

Finance and Public Records

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Chapter 1

Finance

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Sec. 3-1-1 Reimbursement of Collection Costs.

- (a) Collection costs and attorney fees shall be added to the principal amounts of unpaid bills owed to the City that are placed in collection agencies.

Sec. 3-1-2 Duplicate Treasurer's Bond Eliminated

- (a) **Bond Eliminated.** The City of Adams elects not to give the bond on the City Clerk/Treasurer provided for by Sec. 70.67(1), Wis. Stats.
- (b) **City Liable for Default of Treasurer.** Pursuant to Sec. 70.67(2), Wis. Stats., the City shall be obligated to pay, in case the City Clerk/Treasurer shall fail to do so, all state and county taxes required by law to be paid by such City Clerk/Treasurer to the County Treasurer.

State Law Reference: Section 70.67, Wis. Stats. .

Sec. 3-1-3 City Budget

- (a) **Departmental Estimates.** On or before October 1 of each year, each officer, department, board and committee shall file with the City Clerk/Treasurer an itemized statement of disbursements made to carry out the powers and duties of such officer, department, board or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department, board or committee during such year, and of the conditions and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the City and shall be designated as "Departmental Estimates," and shall be as nearly uniform as possible for the main division of all departments.
- (b) **Consideration of Estimates.** The Mayor, with the assistance of the Finance Committee and Clerk/Treasurer, shall consider such departmental estimates in consultation with the department head, recommend to the Common Council a budget amount for such department or activity.
- (c) **Proposed Budget.** On or before November 1, the Mayor shall prepare and submit to the Common Council a proposed budget presenting a financial plan for conducting the affairs of the City for the ensuing calendar year .The budget shall including the following information:
 - (1) The expense of conducting each department and activity of the City for the ensuing fiscal year and last preceding fiscal year, with reasons provided for increase and decrease recommended as compared with appropriations for the current year.
 - (2) An itemization of all anticipated income from the City from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding and current fiscal year.
 - (3) An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
 - (4) Such other information as may be required by the Common Council and by state law.
- (d) **Copies of Budget.** The City Clerk/Treasurer shall provide a reasonable number of copies of the budget summary thus prepared for distribution to citizens. The entire fiscal budget shall be available for public inspection in the Office of the City Clerk/Treasurer during regular office hours.

(e) **Hearing.**

- (1) The Mayor shall submit to the Council at the time the annual budget is submitted the draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year. Upon the submission of the proposed appropriation ordinance to the Council, it shall be deemed to have been regularly introduced therein.
- (2) A summary of such budget and notice of the time and place where such budget and detail is available for public inspection and notice of the time and place for holding the public hearing thereof shall be published in the official newspaper of the City at least fifteen (15) days prior to the time of such public hearing.
- (3) Not less than fifteen (15) days after the publication of the proposed budget and the notice of hearing thereof, the public hearing shall be held at the time and place stipulated, at which time any resident or taxpayer of the City shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time.
- (4) A majority vote of the Common Council is required to adopt the proposed budget and a vote of three-quarters (3/4) of the Council is necessary to adopt the appropriations budget.

State Law Reference: Section 62.12. Wis. Stats.

Sec. 3-1-4 Changes In Budget

Upon written recommendation of the Mayor, the Council may at any time, by a two-thirds (2/3) Vote of the entire membership, transfer any portion of an unencumbered balance of an appropriation to any other purpose or object. Notice of such transfer shall be given by publication within ten (10) days thereafter in the official newspaper of the City.

Sec. 3-1-5 City Funds to be Spent In Accordance with Appropriation

No money shall be drawn from the treasury of the City nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by Section 3-1-4 of this Chapter. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to re-appropriation; but appropriations may be made by the Common Council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

Sec. 3-1-6 Fiscal Year

The calendar year shall be the fiscal year.

Sec. 3-1-7 Public Depositories

The Common Council shall designate the public depository or depositories within this state within which City funds shall be deposited, and when the money is deposited in such depository in the name of the City, the City Clerk/Treasurer and bondsman shall not be liable for such losses as are defined by state law. The Clerk/Treasurer shall invest and the interest arising there from shall be paid in the City Treasury. A copy of the resolution designating public depositories shall be filed annually with the State Commissioner of Banking. Pursuant to state law designated public depositories shall be required to pledge U.S. Treasury Notes equal in amount to an uninsured balance on the City's deposit.

State law Reference: Chapter 34 and Sec. 62.12(7), Wis. Stats.

Sec. 3-1-8 Purchasing Policy

- (a) **Purposes and Policies.** The underlying purposes and policies of this ordinance are:
- (1) To simplify, clarify, and modernize methods governing purchasing by the city;
 - (2) To permit the continued development of purchasing policies and practices;
 - (3) To make as uniform as possible the procedures on purchasing among the various departments and agencies of the city;
 - (4) To provide for increased public confidence in procedures followed in public purchasing;
 - (5) To secure the advantages of a centralized procurement process;
 - (6) To promote fair and equitable treatment to all suppliers of goods and services;
 - (7) To ensure the fair and equitable treatment of all persons who deal with the a procurement system of this city;
 - (8) To provide increased economy in city purchasing activities and to maximize to the fullest extent practicable the purchasing value of public funds of the city;
 - (9) To foster effective competition; and
 - (10) To provide safeguards for the maintenance of a procurement system of quality and integrity.

- (b) **Requirement of Good Faith.** This chapter requires all parties involved in the negotiation, performance, or administration of city contracts to act in good faith.
- (c) **Application of this Ordinance.** This ordinance shall apply to every expenditure of public monies by the city under any contract or like business agreement, excepting only that this ordinance shall not apply to contracts, grants, or like business agreements between the federal, state, and local jurisdiction, except as specifically otherwise provided in this ordinance. If federal or state grant requirements differ from the provisions of this purchasing policy nothing herein is intended to absolve the city from its obligation to fully comply with the terms and conditions of the federal or state grant requirements. This ordinance shall also apply to the disposal of city property.
- (d) **Severability.** If any provision or clause of this ordinance or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other a provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.
- (e) **Definitions of Terms.** As used throughout this ordinance, the words and terms defined in this section shall have the meanings set forth below unless the context in which they are used clearly requires a different meaning, or a different definition is prescribed for a particular section or portion thereof.
- (1) "Architect-engineer services" means those professional services within the scope of practice of architecture, professional engineering or registered land surveying pertaining to construction as defined by state statute.
 - (2) "Blind trust" means an independently managed trust in which the employee beneficiary has no management rights and in which the employee-beneficiary is not given notice of alterations in or other dispositions of the property subject to the trust.
 - (3) "Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any legal entity through which business is conducted.
 - (4) "City" means the city of Adams and shall include the city council and any department, commission, council, board committee, or other establishment or official of the government of this city.
 - (5) "Confidential information" means any information that is available to a person only because of said person's status as an official or employee of the city, and is not a matter of public knowledge or available to the public on request.
 - (6) "Conspicuously" means written in such special or distinctive format, print, or manner that a reasonable person against whom it is to operate ought to have noticed it.
 - (7) "Construction" means the building, erection, alteration, demolition or repair (including but not limited to dredging, excavating, and painting) of public buildings, structures and highways and other improvements or additions to real property. It does not include routine maintenance, operation, or repair of existing facilities.

- (8) "Contract" means all types of agreements, grants, and orders for the procurement or disposal of supplies, services, construction, insurance or any other item. It includes awards and notices of awards, contracts of a fixed price, cost, cost plus fixed fee, or incentive types, contracts providing for the issuance of job orders, task orders, or task letters there under; letter contracts, purchase orders, and leases. It also includes supplemental agreements with respect to any of the foregoing.
- (9) "Contract Modification" means any written alteration in the specification, delivery point, rate of delivery, contract period, price, quantity, or other contract provisions of any existing contract, whether accomplished by unilateral action in accordance with a contract provision or by mutual action of the parties to the contract. It includes (i) bilateral actions such as supplemental agreements, and (ii) unilateral actions such as change orders, orders for provisional items, administrative changes, notices of termination, and notices of the exercise of a contract option.
- (10) "Contractor" means any person or business having a contract with the city.
- (11) "Cooperative purchasing" means purchasing conducted by or on behalf of more than one public purchasing unit.
- (12) "Data" means recorded information, regardless of the form or characteristic.
- (13) "Debarment" means the disqualification of a person or business to receive invitations for bids or requests for proposals, or the award of a contract by the city for a specified period of time commensurate with the seriousness of the offense or the failure or the inadequacy of performance.
- (14) "Designee" means an employee of the city appointed on a temporary basis to fulfill the specific responsibilities delineated herein of the designating employee.
- (15) "Department" means any agency which is authorized or created by the charter of the city or ordinance made pursuant thereto or any division thereof.
- (16) "Duly Authorized Representative" means an employee appointed by the Common Council for a temporary period to fulfill the responsibilities of another employee in the absence of that employee.
- (17) "Employee" means an individual drawing a salary from the city, whether elected or not, and any non-compensated individual performing personal services for the city.
- (18) "Established catalogue price" means a price included in the most current catalogue, price list, schedule, or other form that is (i) regularly maintained by the manufacturer or vendor of an item, and (ii) is either published or otherwise available for inspection by customers, and (iii) states prices at which sales are currently, or were last made to a significant number of buyers constituting the general buying public for that item.
- (19) "Evaluated bid price" means the dollar amount of a bid after bid adjustments are made pursuant to a precise mathematical formula set forth in the invitation for bids, which measures the effective price to the city. Such formula shall take into account factors that contribute to the economy and effectiveness in the operation of a procured item, such as reliability, maintainability, useful life, and residual value.

