

ORDINANCE #24-18

A CHARTER ORDINANCE CREATING CHAPTER 3 CITY MANAGER PLAN AND VARIOUS CORRESPONDING AMENDMENTS TO THE DE PERE MUNICIPAL CODE

THE COMMON COUNCIL OF THE CITY OF DE PERE, WISCONSIN DOES ORDAIN ALL OF THE
FOLLOWING SECTIONS AS A CHARTER ORDINANCE AS FOLLOWS:

SECTION 1. **Chapter 3 – CITY MANAGER PLAN** is hereby created in the De Pere Municipal
Code, said ordinance being a Charter Ordinance under which the City of De Pere shall operate
under a City Manager form of government as follows:

CHAPTER 3 - CITY MANAGER PLAN

ARTICLE I. - IN GENERAL

Sec. 3-1. – City Manager Plan.

The Government of the City of De Pere shall operate under a City Manager form of government under
Chapter 64 of the Wisconsin Statutes.

Sec. 3-2. – Elective Officials; Terms; Primary Elections.

- (a) *Which Officials Elected and Term.* The elective officials of the City of De Pere shall include:
 - (1) A mayor nominated and elected from the city at large to serve a three (3) year term;
and
 - (2) Eight (8) council members nominated and elected from the city to serve a three (3)
year term.
- (b) *Council Member Elections.* There shall be elected two council members from each council
member district, and they shall be residents of the council member district from which
they are elected. One council member shall be elected to a term of three years from each
council member district in each year for two consecutive years out of a three-year period.
The regular mayoral election described in (c) shall occur in the third year.
- (c) *Mayoral Election.* There shall be elected a mayor for a term of four years in the next
regular mayoral election after the effective date of this Section. Thereafter, there shall

be elected a mayor for a term of three years in the year without a regular council member election as described in (b) of this Section.

- (d) *Eligibility.* Any person possessing the qualifications of an elector in the City of De Pere shall be eligible to election as Mayor or as a council member.

Sec. 3-3. – Designation of Local Public Officials.

- (a) *Local Public Officials.* For purposes of complying with State Statutes pertaining to Local Public Officials, the Common Council hereby finds and declares the following offices, positions and persons to be Local Public Officials:

- (1) Members of the Common Council;
- (2) Members of the Boards and Commissions of the City of De Pere;
- (3) The City Manager;
- (4) Designated Heads of Staff Offices and Departments of the City of De Pere including City Officers.

[Statutory References §19.42(7w)(d), 19.32 (1dm), 19.36(11), 19.35(1) Wis. Stats.]

Sec. 3-4. Time of Taking Office; Elected Officials.

The regular terms of the mayor and council members shall commence on the third Tuesday in April following their election and shall hold office until another is elected and qualified.

[Statutory Reference § 64.05 Wis. Stats.]

ARTICLE II. LEGISLATIVE

Sec. 3-9. – Council Duties.

- (a) *Appointment and Removal of City Manager.* The common council shall select a City Manager. The City Manager shall be selected by the common council purely on merit. In selecting the City Manager, the common council shall give due regard to training, experience, executive and administrative ability, efficiency, general qualifications, and fitness for performing the duties of the office. No person shall be eligible to the office of City Manager who is not by training, experience, ability and efficiency well-qualified and generally fit to perform the duties of such office. No weight or consideration shall be given by the common council to nationality, political or religious affiliations, or to any other consideration except merit and direct qualifications for the office. Residence in the city or state shall not be a qualification for the Office of City Manager. The common council may

remove the City Manager from office in accordance with Chapter 64 of the Wisconsin Statutes. [Statutory Reference §64.09 Wis. Stats.]

