a population over 5,500); (2) boards of review; (3) zoning board of appeals (in municipalities with zoning regulations); and (4) board of election officials. Other boards and commissions described in the statutes are optional and may be created at the discretion of the municipal governing body or when the municipal governing body chooses to engage in a particular activity. Examples of these types of bodies include: (1) library board, (2) utility commission; (3) park board (4) airport commission.

Municipal Administrators

As the need for full time municipal management becomes greater, there has been a significant trend among Wisconsin municipalities toward hiring professional administrators. While the statutes do not expressly mention municipal administrators, Wisconsin law and home rule provisions allow cities and villages to create and fill the position of administrator. An administrator acts as the chief administrative officer of the municipality. According to a Wisconsin Taxpayers Alliance study, in 1995 administrators were employed in 64 cities, 60 villages and 26 towns. Unlike manager plans, which modify legislative and executive functions, the addition of an administrator leaves the duties of the elected governing body officials unchanged. The administrator, like the manager, brings an objective, professional perspective to municipal affairs, but elected officials retain their power to hire and fire department heads and set overall municipal policy

II. POWERS OF MUNICIPALITIES

Cities and Villages are creatures of the state and therefore have only as much power as the state gives them. Wisconsin cities and villages have been given broad authority to act for the health, safety and general welfare of the community.

Municipal Home Rule Authority. Cities and villages in Wisconsin are different from other local governmental units such as towns, counties and school boards because they possess more power to govern themselves in local matters without state interference (i.e., cities and villages have more local autonomy than other local governments). The term used to describe this grant of considerable power given to municipalities to act autonomously is "home rule." There are two sources of municipal home rule powers:

- A. **Constitutional Home Rule:** In 1924 state electors voted in favor of amending the state constitution to add "constitutional home rule" to Art. XI, Sec. 3 of the WI Constitution. That provision provides that "... cities and villages ... may determine their local affairs of

government, subject only to this constitution and to such enactments of the legislature of state wide concern as with uniformity shall affect every city or every village."

- 1) **Charter Ordinances:** In 1924 the legislature also enacted the home rule enabling act, sec. 66.01, Stats., which sets forth the procedure municipalities must follow to implement their constitutional home rule powers. Municipalities exercise their constitutional powers through the enactment of charter ordinances. A charter ordinance must be adopted by a 2/3 vote of the governing body, and does not take effect for 60 days after passage, during which time electors have the opportunity to petition for a referendum on the charter ordinance. If a petition is filed within the 60-day period, the charter ordinance does not take effect until the voters approve it at a referendum. The governing body may also submit the charter ordinance directly to the voters without voting on it themselves. In addition, the electors may initiate a charter ordinance.
- 2) **Common Uses:** Charter ordinances are often used to change the method by which officers such as the clerk and treasurer are selected (i.e. from election to appointment). They are also used to combine offices (i.e. clerk and treasurer); change the length of term persons serve on the governing body (i.e. from two years to three or four years); to alter the basic governmental structure (e.g. change from a mayor - council form of government to a city manager form); and simply to ensure permanency.
- 3) **Narrow Interpretation:** The constitutional home rule powers granted by Art. XI, Sec. 3, have been narrowly construed by supreme court decisions and sparingly used by Wisconsin cities and villages. The courts have taken the view that the constitutional home rule provision does not limit the legislature when it legislates on matters of state wide concern and only requires that it legislate uniformly if the subject is a local affair.

B. Legislative Home Rule: The second source of municipal home rule powers exists in the state statutes. In the 1920's the legislature granted extremely broad powers to cities under sec. 62.11(5) and to villages under sec. 61.34(1). Section 62.11(5) reads as follows:

"Except as elsewhere in the statutes specifically provided, the council shall have the management and control of the city property, finances, highways, navigable waters, and the public service, and shall have power to act for the good order of the city, for its commercial benefit, and for the health, safety, and welfare of the public, and may carry out its powers by license, regulation, suppression, borrowing of money, tax levy, appropriation, fine, imprisonment, confiscation and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants, and shall be limited only by express language."