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- (20) "Excess supplies" means supplies having a remaining useful life but which are no longer required by the using department in possession of the supplies.
 - (21) "Financial interest" means: (i) ownership of any interest or involvement in any relationship from which the owner has received over \$100 per year in anyone of the past three years, or is presently entitled to receive more that \$100 per year, or by present arrangements will be entitled to receive more than \$100 per year any time in the future. (ii) Ownership of more than a five percent interest in any business, or (iii) Holding a position in a business such as an officer, director, trustee, partner, employee or the like, or holding any position of management.
 - (22) "Gratuity" means a payment, loan, subscription, advance, deposit or money, service, or anything of any monetary value, present or promised, unless consideration of substantially equal or greater value is received.
 - (23) "Immediate family" means a spouse, children, parents, brothers, sisters, and grandparents.
 - (24) "Invitation for bids" means all documents including documents attached or incorporated by reference, utilized for soliciting bids.
 - (25) "Procurement" means the buying, purchasing, renting, leasing, or otherwise obtaining any supplies, services, or construction. It also includes all functions that pertain to the obtaining of any supply, service, or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.
 - (26) "Public purchasing unit" means the state, any county, city, town, governmental entity, and other subdivision of the state or public agency or any other public authority, public educational, health or other institution, or any other entity of the state which expends public funds for the acquisition or leasing of procured items, and any nonprofit corporation operating a charitable hospital in the state.
 - (27) "Purchase request" means a document whereby a department or employee requests that a contract be obtained for a specified need and may include, but is not limited to, the technical description of the requested item, delivery schedule, transportation criteria for evaluation of solicitees, suggested sources of supply, and information supplied for the making of any determination and finding required.
 - (28) "Request for proposals" means all documents, including documents attached or incorporated by reference, utilized for soliciting proposals in accordance with the procedures set forth by ordinance.
 - (29) "Responsible bidder" means a person or business who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance.
 - (30) "Responsive bidder" means a person or business who has submitted a bid that conforms in all material respects to the invitation for bids.

- (31) "Services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term includes "professional services" but it does not include employment agreements or collective bargaining agreements.
- (32) "Specifications" means any description of the physical or functional characteristics, or the nature of a supply, service, or construction item. It may include a description of any requirement for inspecting, testing, or preparing a supply, service, or construction item for delivery.
- (33) "Supplies" means all property, including but not limited to equipment, Parts, materials, printing, insurance, and leases on real and personal property, excluding land or a permanent interest in land.
- (34) "Surplus supplies" means any supplies no longer having any use to the city. This includes obsolete supplies, scrap materials, and non-expendable supplies that have completed their useful life cycle.
- (35) "Suspension" means the disqualification of any person to receive invitation for bids or requests for proposals, or to be awarded a contract by the city or any governmental body thereof, for a temporary period pending the completion of an investigation and any legal proceedings that may ensue.
- (36) "Using department" means any department, commission council, board, committee, or other establishment or official of the government of this city that utilizes any supplies, services, or construction purchased under this chapter.

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(h) **Competitive Sealed Bids.**

- (1) Invitation for bids. Where competitive sealed bidding is utilized, an invitation for bids shall be issued which shall include a purchase description and all contractual terms and conditions applicable to the procurement.

(Amend Title 3, Chapter 1, Section 8(f)(6) of the Code of Ordinances of the City of Adams, WI by Council on July 6, 2009 by Ord. No.08-2010)

- (2) Public notice. Adequate public notice of the invitation for bids shall be given a reasonable time prior to the date set forth therein for the opening of bids, as required by law, or in accordance with policy approved by the City Administrator. Such notice may include publication in a newspaper of general circulation a reasonable time prior to bid opening.
- (3) Bid opening. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information as may be specified in the invitation for bids, together with the name of each bidder, shall be recorded. The record and each bid shall be open

to public inspection.

- (4) Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this section. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and which will be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluations that are not set forth in the invitation for bids.
- (5) Award. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids. In the event all bids exceed available funds as certified by the City Administrator, and the low responsive and responsible bid does not exceed such funds by more than five percent, the City Administrator is authorized, where permitted by law. In situations where time or economic considerations preclude resolicitation of work or a reduced scope, to negotiate an adjustment of the bid price, including changes in the bid requirements, with the low responsive and responsible bidder, in order to bring the bid within the amount of available funds.
- (6) Multi-step sealed bidding. When it is considered impractical to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of un-priced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.
- (7) Where the amount of expenditure for any purchase or contract, excepting professional services, exceeds the sum of ten thousand dollars, the City Administrator, or a duly authorized representative, shall invite competitive bids thereon by legal advertisement in any local newspaper. Bids received pursuant to said advertisement shall be opened and read on the date set for receiving said bids, in the presence of the City Administrator, or a duly authorized representative. The contract shall be awarded to the lowest responsible bidder; provided, however, the City Administrator, or a duly authorized representative, may reject any and all bids received

(i) **Requests for proposals.**

- (1) Conditions for use. When the City Administrator determines, in writing, that the use of competitive sealed bidding is not required by law and is either not practicable or not advantageous to the city, a contract may be entered into through receipt of competitive proposals. Proposals may also be used for the procurement of professional services whether or not the written determination described herein has been made. Further, if it is the written determination of a majority of a group consisting of the Mayor, City Administrator, and a representative of the department expecting to utilize such professional services that the competitive proposal procedure is impractical or otherwise unsuitable to the benefit of the city, the procurement of the necessary professional

service may be made on the basis of non-competitive negotiations.

- (2) Request for proposals. Competitive proposals shall be solicited through a request for proposals.
 - (3) Public notice. Adequate public notice of the request for proposals shall be given in the same manner as provided for competitive sealed bidding.
 - (4) Receipt of proposals. Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals shall be prepared and open for public inspection after negotiations have been completed.
 - (5) Evaluation factors. The request for proposals shall state the relative importance of the evaluation factors and price.
 - (6) Discussion with responsible offerors and revisions of proposals. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submission and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.
 - (7) Award shall be made to the responsible offer or whose proposal is determined in writing to be the most advantageous to the city taking into consideration the evaluation factors set forth in the request for proposals, and price. The contract file shall contain the basis on which the award is made.
- (j) **Cancellation of invitation for bids or requests for proposals.** An invitation for bids, a request for proposals, or other solicitations may be delayed or cancelled or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, only if it is determined in writing by the City Administrator that such action is taken in the best interests of the city.

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- (k) **Modification of contracts.** The City Administrator after consultation with the City Attorney and with the approval of the Mayor, may modify or delete existing and add new contractual provisions and clauses to all forms of supply, service and construction contracts utilized by the city, provided that such modification, deletions or additions are supported by a written determination.
- (l) **Authority to resolve protested solicitations and awards.**
 - (1) Right to protest. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the City Administrator. The protest shall be submitted in writing within 14 days after such

aggrieved person knows or should have known of the facts giving rise thereto.

- (2) Authority to resolve protests. The City Administrator shall have the authority, prior to the commencement of an action in court concerning the controversy, to settle and resolve a protest of an aggrieved bidder, offeror, or contractor, actual or prospective, concerning the solicitation or award of a contract.
- (3) Decision. If the protest is not resolved by mutual agreement, the City Administrator shall promptly issue a decision in writing. The decision shall:
 - (a) State the reasons for the action taken; and
 - (b) Inform the protestant of its right to judicial review as provided in this section.
- (4) Notice of decision. A copy of the decision under this section shall be mailed or otherwise furnished immediately to the protestant and any other intervening party.
- (5) Finality of decision. A decision under this section shall be final and conclusive unless fraudulent, or unless any person adversely affected by the decision commences an action in court.

(m) **Municipal credit card.**

- (a) Solicitation for service. A general-purpose municipal credit card account is to be solicited through negotiation by the City Administrator.
- (b) Use of general-purpose credit cards. Any credit cards used for municipal purchasing are to be held by the City Administrator, Clerk/Treasurer, and the Chief of Police and purchases are only to be made with prior approval of the City Administrator when it is determined that the purchase through this means is most advantageous due to time, availability, or other factors.

- (n) **Emergency procurements.** Where permitted by law and notwithstanding any other provision of this section, the City Administrator, Mayor, or a designee may make or authorize others to make emergency procurements when there exists a threat to public health, welfare, or safety under emergency conditions provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor or vendor shall be presented at the next scheduled finance committee meeting and included in the contract file.

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- (o) **Approval or Disapproval of expenditures.** The City Administrator, or a duly authorized representative, may approve for payment out of any funds previously appropriated for that purpose through the annual budget or other authorizing Common Council action, or disapprove, any bills, debts or liabilities asserted as claims against the city, when funds on hand are adequate to pay such bills, debts or liabilities. The payment or disapproval of any bills, debts or liabilities, not covered by a previous appropriation, shall require confirmation of the Common Council.