- (b) *Qualifications of Members.* The common council shall be the judge of the election and qualification of its members and may, pursuant to state statute, suspend or remove its members for cause. [Statutory Reference §17.12(1)(a) Wis. Stats.]
- (c) *Legislative Power.* The common council shall possess and exercise all legislative and general ordinance powers imposed and conferred by general law or special charter upon the Mayor, council and the various boards and commissions not inconsistent with Chapter 64, Wisconsin Statutes. The common council shall not have the power to enact special executive or administrative orders. [Statutory Reference §64.07 Wis. Stats.]
- (d) *Attention to Duty.* Council members shall devote such time to the duties of their office as the interests and general welfare of the City demand. [Statutory Reference §64.08 Wis. Stats.]
- (e) *Power to Fix Salaries.* The common council shall have power by ordinance to fix the salary of any successor Mayor and its own successors in office. [Statutory Reference §64.08 Wis. Stats.]
- (f) *Administrative Powers.* The common council shall, upon the report and recommendation of the City Manager, have the power to create general departments of city administration and to alter, reorganize or abolish by ordinance any administrative board or commission, with the exception of the Board of Police and Fire Commissioners. [Statutory Reference §64.10 Wis. Stats.]
- (g) *Annual Audit.* At the end of each fiscal year, the common council shall cause a full and complete examination of all books and accounts of the City to be made by competent public accountants who shall report in full to the council. [Statutory Reference §64.12(4) Wis. Stats.]
- (h) *To Elect Deputy Mayor.* At its first meeting on the third Tuesday following the spring general election the common council shall select by majority vote, one of its members to act as Deputy Mayor, who shall preside over meetings and exercise all duties and responsibilities of the Mayor during a temporary absence or disability.

Sec. 3-10. – Duties of the Mayor.

The Mayor shall be the presiding officer of the common council and shall have a vote but no veto power.

It shall be the general duty of the Mayor or other presiding officer:

- (a) *Preside at Meetings.* To open the session at the time fixed for the meeting, or at the time to which adjournment may be had, by taking the chair and calling the members to order.
- (b) *Announcement of Quorum.* To announce or to have announced, at the conclusion of the roll call, the fact of the presence of a quorum or not, as the case may be.
- (c) *Presentation of Business.* To announce or to have announced, the business before the common council in the order in which it is to be acted upon.
- (d) *Receive Motions.* To receive and submit, in proper manner, all motions and propositions presented by members.
- (e) *Supervision of Voting.* To put to a vote the questions which are regularly moved, or which necessarily arise in the course of the proceedings, and to announce or to have announced the result.
- (f) *Enforce Rules of Order.* To restrain the public and members of the common council within the rules of order while the council is meeting and engaged in debate.
- (g) *Rule on Points of Order.* To rule on any point of order or practice, subject to an appeal by any member.
- (h) *Issue Proclamations.* To issue all proclamations.
- (i) *Sign Ordinances and Resolutions.* To sign all ordinances and resolutions adopted by the Council.
- (j) *Appointments.* To appoint, subject to common council approval, members to the various boards and commissions within the City.

Sec. 3-12. – Substitution of Presiding Officer.

The Mayor or other presiding officer of the common council may call the Deputy Mayor or a member to the Chair to temporarily preside over the meeting in the case of a conflict of interest, illness, or other matter requiring the presiding officer to temporarily remove themselves from the position of presiding officer, but such substitution shall not extend beyond an adjournment.

Sec. 3-13. – Temporary Presiding Officer.

In the absence of the Mayor and the Deputy Mayor, one of the common council members shall be elected to preside temporarily until the return of the Mayor or Deputy Mayor.

ARTICLE III. CITY MANAGER

Sec. 3-17. – Term of Office.

The City Manager shall be engaged by the common council for an indefinite term, subject to removal by the council in accordance with the provisions of Chapter 64 of the Wisconsin Statutes. [Statutory Reference §64.09 Wis. Stats.]

Sec. 3-18. – Duties and Powers, Generally.

The City Manager shall be responsible for the administration of city government with the exception of those functions administered by appointed or elected boards. The City Manager shall have all of the powers necessary to discharge the responsibilities of the office, not inconsistent with the provisions of Chapter 64 of the Wisconsin Statutes. [Statutory Reference §64.11 Wis. Stats.]

Sec. 3-19. – Duties and Responsibilities.