The above statute has been interpreted by the courts to grant to a city "all the powers the legislature could by any possibility confer upon it." *Hack v. City of Mineral Point*, 203 Wis. 215 (1931). Section 61.34(1) provides the same authority to villages.

- 1) **Preemption.** The legislative home rule powers granted municipalities under sees. 62.11(5) and 61.34(1) cannot, however, protect cities and villages from legislative interference if the legislature chooses to interfere. The question becomes whether or not the legislature has chosen to withdraw municipal power in a particular area, in other words, whether or not it has preempted an area of local action. Whether or not the legislature has preempted local action, a question of statutory construction, is the most pertinent question relating to home rule or local autonomy in Wisconsin.

- 2) **Examples of State Preemption of Municipal Authority.** (1) Taxation, (2) Pesticides; (3) Regulation of the Sale of Cigarettes; (4) Traffic Regulation, and (5) Alcohol Beverage Licensing.

Express Grants of Authority. In addition to home rule powers, the statutes also provide municipalities with specific grants of authority on a wide variety of subjects, including:

- Annexation of Territory (Sec. 66.021)
- Municipal Investment Options (Sec. 66.04(2))
- Authority to enter into Intergovernmental Cooperation Agreements with other Communities (Sec. 66.30)
- Creation of Tax Incremental Finance Districts (TIF) (Sec. 66.46)
- Power to Impose Impact Fees (Sec. 66.55)
- Power of Eminent Domain (Ch. 32)
- Borrowing Powers (Ch. 67)
- Power to Regulate Creation of Subdivisions (Ch. 236)
- Power to License and Regulate Beer & Liquor Establishments (Ch. 125)

III. MAYORS, VILLAGE PRESIDENTS, ALDERPERSON & VILLAGE TRUSTEES ACTING ALONE HAVE NO POWER TO BIND THE CITY OR VILLAGE

All powers granted to cities and villages are vested in their governing bodies. A city or village governing body can generally act only through ordinance, resolution or motion adopted by a majority vote of a quorum at a properly noticed public meeting. As a matter of law, an individual alderperson or village trustee has no more authority than any other citizen of the locality. Thus, unless the governing body has delegated authority to one of its members to take certain authorized actions on behalf of the municipality, individual members of a governing body have no authority to make purchases, enter into contracts, give direction to municipal officers and employees, conduct investigations, bring suit or make any binding legal commitment on behalf of the municipality. Mayors and village presidents similarly have no independent power to expend funds, make purchases or enter into contracts on behalf of the municipality without obtaining prior approval from the governing body. However, mayors, as chief executive officers, have authority to hire, sometimes fire, and to give lawful orders and directions to employees, including the heads of the police and fire departments.

Recognizing & Avoiding Conflicts of Interest

The following is an overview of state laws that guide the actions of municipal officials when those officials (or a member of their family or an organization with which they are associated) have a financial or other special interest in a governmental matter. In particular, this outline provides an overview of the state ethics code applicable to local officials, the statute governing private interests in public contracts, statutory provisions defining official misconduct, and the compatibility doctrine.

Identifying Potential Conflict Situations

The state statutes contain minimum standards of ethical conduct by local government officials. The statutes relating to ethics and conflicts of interest are interrelated and can be quite complicated. Problems in this area can be avoided primarily by using common sense and applying the "smell test." Stated broadly, when an official, a member of the official's family or a business organization with whom the official is associated is involved in a municipal matter, the official needs to step back and question whether there are problems concerning his or her involvement in the matter. The official may want to discuss the situation with the municipal attorney. Local officials may also contact the League's attorneys to discuss ethics issues. Many times it might not be clear whether a conflict, as defined by state law, exists. In these gray areas, the official needs to balance the benefits of involvement (e.g., representing the electors, using the official's expertise) against the drawbacks (e.g., how it would look, the risk of violating a law). Sometimes, even if it may be legal to act on a matter, you may not feel comfortable doing so or it may not look good to do so.