(p) **Cooperative procurement.**

- (1) Cooperative Procurement Authorized The city, through the City Administrator, may participate or sponsor, conduct, or administer a cooperative procurement agreement for

the acquisition of procured items with any other public purchasing unit in accordance with an agreement entered into between the city and the other public purchasing unit

- (2) Cooperative use of supplies or services. The city, through the City Administrator, may enter into an agreement with any other public purchasing unit for the cooperative use of supplies or services.
- (3) Cooperative Procurements. Buying organization procures. Where the public purchasing unit administering a cooperative purchase complies with the requirements of this ordinance, the city, when participating in such a purchase, shall be deemed to have complied with the provisions of this ordinance.
- (4) The City Administrator may collect and disseminate information concerning the type, cost, quality, and quantity of procured items presently being procured or used by the city to other public purchasing units and may make available such information to all public purchasing units for the purpose of procurement planning upon request.
- (5) Joint Use of Facilities. The city, through the City Administrator, may enter into an agreement for the joint or common use of warehousing facilities, for the interchange of any procured items, or the lease or common use of capital equipment or facilities with any other public purchasing unit subject to such terms as may be agreed upon between the parties.
- (6) Dispute Resolution. The city is authorized to enter into an agreement with any other public purchasing unit to establish a procedure to resolve all disputes arising from cooperative procurement agreements.

(q) **Ethics in public contracting.**

- (1) Standards of conduct - Statement of policy. Public employment is a public trust. It is the policy of the city to promote and balance the objective of protecting government integrity and the objective of facilitating the recruitment and retention of personnel needed by the city. Such policy is implemented by prescribing essential restrictions against conflict of interest without creating unnecessary obstacles to entering public service. Public employees must discharge their duties impartially so as to assure fair and competitive access to governmental procurement by responsible contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the city procurement organization. To achieve the purpose of this section, it is essential that those doing business with the city also observe the ethical standards prescribed herein.

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- (2) General standards of ethical conduct for employees. Any attempt to realize personal gain through public employment by conduct inconsistent with the proper discharge of the employee's duties is a breach of the public trust. In order to fulfill this general prescribed standard, employees shall meet the specific standards set forth in this section.
- (3) General standards of ethical conduct for non-employees. Any effort to influence any public employee to breach the standards of ethical conduct set forth in this section is also a breach of ethical standards.
- (4) Conflict of interest. It shall be a breach of ethical standards and a conflict of interest, for any employee to participate directly or indirectly in a procurement when the employee knows that:

- (a) The employee or any member of the employees immediate family has a financial interest Pertaining to the procurement; or
 - (b) A business or organization in which the employee or any member of the employee's immediate family has a financial interest pertaining to the procurement; or
 - (c) Any other person, business, or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.
- (5) Financial interest in a blind trust Where an employee or any member of the employee's immediate family holds a financial interest in a blind trust, the employee shall not be deemed to have a conflict of interest with regard to matters pertaining to that financial interest, provided that disclosure of the existence of the blind trust has been made to the City Administrator or Mayor.
- (6) Discovery of conflict of interest, disqualification, and waiver. Upon discovery of potential or actual conflict of interest, an employee shall promptly file a written statement of disqualification with the City Administrator or Mayor and shall withdraw from further participation in the transaction involved.
- (r) **Employee disclosure requirements.** Any employee who has or obtains any benefit from any city contract, in which the employee participates directly or indirectly, with a business in which the employee has a financial interest shall report such benefit to the City Administrator or Mayor. Any employee who knows or should have known of such benefit, and fails to promptly report such benefit to the City Administrator or Mayor, is in breach of the ethical standards of this chapter.
- (s) **Gratuities and kickbacks.**
- (1) Gratuities. It is a breach of ethical standards for any person to offer, give, or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification of procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter pertaining to any contract or subcontract and any solicitation or proposal thereof.

- (2) Kickbacks. It is a breach of ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.
- (t) **Use of confidential information.** It shall be a breach of ethical standards for any employee or former employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.
- (u) **Civil and administrative remedies.**
- (1) Existing remedies not impaired. Civil and administrative remedies against employees

that are in existence on the effective date of this section shall not be impaired

- (2) Supplemental remedies. In addition to existing remedies for breach of ethical standards of this chapter, the City Administrator may impose anyone or more of the following, not necessarily in the order as listed:
 - (a) Oral or written warnings or reprimands;
 - (b) Suspension with or without pay for specified periods of time; and
 - (c) Termination of employment.
- (3) Recovery from employee. The value of anything received by an employee in breach of the ethical standards of this chapter or regulations promulgated there under shall be recoverable by the city as provided in section (x).
- (4) Due process. All procedures under this section shall be in accordance with due process requirements and existing state law.

(v) **Civil and administrative remedies against non-employees.**

- (1) Existing remedies not impaired. Civil administrative remedies against non- employees that are in existence on the effective date of this chapter shall not be impaired.
- (2) Supplemental remedies. In addition to existing remedies for breach of the ethical standards of this section, the City Administrator may impose anyone or more of the following;
 - (a) Oral or written warnings or reprimands;
 - (b) Termination of a transaction; and
 - (c) Suspension or debarment.
- (3) Recovery from non-employee. The value of anything transferred in breach of the ethical standards of this chapter or regulations promulgated there under by a non-employee shall be recoverable by the city from such person as provided in section (w).
- (4) Right of city to suspend or debar.
 - (a) Suspension of a contractor may be imposed during an investigation of charges of a serious and compelling nature based on probable cause indicating the existence of a breach of ethical standards under this chapter or other irregularities of a serious and compelling nature which would affect the integrity of the contractor.

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- (b) Debarment of a contractor may be imposed by reason of a finding of any breach of ethical standards under this chapter or for a finding or other irregularities of a serious and compelling nature affecting the integrity of the contractor.

- (5) Due process. All procedures under this section shall be in accordance with due process requirements.

(w) **Recovery of value transferred or received**

- (1) General provisions. The value of anything transferred or received in breach of the ethical standards of this section by an employee or a non-employee may be recovered from both the employee and the non-employee.

- (2) Recovery of kickbacks by the city. Upon a showing that a subcontractor made a kickback to a prime contractor or a higher tier subcontractor in connection with the award of a subcontract or order there under, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract or order and ultimately borne by the city and will be recoverable hereunder from the recipient. In addition, said value may also be recovered from the subcontractor making such kickbacks. Recovery from one offending party shall not preclude recovery from other offending parties.
- (x) **Waiver.** On written request of an employee, the City Administrator may grant an employee or former employee a written waiver from the application of subsection (q)(4) and (q)(6).

Sec. 3-1-9 Temporary Investment of Funds Not Immediately Needed

The City Clerk/Treasurer may invest any City funds not immediately needed, pursuant to Sections 66.04(2) and 219.05 Wis. Stats.

State Law Reference: Sections 66.04(2) and 219.05, Wis. Stats.

Sec. 3-1-10 Receiving Money: Receipt for Same

- (a) The City Clerk/Treasurer or his deputies shall not receive any money into the Treasury from any source except on account of taxes levied and collected during the fiscal year for which he or she may then be serving, without giving a receipt therefore in the manner specified by the Common Council.
- (b) Upon the payment of any money (except for taxes as herein provided), the City Clerk/Treasurer shall make out a receipt in duplicate for the money so received. The Clerk/Treasurer shall charge the amount thereof to the Treasury and credit the proper account. The payment of the money to any receiving agent of the City or to the City or to the Clerk/Treasurer shall be safeguarded in such manner as the Common Council shall direct.

State Law Reference: Section 66.113, Wis. Stats.

Sec. 3-1-11 Statement of Real Property Status

The Clerk/Treasurer is authorized to prepare a Statement of Real Property Status form to be used to provide information often requested for transfers of real property such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, outstanding water, electric and sewer bills, current water and sewer bills, contemplated improvements, floodplain status, violations of the building and health codes and similar information. Any such information sought shall be provided to the person requesting it on said form. A minimum of forty-eight (48) hours is required for preparation of a statement of real property status. A fee as established by resolution adopted pursuant to section 2-2-19 shall be paid to the City Clerk to cover the cost and expense of processing. Said fees shall be established by resolution of the Common Council.

Sec. 3-1-12 Accounts Receivable Billing Procedures

Billing by the City may be paid within thirty (30) days after billing without interest. Thereafter, interest may be charged at the rate of one and one-half percent (1-1/2%) per month or any fraction thereof, until the following fifteenth (15th) day of November. Bills not paid on or before the fifteenth (15th) day of November shall have added to the total amount due one and one-half percent (1-1/2%) of said charges shall be entered on the tax roll as a special charge and become a lien upon real estate.

Sec. 3-1-13 Annual or Bi-Annual Audit

A firm of certified public accountants shall be employed annually or bi-annually by the City, subject to the confirmation of the Common Council to conduct a detailed audit of the City's financial transactions and its books, and to assist the Clerk/Treasurer in the management of the City's financial affairs, including the City's public utilities. These auditors shall be employed on a calendar year or bi-annual basis. The books audited may, in addition to the City financial records of the office of the Clerk/Treasurer, include the City Clerk/Treasurer's books, the City's public utilities, Police Department records, and any other books of any boards, commission, officers or employees of the City handling City moneys.