The City Manager shall have the following duties and responsibilities:

- (a) Effect the enforcement of all laws and ordinances.
- (b) Budget administration and budget preparation.
- (c) Enforce all franchises, permits and privileges granted by the city to utilities.
- (d) Protection of health, safety and welfare of the community within the standards of services adopted by the common council.
- (e) Maintain and operate parks, playgrounds and any other recreational facilities now owned or acquired hereafter by the common council.
- (f) Maintenance, operation and construction of streets, sewers, water plant and distribution system, sewage disposal plant and all other City owned facilities, buildings and equipment.
- (g) All fiscal transactions of the City.
- (h) Assuring the efficiency of all City services.
- (i) Keep the common council informed on all matters.

- (j) All administrative functions, including those heretofore mentioned.
- (k) Perform such other duties as may be required by the common council.

Sec. 3-20. – Authority Necessary to Discharge Duties.

The City Manager shall have the authority to:

- (a) *Appoint Officers; Exception.* Appoint, suspend, lay-off or dismiss all heads of departments, all subordinate city officials and all employees, except that this subsection shall not be construed as depriving the Board of Police and Fire Commissioners all the powers conferred by Section 62.13 of the Wisconsin Statutes. [Statutory Reference §64.11(3) Wis. Stats.]
- (b) *Authority to Appoint Temporary Department Heads of Departments/Divisions.* The City Manager may appoint an acting director of any department or manager of any division if the director or manager is absent from the City or incapacitated or a temporary vacancy exists in the position and no person has been designated to be the acting director or manager or the person designated is unable or unwilling to serve in the acting capacity.
- (c) *Promulgate Rules and Regulations.* Prepare and put into effect any necessary administrative rules and regulations pertaining to purchasing, personnel, fiscal transactions, city services, and the conduct of employees.
- (d) *Emergency Powers.* Take whatever action is necessary in purchasing or assignments of employees to protect the health, welfare, and the safety of the citizens of De Pere.
- (e) *Make Recommendations to Common Council.* Make recommendations to the common council on all matters of municipal concern.
- (f) *Fill Vacancies.* Fill all vacancies not to exceed budget allotments, except that this shall not be construed as preventing the Manager from filling the vacancy with a lower paid classification or leaving the position vacant, if, in the Manager's opinion, the position does not need to be filled. This section shall not be construed to prevent the City Manager from creating or filling positions not specifically budgeted when in the Manager's opinion such action is in the best interest of the City and is temporary in nature.
- (g) *Residual Executive Powers.* Exercise all other executive powers conferred upon the Manager in Chapter 64 of the Wisconsin Statutes not inconsistent with other City ordinances.

Sec. 3-21. – City Manager: Delegation of Authority; Responsibility.

Creation of Departments; Delegation of Authority; Restrictions. The City Manager shall be permitted to form departments and subdivisions of departments and staff offices upon confirmation by the common council. Although the Manager is permitted to delegate authority to these department heads and other supervisory personnel, the Manager shall not be permitted to delegate the responsibility for any function to these department heads or other supervisory personnel. The Manager shall be responsible to the common council for all functions.

Sec. 3-22. – Absence or Disability.

The City Manager may designate a qualified administrative officer of the city to perform the duties of City Manager during a temporary absence or disability. In the event of the failure to make such a designation, the common council may, by resolution, appoint an officer of the city to perform the duties of the Manager during such absence or disability, until the Manager shall return or disability shall cease.

SECTION 2. **Chapter 6 – COMMON COUNCIL** is hereby amended as a charter ordinance as follows:

1. **Sec. 6-1. – Meetings.** is hereby amended by adding “or City Manager” following the words “The Mayor” in subsection (d) *Special meetings.*”
2. **Sec. 6-3. – Rules of order.** is amended by deleting subsection (k) *Mayor not to vote.* in its entirety, with the remaining subsections being renumbered appropriately thereafter.
3. **Sec. 6-4. – Committees.** is hereby amended by deleting “administrator” and replacing it with “manager” in subsection (c) *Finance/personnel committee.*
4. **Sec. 6-7. – Veto power of mayor.** is hereby deleted in its entirety, with the remaining sections being renumbered appropriately thereafter.