State Code of Ethics for Local Government Officials (Sec. 19.59, Stats.)

The state code of ethics for local officials was created in the 1991 legislative session and took effect in 1992. The law applies to "local governmental units," including counties, cities, villages and towns, as well as special purpose districts, such as town sanitary districts. Sec. 19.42(7u), Stats. The law also covers joint bodies and subunits of local governmental units.

Municipal Officials Affected.

The state ethics code applies to "local public officials" who hold "local public office." Sec. 19.42(7w) and (7x), Stats.

- 1) "Local public office" includes elected municipal officers; city and village managers, appointed municipal officers and employees who serve for a specified term; and officers and employees appointed by the governing body or executive or administrative head who serve at the pleasure of the appointing authority.
- 2) The term does not include independent contractors and persons who perform only ministerial (i.e., non-discretionary) tasks, such as clerical workers. In addition, the term omits officials and employees who are appointed for indefinite terms and are only removable for cause, such as police chiefs and fire chiefs.

Prohibited Conduct. The state ethics law for local officials, sec. 19.59, Stats., prohibits the following conduct.

- 1) **Use of Office for Private Gain.** Public officials are prohibited from using their offices to obtain financial gain or anything of substantial value for the private benefit of themselves, their immediate families, or organizations with which they are associated. Sec. 19.59(1)(a), Stats.
- 2) **Offering or Receiving Anything of Value.** No person may give and no public official may receive "anything of value" if it could reasonably be expected to influence the local public official's vote, official action or judgment, or could reasonably be considered as a reward for any official action or inaction. Sec. 19.59(1)(b), Stats.
- 3) **Taking Action Affecting a Matter in Which Official Has Financial Interest.** Local officials may not take official action substantially affecting a matter in which the official, an immediate

family member, or an organization with which the official is associated has a substantial financial interest. Nor may an official use his or her office in a way that produces or assists in the production of a substantial benefit for the official, immediate family member or organization with which the official is associated. Sec. 19.59(1)(c), Stats.

- 4) **Exceptions.** The prohibitions under no. 3 above do not prohibit local officials from taking lawful actions concerning payments for employee salaries, benefits, or expense reimbursements. The above prohibitions also do not prohibit local officials from taking action "to modify" an ordinance. Sec. 19.59(1)(d), Stats.

Definitions:

- 1) **"Immediate Family"** means an official's spouse or relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the official or contributes, directly or indirectly, that amount for the official's support. Sec. 19.42(7), Stats.
- 2) **"Organization"** is broadly defined to cover "any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic."
- 3) **"Associated"** with an Organization. An official is "associated" with an organization for purposes of the state ethics law when the individual or a member of the individual's immediate family is an officer, director or trustee, or owns at least 10% of the organization. An individual is not associated with an organization merely because the individual is a member or employee of an organization or business. Sec. 19.42(2), Stats.
- 4) **"Anything of value"** means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the state, fees and expenses which are permitted and reported under s. 19.56, political contributions which are reported under ch. 11, or hospitality extended for a purpose unrelated to state business by a person other than an organization. Sec. 19.42(1).

Abstaining from Official Action. The Wisconsin Board of Ethics suggests that when a matter in which a local official should not participate comes before a board, commission or other body which the official is a member, the official should leave that portion of the body's meeting involving discussion, deliberations, or votes related to the matter. When, because of a potential conflict of interest, an official withdraws from the body's discussion, deliberation, and vote, the body's minutes should reflect the absence.

Local Ordinances. Municipalities can adopt ethics ordinances that:

- 1) Require disclosure of economic interests
- 2) Establish ethics boards
- 3) Prescribe standards of conduct
- 4) Establish forfeitures not exceeding \$1,000

Ethics Advisory Opinions. Local officials may request advisory ethics opinions from the municipal ethics board or, if there is none, from the municipal attorney.