Sec. 3-1-14 Liability of the City for Acts of Agents

No agent of the City having authority to employ labor or to purchase materials, supplies or any other commodities, may bind the City or incur any indebtedness over One Thousand Dollars (\$1,000.00) for which the City may become liable without the approval of the Council. Each such employment or purchase request shall be drawn against a specific appropriation, the money for which shall be available in the City treasury and not subject to any prior labor claims or material request at the time when such employment is negotiated or purchase is made. The City Clerk/Treasurer shall keep a record of such employment and purchases and shall charge them against the proper appropriation.

(Amendment to Subsection 3-1-14 Adapted by the Council on November 7, 1994 by Ordinance No.17-94) (Amendment to Subsection 3-1-13 adopted by Council on August 7, 2006 by Ordinance 06-2006)(Amend Title 3, Chapter 1, Section 11 of the Code of Ordinances of the City of Adams, WI.)(Amend Title 3 Chapter 1 Section 11 of the Code of Ordinances of the City of Adams by Council on January 4, 2010 by Ord. 27-2009)

Sec. 3-1-15 Bid Solicitation Procedures**(a) Definitions**

- (1) **Verbal Quotation Form.** The City solicits verbal quotations on items the City purchases, which are Ten Thousand Dollars (\$10,000.00) or less. The results of the verbal quotations are recorded as a memorandum or a purchase order.
- (2) **Request for Informal Quotation.** An informal request for a quotation is a written request sent to vendors. The informal quotation is used for the purchase of goods and services in an amount Ten Thousand Dollars (\$10,000.00) or less.
- (3) **Formal Bid.** The formal bid procedure is used for purchasing goods and services in an amount over Ten Thousand Dollars (\$10,000.00), and in some instances in amounts less than this amount. The formal bid procedure requires a legal public notice and contains detailed, written specifications regarding the goods and services to be purchased and a number of specific conditions associated with the purchase.

(b) Bid Solicitation.

- (1) Competitive bids or quotations shall be obtained before contracting purchase articles, goods, wares, material services or merchandise which amount in bulk to more than Five Hundred Dollars (\$500.00). Purchases up to Five Hundred Dollars (\$500.00) may be made by either telephone quotations, informal written quotations or formal bid. Purchases from Five Hundred Dollars (\$500.00) to and including Ten Thousand Dollars (\$10,000.00 shall be made by written quotation, telephone quotation or formal bid. Purchases over Ten Thousand Dollars (\$10,000.00) pursuant to Subsection (a) above, shall be made by formal bid unless exempted from it by action of the Common Council.
- (2) Verbal quotations for goods and service shall be secured from at least two (2) qualified vendors and the results of the quotations shall be recorded on a "Purchase Order or Memorandum" form and signed by the person receiving the quotations.
- (3) Informal requests for written quotations shall be solicited from at least three (3) qualified bidders on the purchase order forms. Informal requests for written quotations may also be solicited by telephone. Vendors shall be given a reasonable time to respond to the request for informal, written quotations and shall be given clear, concise specifications and informal bidding instructions to facilitate competitive bidding.
- (4) When a formal bid is required or deemed to be in the best interest of the City, the bidding procedure shall follow the legal requirements associated with a Class One Notice under State Statute and the procedures normally associated with the formal bid proposal.

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- (5) The formal bid proposal will contain at least the following information:
- a. The bid number.
 - b. A detailed description of the goods and services required, including enough information about the items or services required so that more than one (1) vendor can meet the specifications.
 - c. The time, date and place the bids will be opened.
 - d. The address to which the bids shall be mailed or delivered. Instructions to bidder shall include such information as delivery dates, transportation charges, proposal prices, conditions for guaranteeing the proposal, payment terms, rights of rejection of proposal, right to reject merchandise, insurance requirements, alternative proposal, consideration, tax information, and other appropriate information regarding the awarding and execution of the contract and contract considerations. A list of all types of work, services, or materials that the City routinely purchases be published once yearly and be reviewed by the governing committee.
 - e. The bid proposal shall also include a section on special provisions including guarantees and service considerations, trade-in considerations, and other information relating to the special conditions.
- (6) Specifications for all items purchased shall be developed with the full involvement and participation of the using departments. However, the City attorney shall insure that the specifications are sufficiently broad enough that competition in the bidding process is preserved.
- (c) **Blanket Purchase Orders.**
- (1) Upon authorization by the Common Council, blanket purchase orders may be issued to those few merchants from whom many repetitive purchases are made as supplies are required.
 - (2) The Common Council shall determine the need to use a blanket purchase order procedure.
 - (3) The bidding procedure for blanket purchase orders may follow the procedures used for other goods and services.
 - (4) After a vendor has been selected, the using department or departments shall use the same purchase order number on all purchases made under the blanket purchase order. The Common Council shall authorize the individual or individuals who shall have the authority to sign for purchases under the blanket purchase order procedure.

- (d) The following system shall be established for those situations where formal bidding is not required under Wisconsin State Statutes, Sections 62.15 and 66.29.
1. Each City department, with the approval of the Department Head and supervising Committee, should develop a list of the types of work, services, or material that the City routinely purchases. Such list shall be on file with the City Clerk.
 2. These lists shall be made available to the public, and all contractors/businesses upon request or order.
 3. All public construction, the estimated costs of which exceed Ten Thousand Dollars (\$10,000.00) shall be let by contract to the lowest responsible bidder; all other public Construction shall be let as the Council may direct. If the estimated cost of any public construction exceeds Five Thousand Dollars (\$5,000.00) but is not greater than Ten Thousand Dollars (\$10,000.00), the Department Head shall cause a Class 1 notice of the project to be published and final project approval and contract awards shall be made by the Common Council.

Section 66.29 is a Statute covering all municipalities, including towns, villages, cities, etc. To the extent that Sec. 62.15 does not supply specific guidance, the general Municipal Code section applies.

Chapter 2

ARTICLE A SPECIAL ASSESSMENT PROCEDURES

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ARTICLE B SPECIAL ASSESSMENT POLICIES

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ARTICLE A: Special Assessment Procedures

3-2-1

Sec. 3-2-1 Common Council May Levy Special Assessments

- (a) The City of Adams, by resolution of its Common Council, may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement and may provide for the payment of all or any part of the cost of the work or improvement. In addition to other methods approved by law, special assessments for any public work or improvement or any special charge for current services may be levied in accordance with the provisions of this Chapter.
- (b) In addition to other methods provided by law, special assessments for any public work or improvement or any current service may be levied in accordance with the provisions of this Subsection.
 - (1) Whenever the Common Council shall determine that any public work or improvement or any current service shall be financed in whole or in part by special assessments levied under this Section, it shall adopt a resolution specifying this intention and the time, either before or after completion of the work or improvement, when the amount of the assessments will be determined and levied, the number of annual installments, if any, in which assessments may be paid, the rate of interest to be charged on the unpaid balance, and the terms on which any of the assessment may be deferred while no use of the improvement is made in connection with the property.
 - (2) The provisions of Sec. 66.60, Wis. Stats., shall apply to special assessments levied under this Subsection except that, when the Common Council determined by a resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement or the rendering of the service, the report required by Sec. 66.60(3), Wis. Stats., shall contain a statement of the final cost of the work, service, or improvement in lieu of an estimate of the cost.
 - (3) Notice of the time and place of the public hearing on any special assessment proposed to be levied and notice of the final assessment and terms of payment thereof shall be given in the manner prescribed by Sec. 66.60(7) and (8)(d), Wis. Stats.
 - (4) Any special assessment levied under this Ordinance shall be a lien against the property assessed from the date of the final resolution of the Common Council determining the amount of the levy.
 - (5) Any person against whose property a special assessment is levied under this Ordinance may appeal there under in the manner prescribed by Sec. 66.60(12), Wis. Stats., within forty (40) days of the date of the final determination of the Common Council.
- (c) The favored procedure in the City for proceeding with making specially assessable public improvements as generally set forth in this Chapter is not intended in any way to disregard or to bar proceeding under other methods provided by law for making of public improvements and for the levying of assessments therefore. Nor is this Chapter intended to be an exhaustive, detailed recodification of the state law under said statutory section. Detailed requirements still require reference to said statutory section and the subsections there under. The purpose hereof is to generally define and establish local procedures. .

State Law Reference: Section 66.62, Wis. Stats.

Sec. 3-2-2 Resolution and Report Required

- (a) Public improvements carried out pursuant to Section 66.60, Wis. Stats., and this Chapter shall be initiated by a preliminary resolution presented to the Council by the City Engineer, which resolution shall declare the Council's intention to exercise its assessment powers for such municipal purpose(s), describe the same, the limits of the proposed assessment district, the number of installments in which special assessment may be paid or that the number of installments will be determined at hearing thereon, and direct the City Engineer to make a report thereon. After adoption of such preliminary resolution by the Common Council, copies thereof shall be forwarded by the City Clerk/Treasurer to the City Engineer. The City Clerk/Treasurer shall forthwith, after adoption of such preliminary resolution, obtain a list of the names and addresses of all interested persons, if with reasonable diligence their names and addresses may be obtained, and forward the same to the City Engineer. Upon receipt of copy of such preliminary resolution, the City Engineer shall prepare the report thereon.
- (b) The report required by Subsection (a) shall consist of:
 - (1) Preliminary or final plans and specifications.
 - (2) An estimate of the entire cost of the proposed work or improvement.
 - (3) An estimate, as to each parcel of property affected, of:
 - a. The assessment of benefits to be levied.
 - b. The damages to be awarded for property taken or damages.
 - c. The net amount of such benefits over damages or the net amount of such damages over benefits.
 - (4) A statement that the property against which the assessments are proposed is benefited, where the work or improvements constitute an exercise of the police power. In such case, the estimates required under Subsection (3) shall be replaced by a schedule of the proposed assessments.
 - (5) A copy of the report when completed shall be filed with the City Clerk/Treasurer for public inspection.
- (c) When the Common Council determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement or rendering of the service, the report required by Sec. 66.60(3), Wis. Stats., and Subsections (a) and (b) above still contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.