SECTION 3. **Sec. 9-1. – Non-discrimination in housing, public accommodation and employment.** is hereby amended as a charter ordinance by deleting all instances of “administrator” and replacing it with “manager” in paragraphs (1), (2) and (3) under subsection (g) *Enforcement.*

SECTION 4. **Chapter 10 – CITY ADMINISTRATION** is hereby amended as a charter ordinance as follows:

1. **Sec. 10-1. – Terms of elected city officers, Sec. 10-2. – Mayor’s duties., Sec. 10-3. Councilmembers, and Sec. 10-4 City administrator.** shall be deleted in their entirety, with all remaining sections being renumbered appropriately thereafter.
2. Currently numbered **Sec. 10-5. City Officer positions created; appointments confirmed by council.** is hereby amended by:
 - a. Repealing subsection (a) and recreating it as “(a) The following city offices are established and are Local Public Officials as designated under Section 3-3:”.
 - b. (1) shall be designated as “City manager;”
 - c. (2) shall be designated as “City attorney,” and the words “assistant city administrator” shall be deleted, with all remaining titles being renumbered appropriately thereafter.
 - d. Subsection (b) is hereby deleted in its entirety.
3. Currently numbered **Sec. 10-14. – Sustainability commission.** is hereby amended by deleting “administrator” and replacing with “manager” in subsection (e) *Powers and duties*.
4. Currently numbered **Sec. 10-18. – Public records.** is hereby amended by:
 - a. deleting “administrator” and replacing with “manager” in subsection (c)(1) *Legal custodians*.
 - b. deleting “administrator” and replacing with “manager” in (2) under (d) *Local public offices*.

SECTION 5. **Chapter 13 – CITY FINANCES** is hereby amended as a charter ordinance as follows:

1. **Sec. 13-3. – Claims; audit.** is hereby amended by deleting “administrator” and replacing with “manager” in the second sentence under subsection (a) *Vouchers*.
2. **Sec. 13-3. – Emergency procurements.** is hereby amended by deleting “administrator” and replacing with “manager” in the first, third and fourth sentences of said section.

SECTION 6. **Sec. 22-1. – Street superintendent.** is hereby amended as a charter ordinance by deleting “administrator” and replacing with “manager” in the second sentence of said section.

SECTION 7. **Sec. 30-1. – Board of park commissioners.** is hereby amended as a charter ordinance by deleting “administrator” and replacing with “manager” in the second sentence of subsection (c) *Director of parks, recreation and forestry/city forester*.

SECTION 8. **Sec. 58-7. – Appeals.** is hereby amended as a charter ordinance by deleting “administrator” and replacing with “manager” in the second sentence of said section.

SECTION 9. **Sec. 102-5. – Review procedure.** is hereby amended as a charter ordinance by deleting “administrator” and replacing with “manager” in the sixth sentence of subsection (b) *Access review committee* and the second sentence of subsection (c) *Appeal to the Common Council*.

SECTION 10. **Sec. 106-6. – Permits required under this chapter.** is hereby amended as a charter ordinance by:

1. deleting “administrator” and replacing with “manager” in the first sentence of subsection (a)(10), *Event cancellation*.
2. deleting “administrator/assistant city administrator” and replacing with “manager” in subsection (1)a, *General requirements. under (b) Encroachments/obstructions upon right-of-way and other property owned by city (non-park) and the redevelopment authority of the city*.
3. deleting “administrator/assistant city administrator” and replacing with “manager” in subsection (c)(1), *Encroachments/obstruction upon park property*.

SECTION 11. The City Clerk-Treasurer is directed to publish this ordinance as a Class I notice as required under Wis. Stats. §66.0101(3).

SECTION 12. This charter ordinance shall take effect on January 1, 2025, after its passage and publication.

SECTION 13. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 17th day of September, 2024.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: 8

Nays: 0

Committee Approval: 09/10/2024

Publication Date: 09/20/2024