Effect of Opinion. The local ethics board or attorney may issue a written advisory opinion. If the official follows the advice in the opinion, it is evidence of intent to comply with the law.

Penalties & Enforcement. Any person who violates the state ethics law may be required to forfeit up to \$1,000. The law is enforced by the district attorney.

Interpretation. The state code of ethics for local officials has not been interpreted in any published court decisions. However, the Wisconsin Ethics Board has issued guidelines.

Participating in General Policy Decisions. The Wisconsin Ethics Board has advised that an official may participate in an action in which he or she has a personal interest as long as: (a) the action affects a class of similarly-situated interests; (b) the interest of the official, an immediate family member or an organization with which the official is associated not significant when compared to other members of the class; and (c) the effect of the action on the interests of the official, an immediate family member or an organization with which the official is associated not significant when compared to other members of the class.

Receipt of Goods & Services. Under the state ethics code, local officials may receive: (a) items and services that are unrelated to their public service; (b) payment or reimbursement for costs relating to their work as public officials; and (c) items of insubstantial value. Under the state ethics code, local officials may not: (a) receive items or services offered because of their public position, unless the value of such items or services is insubstantial; (b) receive items or services that could reasonably be expected to influence their judgment or could reasonably be considered a reward for official action or inaction. See Eth 219 (attached).

Seminars & Conferences. Generally, officials attending such functions may accept the meals and refreshments provided or approved by the event's organizer and approved by the local governmental unit. An official should generally not accept food, drink or entertainment offered outside of the conference or activities at hospitality suites, receptions or similar activities.

III. PRIVATE INTEREST IN PUBLIC CONTRACTS (Section 946.13, Stats.)

General Prohibition. To protect against self dealing by public officials, sec. 946.13, Stats., generally prohibits municipal officials from having a private financial interest in a public contract. Thus, local governing body members are generally prohibited from entering into a contract for goods, services, construction or employment with the municipality.

- 1) **Prohibition Against Official Action.** A public official may not participate in the making of a contract in his or her official capacity if the official has a direct or indirect financial interest in the contract. Sec. 946.13(1)(b). Since this is a prohibition on official action, abstaining from voting on the contract will prevent violation.
- 2) **Prohibition Against Private Action.** A public official may not in his or her private capacity negotiate or bid for or enter into a contract in which the public official has a direct or indirect financial interest if the official is "authorized or required by law to participate in his capacity as such officer or employee in the making of that contract." Sec. 946.13(1)(a). This latter provision is a prohibition on private action and a public official cannot avoid violating it merely by abstaining from voting because all that is necessary for a violation to occur is that the official be authorized to vote on or exercise discretion with regard to a contract in which the official has a private financial interest and the official has negotiated, bid for, or entered into the contract.

Exceptions:

- 1) **\$15,000.** Contracts in which receipts and disbursements do not, in the aggregate, exceed \$15,000 in any one year. This means that a municipal governing body member can enter into a total of \$15,000 in business with the municipality in any calendar year. Note: Since the law refers to payments and disbursements in any year, if amounts in excess of \$15,000 are involved, payments may be spread out over more than one year to avoid violating the law.
- 2) **Bankers.** Bankers who receive less than \$10,000 per year for serving on the city council or village board are exempted, unless the banker's compensation is directly dependent on procuring public business.
- 3) **Attorneys.** Partners in a law firm that serves as legal counsel to the municipality who receive less than \$10,000 per year for serving on the city council or village board are exempted, unless the individual has an interest in the law firm greater than 2% of its net profit or loss; the individual participates in the making of a contract between the municipality and the law firm; or the individual's compensation from the law firm is directly dependent on procuring public business.
- 4) **2% of stock.** There is an exception from sub. (1)(b), the prohibition on official action, for persons who own no more than 2% of the stock of the corporation involved.