Sec. 3-2-3 Costs That May be Paid by Special Assessment

The cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost thereof, the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the City and the cost of any architectural, engineering and legal services, and any other item of direct or indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the Common Council.

Sec. 3-2-4 Exemptions; Deductions

- (a) If any property deemed benefited shall by reason of any provision of law be exempt from assessment therefore, such assessment shall be computed and shall be paid by the City.
- (b) A parcel of land against which has been levied a special assessment for the sanitary sewer or water main laid in one of the streets upon which it abuts shall be entitled to such deduction or exemption as the Common Council determines to be reasonable and just under the circumstances of each case when a special assessment is levied for the sanitary sewer or water main laid in the other street upon which such corner lot abuts. Under any circumstances the assessment will not be less than the long way of such lot. The Common Council may allow a similar deduction or exemption from special assessments levied for any other public improvement.

Sec. 3-2-5 Notice of Proposed or Approved Project

- (a) **Notice Requirements.** On the completion and filing of the report and final resolution with the City Clerk/Treasurer required in Section 3-2-2(b)(5) of this Chapter, the City Clerk/Treasurer or City Engineer shall prepare a Notice of Hearing, which notice shall comply with Sec. 66.60(7), Wis. Stats., and state the nature of the proposed or approved work or improvement, the general boundary lines of the proposed assessment district and the place and time at which the report may be inspected. In publishing the notice of Hearing, the City Clerk/Treasurer shall set the place and time at which all interested persons, their agents or attorneys may appear before the Common Council or Committee thereof and be heard concerning the matters contained in the preliminary resolution and report. Such notice shall be signed by the City Clerk/Treasurer who shall cause the same to be published at least once in the official newspaper and shall mail a copy of such notice at least ten (10) days before the hearing to every interested person whose post office address is known or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) days and not more than forty (40) days after the publication or mailing of said notice.
- (b) **Waiver of Notice, Assessments Under.** The Council may, without any notice of hearing, levy and assess the whole or any part of the cost of any municipal work or whole or any part of the cost of any municipal work or improvement as a special assessment upon the property specifically benefited thereby whenever notice and hearing thereon is in writing waived by all the owners of property affected by such special assessment. In such cases, the procedure shall be the same as hereinbefore provided excepting for the noticing and holding of public hearing thereon.

Sec. 3-2-6 Council Actions After Hearing

- (a) After the hearing, the Common Council may:
 - (1) Approve, disapprove, modify or re-refer the report to the City Engineer with such directions as it deems necessary to change the plans and specifications as to accomplish a fair and equitable assessment.
 - (2) Continue the public hearing, preliminarily approve plans and specifications and, if the project requires advertising for bids, authorize and direct the advertisement therefore with a date certain for consideration and taking action thereon, inclusive of action on said report and action on final resolution.
- (b) If an assessment be made against any property and an award of compensation or damage be made in favor of the property, the Common Council shall assess only the difference between such assessment of benefits and the award of compensation or damage.
- (c)
 - (1) If the work or improvement has not been previously authorized or approved, the Common Council shall approve the work or improvement and by resolution direct that the same be done and paid for in accordance with the report finally approved.
 - (2) If the work or improvement has been approved by the Common Council or work commenced or completed prior to the filing of the report or prior to the hearing, then the Common Council shall by resolution confirm the report as made or modified and provide for payment in whole or in part by assessment.
- (d) The Clerk/Treasurer shall publish the final resolution as required in Section 3-2-2 of this Chapter.
- (e) After the publication of the final resolution, any work or improvement provided for and not yet authorized shall be deemed fully authorized and all awards of compensation or damage and all assessments made shall be deemed duly and properly made, subject to the right of appeal by Section 66.60(12), Wis. Stats., or any other applicable provision of law.
- (f) As soon as the assessable cost of such work or improvement is finalized, the City Clerk/Treasurer shall issue respective special assessment certificates for each property affected and specifying the manner in which payment is to be made and shall send copy of the respective assessment affecting each property to each owner's post office address that is known or can be obtained with reasonable diligence.

Sec. 3-2-7 Combined Assessments

If more than a single improvement is undertaken, the Common Council may combine the assessments as a single assessment on each property affected except that the property owner may object to anyone or more of said improvements.

Sec. 3-2-8 Councils Power to Amend, Cancel or Confirm Special Assessment

If, after completion or after the receipt of bids, the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any reason, or if the Common Council determines to reconsider an assessment, it is empowered, after giving notice as required in Section 3-2-5 to amend, cancel or confirm any prior assessment; and notice of this amending, canceling or confirming be given by the Clerk/Treasurer as provided in Section 3-2-6 of this Chapter.

Sec. 3-2-9 Where Cost of Improvement is Less Than Assessment

If the cost of the work or improvement is less than the assessment levied, the Common Council without notice or hearing shall reduce each assessment proportionately. If the assessment has been paid either in part or in full, the City shall refund the property owner such overpayment.

Sec.3-2-10 Appeals; Appealed Assessments Payable When Due

- (a) Any person against whose property a special assessment is levied under this Chapter may appeal there from in the manner prescribed by Section 66.60(12) of the Wisconsin Statutes, as amended, within forty (40) days of the date of the final determination of the Common Council.
- (b) Pursuant to Section 66.60(f), Wis. Stats., it shall be a condition to the maintenance of any appeal that any assessment appealed shall be paid when due and payable, and upon default in payment any such appeal shall be dismissed.

Sec. 3-2-11 Payment of Special Assessments; Special Assessment a Lien on Property

- (a) **Payment of Special Assessments.**
 - (1) Without Interest. Upon receipt of copy of special assessment certificate, any person may pay the same in full, without interest, if paid to the City Clerk/Treasurer within the grace period therein allowed and as allowed in the final resolution.
 - (2) After grace period. If any special assessment, or any part thereof, remains unpaid following the running of the grace period specified for payment without interest, at time of preparation of the first tax roll thereafter the same, together with interest computed thereon at the interest rate established in said final resolution and in said certificates computed from the date of levy (i.e., date of final resolution) or the finalizing of assessable costs, whichever is later, shall be entered in such tax roll in such manner as directed in said final resolution and certificate; thereafter, if the same be payable in installments, subsequent installments together with interest at said rate computed on declining balance shall be entered in subsequent tax rolls until fully paid. This provision is in no way intended to prohibit the prepayment of the balance owing at any time on principal together with interest to date of payment only.

- (b) **Assessment a Lien.** Pursuant to Subsection (13) of Section 66.60, Wis. Stats., any special assessment levied under this Chapter shall be a lien on the property against which it is levied on behalf of the City. The Common Council shall provide for the collection of such assessments and may establish penalties for payment after the due date. The Common Council shall provide that all assessments not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property and all proceedings in relation to the collection of such delinquent taxes shall apply to such assessment, except as otherwise provided by statute.

Sec. 3-2-12 Special Charges Permissible

- (a) In addition to all other methods provided by law, special charges for current services may be imposed by resolution by the Common Council by allocating all or part of the cost of the property served. Such resolution setting forth the property location, the current service rendered by the City and the special charge therefore or cost thereof. Such resolution for special charges may include snow and ice removal, weed elimination, street sprinkling oiling or tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, sewer and water service and tree care or removal. The provision for notice of such charges shall be optional with the Common Council except that in the case of street, sidewalk, curb or gutter repair, a Class 1 notice published in the official City newspaper at least twenty (20) days before the hearing or proceeding and a copy of such notice mailed to every interested person whose post office address is known, at least ten (10) days before the hearing or proceeding. Such notice shall specify that on a certain date a hearing will be held by the Common Council as to whether the service in question shall be performed.
- (b) Special charges for current services shall not be payable installments. If not paid within the period fixed by the Common Council in said resolution, such delinquent special charges, pursuant to Section 3- 2-11, shall become a lien on said property as of the date of such delinquency and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property, as provided by Section 66.60(16) of the Wisconsin Statutes, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charge. Notice of special charges for current services need not be given except as required by Section 66.60(16) of the Wisconsin Statutes, as amended.
- (c) Section 3-2-2(a) of this Chapter shall not be applicable to proceedings under this Section.

State Law Reference: Section 66.60(16), Wis. Stats.