Penalty: Violation of the statute is a Class E felony and subjects the person to a fine of not more than \$10,000, imprisonment for not more than 2 years, or both.

IV. INCOMPATIBILITY DOCTRINE

Common law Prohibition. The same person cannot hold two offices or an office and a position where one post is superior to the other or where, from a public policy perspective, it is improper for one person to discharge the duties of both posts. For example, in *Otradovec v. City of Green Bay*, 118 Wis.2d 393 (Ct. App. 1984), the court held that a common council member could not work as assistant appraiser in the city assessor's office.

- 1) **Result.** If a second office is taken that is incompatible with an existing office, the first office is vacated. In the case of office/position incompatibility, the outcome is unclear -- person runs risk of losing first post, but court might allow choice.
- 2) **General Rule of Thumb.** Municipal governing body members may not hold other municipal offices or positions, unless specifically authorized by statute. This is because the governing body exercises control over such matters as the salaries, duties, and removal or discipline of most other municipal officers and employee.
- 3) **Statutory Exception.** Elected city, village and town officers can also serve as volunteer firefighters, EMTs or first responders when annual compensation from one or more of those positions, including fringe benefits, does not exceed \$15,000. Sec. 66.0501(4).

Related Statutory Provisions. Section 66.0501(2) generally prohibits governing body members from taking municipal jobs. Under the statute:

- 1) Governing body members are prohibited, during the term for which the member is elected, from taking new municipal jobs created during their term of office even if they resign.
- 2) A governing body member may be appointed to an office or position, which was not created during the member's term in office as long as the member resigns first.

- 3) Governing body members may run at any time for new or existing elective office, but the compatibility doctrine applies if elected and the official would be required to choose between the two offices. Individuals may run for two elected local offices at the same time. Sec. 8.03(2m).
- 4) Governing body members may be appointed to serve on local boards and commissions (e.g., library board, police and fire commission and plan commission) where no additional remuneration is paid to such officers except that such officers may be paid a per diem if other members of the board or commission are paid a per diem.

Section 59.10(4), Stats. provides that municipal governing body members may serve as county board supervisors.

V. OTHER STATUTORY PROHIBITIONS

Misconduct in Office. Section 946.12 is a criminal statute that prohibits public officers and employees from intentionally performing, or refusing to perform, certain acts. A violation of sec. 946.12 is punishable by up to two years in prison, a fine of up to \$10,000, or both.

- 1) Section 946.12(1) prohibits a public official from intentionally failing or refusing to perform a "known mandatory, nondiscretionary, ministerial duty of his office or employment within the time or in the manner required by law."
- 2) Section 946.12(2) prohibits a public official from doing an act, which he or she knows is forbidden by law to do in an official capacity.
- 3) Section 946.12(3) provides that a public official may not, by an act of commission or omission, exercise a discretionary power in a manner inconsistent with the duties of office or the rights of others, with intent to obtain a dishonest advantage for himself or another.

Bribery. Section 946.10(2) prohibits public officials from taking bribes. Section 12.11 prohibits public officials from promising an official appointment or anything of value to secure votes.

Sale to Employees Prohibited. No municipal department or member of a municipal governing body may sell or procure for sale any municipal article, material or product to city or village employee; except meals, public services and special equipment necessary to protect the employee's safety and health. Sec. 175.10. This statute is designed to prohibit governmental acquisition of products for resale to government employee.

Sale to Licensees Prohibited. No municipal governing body member may sell to any person holding or applying for an alcohol beverage license any bond, material, product or thing which may be used by the licensee in carrying on the licensee's business. Sec. 125.51(1)(b).