Sec. 3-2-13 Miscellaneous Provisions

- (a) If any assessment or charge levied under this Chapter is invalid because such Statutes are found to be unconstitutional, the Common Council may thereafter reassess such assessment or charge pursuant to the provisions of any applicable law.
- (b) The Common Council may, without notice or hearing, levy and assess all or any part of the cost of any work or improvement upon the property benefited if notice and hearing is waived in writing by property owners affected.
- (c) Notwithstanding any other provision of law, or this or other ordinance or resolution, it is specifically intended and provided by this Chapter that the City may levy special assessments for work or improvement against the property benefited either before or after the approval of the work plans and specifications, contracting for the work or completing the work or improvement.

Sec. 3-2-14 Special Assessment B Bonds.

As an alternative to any other financing method, the Common Council may provide for the payment of the initial cost of any public improvement from the proceeds of special assessment "B" bonds issued under Secs. 66.54 (10) and (11), Wis. Stats. Special assessments to retire such bonds and pay the interest thereon shall be levied under Sec. 66.60, Wis. Stats., payable in such installments at a rate to be determined by the Council based upon borrowed money rates at the time of the special assessment.

Sec. 3-2-15 through

Sec. 3-2-19 Reserved for Future Use.

ARTICLE B: Special Assessment Policies

3-2-20

Sec. 3-2-20 Assessment Policy Regarding Installation of Storm Sewer, Road Surface and Parkway Restoration Residential District

- (a) It shall be the policy of the City of Adams that the City shall bear the entire cost (100% of actual costs) incurred in the installation of storm sewers, road surfaces, and parkway restoration in residential districts.
- (b) Commercial and Industrial Properties: The policy described in part (a) above shall apply to all installations in commercial or industrial districts; with the exception that consideration be given to special or exceptional construction specifications deemed necessary by the Council due to the anticipated industrial or commercial uses resulting in costs in excess of those required in residential applications. The City will consider each such situation on a case by case basis and determine what, if any, special assessments should be made against property owners of the industrial or commercial properties involved.

Sec. 3-2-21 Assessment Policy Regarding Installation of Concrete Curb and Gutter

It shall be the policy of the City of Adams, Wisconsin that the full costs (100%) of the full actual costs for installing such improvements will be collected, from the property owners of properties fronting upon the said improvements by special assessment. An exception will be made for roads and streets along the City's territorial boundaries, here, if the boundary is the center of the street, one-half (50%) of the full actual costs will be assessed to the owners of properties within the City and fronting said improvements.

Sec. 3-2-22 Assessment Policy Regarding Sidewalk Installation:

It shall be the policy of the City of Adams that the costs of installing sidewalks, whether new sidewalk or the replacement of existing sidewalk, be paid as follows:

- (a) The City will pay forty percent (40%) of the actual costs; and
- (b) Special Assessments will be made against the properties fronting the sidewalk(s) in question for sixty percent (60%) of the actual costs of such installation.

Sec. 3-2-23 Assessment Policy Regarding Sanitary Sewer Mains and Laterals and Water Mains and laterals:

It shall be the policy of the City of Adams that special assessments will be made for the installation of sanitary sewer mains and laterals, and for water mains and laterals, as follows:

- (a) For the Installation of New Services: Where mains and/or laterals are being installed for the first time, i.e., where existing mains and/or laterals are not being replaced: one hundred percent (100%) of the actual costs will be specially assessed against the properties fronting on/or served by the mains/laterals in question.
[Such assessments would normally be split equally between properties on each side of the street where the improvements are being made. Where the street or road is along the territorial boundary of the City, if the boundary is the center of the street, fifty percent (50%) of the actual costs will be specially assessed against property within the City and fronting on or served by the said improvements.]
- (b) For Replacement of Existing Services: Where new mains and/or laterals are being installed to replace existing utilities, the actual costs of such replacement shall be paid as follows:
 - (1) Fifty percent (50%) thereof shall be paid for by the City or by the City Utility, and
 - (2) Fifty percent (50%) thereof shall be paid for by special assessments against the properties fronting upon the street or road served by the mains and/or laterals in questions. [Such assessments would normally be split equally between properties on each side of the street where the improvements are being made.] Where the street or road is along the territorial boundary of the City, and the boundary is the center of the street, twenty-five percent (25%) of the actual costs will be specially assessed against property within the City and fronting on or served by the said improvements and the balance shall be paid for by the City or City utility involved.
- (c) Parcels Already Served by Public Sewer or Water Utilities: In those situations where sanitary sewer or water mains or laterals are to be installed (whether new services or replacement of existing services) and parcels fronting upon the new mains and/or laterals are already served, with respect to the utility in question, by lines other than those being installed (such as in the situation of a corner lot or parcel) then the special assessment that would normally apply under parts (a) or (b) of this Section 3-2-23, will be reduced by one hundred percent (100%) of the cost that would otherwise be assessed for the first seventy-five feet (75') of the lot or parcel in question.

Chapter 3

Public Records

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Sec. 3-3-1 Definitions

- (a) **Authority.** Any of the following City of Adams entities having custody of a City record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.
- (b) **Custodian.** That officer, department head, division head, or employee of the City designated under Section 3-3-3 or otherwise responsible by law to keep and preserve any City records or file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this Section to respond to requests for access to such records.
- (c) **Record.** Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.
- (d) **Direct Cost.** The actual cost of personnel plus all expenses for paper, copier time, depreciation and supplies.
- (e) **Actual Cost.** The total cost of personnel including wages, fringe benefits and all other benefits and overhead related to the time spent in search of records.

Sec. 3-3-2 Duty to Maintain Records

- (a) Except as provided under Section 3-3-7, each officer and employee of the City shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.
- (b) Upon the expiration of an officer's term or office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefore to the officer or employee, who shall file said receipt with the City Clerk/Treasurer. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk/Treasurer, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

Sec. 3-3-3 Legal Custodian(s)

- (a) Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate the City Clerk/Treasurer to act as the legal custodian.
- (b) Unless provided in Subsection (c), the City Clerk/Treasurer or the Clerk/Treasurer's designee shall act as legal custodian for the Common Council and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the Common Council. The following offices or authorities shall have as a legal custodian of records the individual so named.

Authority	Designated Legal Custodian
City Assessor's Office	City Assessor
General City Records (including Council Records)	City Clerk/Treasurer
Fire Department	Fire Chief
Police Department	Chief of Police
Public Works Department	Public Works Director
Financial Records	City Clerk/Treasurer
City Attorney's Office	City Attorney

- (c) For every authority not specified in Subsections (a) and (b), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.
- (d) Each legal custodian shall name a person to act as legal custodian in his or her absence or in the absence of his or her designee, and each legal custodian shall send notice of the designated deputy to the City Clerk/Treasurer.
- (e) The City Clerk-Treasurer shall establish criteria for establishing the records system and shall cause the department/office records system to be reviewed on an annual basis.

Sec. 3-3-4 Public Access to Records

- (a) Except as provided in Section 3-3-6 any person has a right to inspect a record and to make or receive a copy of any record of provided in Sec. 19.35(1), Wis. Stats.
- (b) Records will be available for inspection and copying during all regular office hours.
- (c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least forty-eight (48) hours' advance notice of intent to inspect or copy.
- (d) A requester shall be permitted to use facilities comparable to those available to City employees to inspect, copy or abstract a record.
- (e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- (f) A requester shall be charged a fee of twenty-five cents (25¢) per page to defray the cost of copying records.
 - (1) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
 - (2) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio- and videotapes, shall be charged.
 - (3) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
 - (4) There shall be no charge for locating a record unless the actual cost therefore exceeds Fifty Dollars (\$50.00), in which case the actual cost shall be determined by the legal custodian and billed to the requester.
 - (5) The legal custodian shall estimate the cost of all applicable fees and shall require a cash deposit adequate to assure payment, if such estimate exceeds Five Dollars (\$5.00).
 - (6) Elected and appointed officials of the City shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
 - (7) The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public Interest.

- (g) Pursuant to Sec. 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This Subsection does not apply to members of the Common Council.

Sec. 3-3-5 Access Procedures

- (a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Sec. 19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under Section 3-3-4(f)(6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- (b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefore. If the legal custodian, after conferring with the City Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
- (c) A request for a record may be denied as provided in Section 3-3-6. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that, if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Sec. 19.37(1), Wis. Stats., or upon application to the attorney general or a district attorney.

Sec. 3-3-6 Limitations on Right to Access

- (a) Specific Records Exempt From Inspection. As provided in Sec. 19.36, Wis. Stats., the following records are exempt from inspection and/or copying under this Chapter.
- (1) Records Specifically Exempted by State or Federal Law. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law.
 - (2) Investigative Records. Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state.
 - (3) Computer Programs and Data. Computer programs, as defined in Sec. 16.971(4)(c), Wis. Stats., is not subject to examination or copying, but the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection. [Note: The limits to access to computer programs and electronic files are clarified in *WIREDATA, Inc. v. Village of Sussex*, 2008 WI 69, 310 Wis.2d 397, 751 N.W.2d 736, 05-1473].
 - (4) Trade Secrets. Pursuant to Sec. 905.08, Wis. Stats., a record or any portion of a record containing information qualifying as a common law trade secret. Per Sec. 134.90(1)(c), Wis. Stats., "trade secrets" are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes which are used for making, preparing, compounding, treating or processing articles, materials or information which are obtained from a person and which are generally recognized as confidential.
 - (5) Identities of Applicants for Public Positions. The identity of an applicant for a public position other than a local public office may be withheld upon the request of such applicant unless such applicant is a final candidate for that position as defined in Sec. 19.36(7), Wis. Stats.
 - (6) Identities of Law Enforcement Informants. If a law enforcement agency receives a request to inspect or copy a record that contains information including, but not limited to, a name, address, telephone number, voice recording or handwriting sample which, if disclosed, would identify an informant, the authority shall delete the portion of the record in which the information is contained or, if no portion of the record can be inspected or copied without identifying the informant, shall withhold the record. Sec. 19.36(8), Wis. Stats., provides, however, that the legal custodian of the record may release such information after making a determination that the public interest in allowing a person to inspect or copy such identifying information outweighs the harm done to the public interest by providing such access. "Informant" and "law enforcement agency" are defined in Sec. 19.36(8), Wis. Stats.
 - (7) Employee Personnel Records. Unless access is specifically or authorized by statute, access is not permitted to personnel records containing the following information, except to the employee or the employee's representative to the extent required under Sec. 103.13, Wis. Stats., or to a recognized or certified collective bargaining representative to the extent required to fulfill a duty to bargain under Ch. 111 or pursuant to a collective bargaining agreement under Ch. 111, Wis. Stats.:

- a. Information maintained, prepared, or provided by an employer concerning the home address, home electronic mail address, home telephone number, or social security number of an employee, unless the employee authorizes the authority to provide access to such information.
 - b. Information relating to the current investigation of a possible criminal offense or possible misconduct connected with employment by a municipal employee prior to disposition of the investigation
 - c. Information pertaining to an employee's employment examination, except an examination score if access to that score is not otherwise prohibited.
 - d. Information relating to one (1) or more specific employees that is used by the employer for staff management planning, including performance evaluations, judgments, or recommendations concerning future salary adjustments or other wage treatments, management bonus plans, promotions, job assignments, letters of reference, or other comments or ratings relating to employees.
- (8) Records Containing Personal Information of an Individual Holding a Local or State Public Office. Unless access is specifically authorized or required by state statute, an authority shall not provide access to records, except to an individual to the extent required under Sec. 103.13, Wis. Stats., containing information maintained, prepared, or provided by an employer concerning the home address, home electronic mail address, home telephone number, or social security number of an individual who holds a local or state public office, unless the individual authorizes the authority to provide access to such information. This limitation does not apply to the home address of an individual who, as a condition of employment, is required to reside in a specified location.
- (9) Personally Identifiable Information Relating to Certain Employees. Unless access is specifically authorized or required by statute, an authority shall not provide access to a public record prepared or provided by an employer performing work on a project to which Sections 66.0903, 66.0904, 103.49, or 103.50, Wis. Stats., applies, or on which the employer is otherwise required to pay prevailing wages, if that record contains the name or otherwise personally identifiable information relating to an employee of that employer, unless the employee authorizes the authority to provide access to that information. "Personally identifiable information" does not include an employee's work classification, hours of work, or wages or benefit payments received for work on such a project.
- (10) Financially Identifying Information. An authority shall not provide access to personally identifiable data that contains an individual's account or customer number with a financial institution including credit card numbers, debit card numbers, checking account numbers, or draft account numbers, unless specifically required by law.
- (b) Public Library Circulation Records. As provided by Sec. 43.30, Wis. Stats., public library circulation records are exempt from inspection under this Chapter.
- (c) Assessor's Income and Expense Records. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Sec. 70.47(7)(af), Wis. Stats., or any successor statute, then such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharge of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and by the Board of Review in performance of its official duties); or pursuant to the order of a court. Income and expense information provided to the Assessor under Sec. 70.47(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is, per Sec. 70.47(7)(af), Wis. Stats., not subject to the right of insertion and copying under Sec. 19.35(1), Wis. Stats.

- (d) **Municipal Utility Customer Information.**
- (1) **Restrictions on Access to Customer Information; Exeptions.** Pursuant to Sec. 196.137(2), Wis. Stats., a municipal utility shall not release customer information to any person except with the prior consent of the customer. Customer information is not subject to inspection or copying under Sec. 19.35, Wis. Stats. The following are exceptions to this prohibition where municipal utility customer information may be released to the following parties without prior consent from the utility customer:
- a. Agents, vendors, partners, and affiliates of the municipal utility that are engaged to perform any services or functions for or on behalf of the utility. This may include other municipal departments;
 - b. Transmission and distribution utilities and operators within whose geographic service territory the customer is located;
 - c. The Wisconsin Public Service Commission (PSC) or any person whom the PSC authorizes by order or rule to receive customer information;
 - d. An owner of a rental dwelling unit to whom the municipal utility provides notice of past due charges per Sec. 66.0809(5), Wis. Stats.;
 - e. A municipal security purchaser or investor in order to comply with security disclosure obligations;
 - f. A title agent, insurer, lender, mortgage broker or attorney in connection with the preparation of real estate closing documents;
 - g. A lender or prospective purchaser in connection with the foreclosure of a property;
 - h. An owner of real property provided with municipal utility service or the owner's designated agent; or
 - i. Any person who is otherwise authorized by law to receive customer information.
- (2) **Definitions.** The following definitions shall be applicable in this Subsection:
- a. "Customer information" means any information received from municipal utility customers which serves to identify customers individually by usage or account status. "
 - b. Municipal utility" has the meaning given in Sec. 196.377(2)(a)3, Wis. Stats.
- (e) **Miscellaneous Grounds for Records Access Denial.** In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the municipal attorney, may deny the request, in whole or part, only if the legal custodian determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. In addition to specific nondisclosure records specified in this Section, general examples of matters involving certain official closed meeting minutes or sensitive internal municipal investigative matters for which disclosure may be refused include, but are not limited to, the following:
- (1) **Quasi-Judicial Hearing Deliberations.** Pursuant to Sec. 19.85(1)(a), Wis. Stats., records of deliberations concerning a case which was the subject of any judicial or quasi-judicial hearing or trial before that governmental body.
 - (2) **Employment Deliberations Records.** Pursuant to Sec. 19.85(1)(b), Wis. Stats., records of current deliberations concerning employment, dismissal, promotion, demotion, compensation determination, performance or discipline of any municipal officer or employee, or the investigation of charges against a municipal officer or employee, unless such officer or employee consents to such disclosure.
 - (3) **Crime Prevention Strategies.** Pursuant to Sec. 19.85(1)(d), Wis. Stats., records concerning current strategy for crime detection or prevention.

- (4) Records Pertaining to Competitive or Bargaining Matters. Pursuant to Sec. 19.85(1)(e), Wis. Stats., records of current deliberations or negotiations on the purchase of property for the municipality, investing of municipal funds, or other municipal business whenever competitive or bargaining reasons require nondisclosure.
 - (5) Sensitive Personal Information. Pursuant to Sec. 19.85(1)(f), Wis. Stats., medical, financial, social or personal histories or disciplinary data for specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
 - (6) Privileged Communications With Legal Counsel. Pursuant to Sec. 19.85(1)(g), Wis. Stats., records of current deliberations which involve communications between legal counsel for the municipality and any official, officer, agent or employee of the municipality when legal advice being rendered concerning strategy with respect to current litigation in which the municipality or any of its officials, officers, agents or employees is or is likely to become involved, or communications with are privileged under Sec. 905.03, Wis. Stats.
 - (7) Ethics Opinions. Pursuant to Sec. 19.85(1)(h), Wis. Stats., requests for confidential written advice from an ethics board, and records of advice given by such ethics board on such requests.
 - (8) Certain Acts by Businesses. Pursuant to Sec. 19.85(1)(i), Wis. Stats., records of deliberations considering any or all matters related to acts by businesses under Sec. 560.15, Wis. Stats., which, if disclosed to the public, could adversely affect the business, its employees or former employees.
- (f) Redacting. If a municipal record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The legal custodian of the record shall confer with the municipal attorney prior to releasing any such record and shall follow the guidance of the municipal attorney when separating out the exempt material. If, in the judgment of the legal custodian and the municipal attorney, there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

Sec. 3-3- 7 Destruction of Records

- (a) City officers may destroy the following nonutility records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the bureau of municipal audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven (7) years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such shorter period:
- (1) Bank Statements, deposit books, slips and stubs.
 - (2) Bonds and coupons after maturity.
 - (3) Canceled checks, duplicates and check stubs.
 - (4) License and permit, applications, stubs and duplicates.
 - (5) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
 - (6) Receipt forms.
 - (7) Special assessment records.
 - (8) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
- (b) City officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the bureau of municipal audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, subject to State Public Service Commission regulations, but not less than seven (7) years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed not less than two (2) years after payment or receipt of the sum involved or the effective date of said record.
- (1) Contracts and papers relating thereto.
 - (2) Excavation permits.
 - (3) Inspection records.
- (c) City officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven (7) years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such a shorter period.
- (1) Contracts and papers relating thereto.
 - (2) Correspondence and communications.
 - (3) Financial reports other than annual financial reports.
 - (4) Justice dockets.
 - (5) Oaths of office.
 - (6) Reports of boards, commissions, committees and officials duplicated in the Common Council proceedings.
 - (7) Election notices and proofs of publication.
 - (8) Canceled voter registration cards.
 - (9) Official bonds.
 - (10) Police records other than investigative records.
 - (11) Resolutions and petitions, providing the text of the same appears in the official City minutes.