VI. A FINAL WORD

Ordinances and Common Law Rules Relating to Ethics. State statutes establish minimum standards of ethical conduct for public officials. These laws provide a good starting point for local officials seeking to assure themselves that they are acting appropriately. However, municipal officials should be mindful of other relevant laws governing ethical issues. These include ordinances, local rules

of procedure and the common law (i.e., published court decisions). For example, the Wisconsin Supreme Court has held that members of a legislative body or municipal board are disqualified to vote on propositions in which they have a direct pecuniary interest adverse to the municipality. *Board of Supervisors of Oconto County v. Hall*, 47 Wis. 208 (1879). Additionally, many municipalities have adopted *Robert's Rules of Order* (Newly Revised) as their local rules of procedure. Section 44 of *Robert's* provides: "No member should vote on a question in which he has a direct personal or pecuniary interest not common to other members of the organization."

Meeting Attendance. Officials accepting the responsibility to serve on the Council and/or Board, Committee, or Commission should be committed to regular meeting attendance. Meeting attendance is vital to conducting City business. If unable to attend a meeting, officials have the responsibility of notifying the Chairperson of the governing body of their intended absence prior to the meeting. Excessive unexcused absences can result in disciplinary action up to removal from office. The Common Council adopted an *Attendance Policy for Common Council, Boards, Committees & Commissions* on September 9, 2014. This policy states that "Satisfactory attendance is meeting attendance of $\frac{3}{4}$ or more of regularly scheduled meetings over any one-year period. Only regularly scheduled meetings will be counted towards the $\frac{3}{4}$ expected attendance. Also, unexcused absences are not acceptable under any circumstances." Satisfactory attendance is also required for any member of a governing body to be able to attend conferences or other events at the City's expense.

Closed Session Discussion. There may be times when governing bodies need to convene into closed session pursuant to WI State Statutes 19.85 for reasons relating to personnel, negotiating, legal or other matters of business as specified by the Statute. These sessions are closed to the public for confidentiality purposes needed for conducting said business. All public officials need to recognize the importance of using discretion with closed session matters and to maintain confidentiality as needed. In the event that confidential information from a closed session is discussed outside of a closed session, the member(s) divulging the information may be disciplined up to removal from office.

Resources for Local Officials: League of Wisconsin Municipalities

Take advantage of your municipality's membership in the League of Wisconsin Municipalities. Use the resources in your municipal office and on the web. The information contained in this document is from the League of Wisconsin Municipalities website www.lwm-info.org. As a member of the League of Wisconsin Municipalities, there are many services available to City Officials including:

Legal Services. The League's staff attorneys render advice to municipal officials, conduct legal research on Wisconsin municipal issues, and maintain a file of over 4,500 legal opinions. The League also participates in important court cases affecting cities and villages.

League Training. From April through October the League sponsors and organizes eight annual training courses. The courses offer specific training information for municipal personnel such as chief executives, clerks and attorneys. Elected officials and key municipal employees take advantage of these sessions to earn continuing education units and to network with their counterparts in other municipalities. The League sponsors three New Officials Workshops specifically designed for newly elected officers. Ask your clerk, call the League (800) 991-5502, or visit the website for more information. **Regional Dinner Meetings** are held in May and June. These provide a wonderful place

to network, share anecdotes and meet the representatives of state government who come to speak. Ask your clerk, call the League (800) 991-5502, or visit the website for more information.

Legislation. The League keeps members well informed about Legislative actions with the *Legislative Bulletin*. This publication is e-mailed, mailed and published on the web page each week the legislature is in session. It ensures that members receive fast-breaking information from the Capitol. You may request to have the Legislative Bulletin e-mailed directly to you.

Publications & Other. The League produces two monthly publications. *The Municipality* is the official magazine and provides an exchange of information and ideas on municipal issues. The *League Letter* is a newsletter containing brief articles on training opportunities, notices of administrative rule hearings and grants of interest to local officials. Members may request to have the League Letter e-mailed directly to them. The Legal section contains an extensive library of *Frequently Asked Questions* (FAQs), *opinions, notes*, and *ordinances*. It provides a great starting place for those with legal questions.