- (d) Notwithstanding the above provisions appearing in this Section, it is intended hereby that election materials may be destroyed according to lesser time schedules as made and provided in Sec. 7.23, Wis. Stats.
- (e) Unless notice is waived by the State Historical Society, at least sixty (60) days' notice shall be given the State Historical Society prior to the destruction of any record as provided by Sec. 19.21(4)(a), Wis. Stats.
- (f) Any tape recordings of a governmental meeting of the City may be destroyed, erased or reused no sooner than ninety (90) days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

Sec. 3-3-8 Preservation Through Microfilm.

Any City officer or the director of any department or division of City government may, subject to the approval of the City Clerk/Treasurer, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Sec. 16.61 (7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of Sections 3-3-4 through 3-3-6 of this Chapter.

Chapter 4

Disposal of Lost, Abandoned and Surplus Property

[3-4-1](#) Disposal of Surplus City Property

[3-4-2](#) Lost and Abandoned Property

Sec. 3-4-1 Disposal of Surplus City Property

(a) **Definitions.**

- (1) "Surplus City Property" is that property which is owned by the City of Adams and which has no further usefulness to the City. An item of property shall be considered to have no further usefulness when:
 - a. The item or its function has been totally replaced by other City property and no probable future function exists for it; or
 - b. The City no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item; or
 - c. The item is no longer able to reliably or economically perform the work required of it.
- (2) Surplus property as defined in this Chapter shall not include land or buildings but shall include fixtures and such salvage as may be taken from a building without structural damage when such fixtures and salvage are not part of a demolition contract. Surplus City property shall not include property which is obtained by the City as a result of abandonment or loss by the property's original owner. Surplus City property shall not include items of property which are traded in for newer items. Surplus City property shall not include library materials used by the public library for lending purposes.

(b) **Determination of Surplus City Property.**

- (1) Whenever an item of City property is determined to be surplus City property on the basis that the City no longer performs the service for which the item was purchased, the Common Council shall determine whether or not the item is surplus City property.
- (2) Whenever the fair market value of the item is more than Five Hundred Dollars (\$500.00), the Common Council shall determine whether or not the item is surplus City property.

(c) **Disposition of Surplus City Property.**

- (1) Whenever the Common Council determines that an item of property is surplus City property, it shall dispose of such property as it determines.
- (2) Whenever the fair market value of an item is more than Five Hundred Dollars (\$500.00) and the Common Council has determined, pursuant to the previous Subsection, that the item is surplus City property, the department head responsible for the items shall dispose of the property by:

- a. Donation to a nonprofit organization within the City or to a governmental agency;
 - b. Public auction;
 - c. Sale by sealed bid; or
 - d. Negotiated sale.
- (3) In the event of a public auction or sale by sealed bid, the item will be sold in "as-is" condition to the person submitting the highest bid provided, however, that a lower bid submitted by a nonprofit organization or governmental agency may be accepted by the Common Council. The department head responsible for the item shall determine the time in which the successful bidder must remove the item. In the event the item is not removed within that time, the item shall revert to the City and the amount of the bid shall be forfeited to the City. In the event no bids are received, the item shall be disposed of as directed by the Common Council.
- (4) No public auction or awarding of bids shall occur under this Chapter unless a description of the item to be sold and an advance notice of the time and place for such auction or bid submission is first published as a Class 2 notice in the official City newspaper.
- (5) Whenever the fair market value of an item is Five Hundred Dollars (\$500.00) or less and the Common Council has determined, pursuant to the previous Section, that it is surplus City property, the item shall be either disposed of as set forth in Subsection (c)(2) above or destroyed.
- (d) **Determination of Fair Market Values.** Whenever this Chapter requires a determination of the fair market value of an item of property, that determination shall be made by the department head responsible for the property, whose decision shall be final.
- (e) **Authority to Dispose of Property.**
- (1) Except for library materials used by the public library for lending purposes, only the Common Council may dispose of City property which is not surplus City property.
 - (2) Whenever this Section provides for an auction or other disposition of any property, the Common Council shall be authorized to hire an auctioneer or take such other action as is necessary to properly dispose of the property provided, however, that the fees of such auctioneer and all such costs, other than those for City labor and the use of City property, do not exceed the payment received by the City from the auction or sale of the property.

Sec. 3-4-2 Lost and Abandoned Property

- (a) City Custody of Lost or Abandoned Property.
- (1) Property which appears to be lost or abandoned, discovered by officers or turned in to the Chief of Police by citizens shall be disposed of according to this Section.

- (2) Lost and abandoned property will be examined by the Chief of Police for identifying marks in an attempt to determine the owner. If identifying marks are present, they shall be used by the Chief of Police to attempt to contact the owner to return the property. If no identifying marks are present, the property shall be taken into custody by the Chief of Police.
- (3) No City employee shall keep for his or her own use property found in the course of duty, nor take possession of property during off -duty hours when the discovery was made while on duty.
- (4) The Chief of Police shall permit citizens to claim lost property if they can provide sufficient proof that they are rightful owners.
- (5) No City employee shall receive any lost, stolen, abandoned or other unclaimed property from the Chief of Police, unless that person receives a written receipt signed by the Chief of Police, a copy of which shall remain with the City Clerk/Treasurer.

(b) **Disposal Procedures.**

- (1) **Classes of Property.** All property which has been abandoned, lost or remained unclaimed for a period of thirty (30) days after the taking of possession of the same by the City shall be disposed of as follows, except that if the property is usable for City operations, the property need not be sold at auction, but may become the property of the City.
 - a. **Vehicles:** Vehicles shall be disposed of as set forth in the applicable provisions of Title 10, Chapter 4, of this Code of Ordinances.
 - b. **Intoxicating Liquor and Fermented Malt Beverages:** Intoxicating liquor and fermented malt beverages shall be destroyed.
 - c. **Firearms, Ammunition and Explosives:** Firearms or ammunition shall be returned to their rightful owner, destroyed, or transferred to the State Crime Laboratory, the division of law enforcement services of the Department of Justice, the Federal Bureau of Investigation or the Alcohol, Tobacco and Firearms bureau of the U .S Department of Treasury. Any explosive, flammable, or other material proving a danger to life or property may be disposed of immediately upon taking possession thereof. The Chief of Police and the Fire Chief, after consulting with the County Sheriffs Department, are hereby authorized to determine the disposal procedure, provided, however, that any such procedure will attempt to return to its rightful owner any such material which appears to have been stolen.
 - d. **Bicycles and other property with a fair market value of One Hundred Dollars (\$100.00) or less:** The police chief or authorized representative may dispose of unclaimed or abandoned bicycles, other play vehicles, or any other personal property with a fair market value of One Hundred Dollars (\$100.00) or less, through public auction or donation to a non-profit organization, or junking. Any such auction shall be conducted by the police department at least once a year, and at any time the inventory of lost or abandoned bicycles or other personal property dictates and the thirty (30) day waiting period for abandonment has expired. Proceeds from the sale, after deducting the necessary expenses for conducting the sale, shall be deposited with City Clerk/Treasurer to be deposited in the City general fund."

- e. Other Property with a Fair Market Value of Over One Hundred Dollars (\$100.00): An item of property with a fair market value of more than One Hundred Dollars (\$100.00) shall be sold at public auction or by sealed bid.
 - f. Illegal property: Property which cannot be legally possessed shall be destroyed.
- (2) Disposal by Auction or Sealed Bid.
- a. Whenever any property under this Section is sold by public auction or sale or by sealed bid, such auction or the awarding of bids shall be preceded by a Class 2 notice describing the property and arranging the time and place for the auction or bid submission; such notice shall be published in the official City newspaper. The property auctioned or sold by sealed bid shall be sold in as-is condition to the highest bidder. No sale or auction shall occur until the Chief of Police has determined that the property has no value to any probable investigation or legal proceeding. The department head responsible for the property shall determine the time in which the successful bidder shall remove the property. In the-event the property is not removed within that time, the property shall revert to the City and the amount of the bid be forfeited to the City.
 - b. Any City official selling property under this Section shall maintain for two (2) years an inventory of any property not disposed of by auction or sale by sealed bid and shall include a record of the date and method of disposal, any payment received for the property, and the name and address of the person acquiring the property.
- (3) Lost Property. Property which is found by persons and delivered to the Chief of Police for the purpose of locating the former owner shall not be considered abandoned or unclaimed under this Section until thirty (30) days after mailing to the person finding the property a notice that he may claim ownership of said property. The Chief of Police shall determine what portion, if any, of the property or its value shall be given the finder. This provision shall not apply to any City employee finding property in the regular course of his employment.
- (4) Payment to City Treasury. All sums received from the sale of property under this Section shall be paid to the City Treasury.
- (5) Records. Each city department shall maintain an inventory of lost or abandoned property taken into possession by the department. Such inventory shall be open to the public. Such record shall also include a record of the date and method of disposal, including the consideration received for the property, if any, and the name and address of the person taking possession of the property, as a public record for a period of three (3) years from the date of disposal and thereafter may purge the records.

State Law Reference: Section 66.28, Wis. Stats,