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## **CHAPTER 3: FINANCE AND PUBLIC RECORDS**

### **3.0100 FINANCE**

#### **3.0101 PREPARATION OF TAX ROLL AND TAX RECEIPTS**

A. Aggregate Tax Stated on Roll

Pursuant to Section 70.65(2), Wis. Stats., the Clerk shall, in computing the personal tax roll, insert only the aggregate amount of state, county, school and local taxes in a single column in the roll opposite the parcel or tract of land against which the tax is levied in a single column opposite the name of the person against whom the tax is levied.

B. Rates Stamped on Receipts

Pursuant to Section 74.08(1), Wis. Stats., in lieu of entering on each tax receipt the several amounts paid respectively for state, county, school, local and other taxes, the aggregate amount of such taxes shall be combined in a single column on the tax receipt issued by the Treasurer. The Treasurer shall cause to be printed or stamped on the tax receipt or personal property bills the separate proportion or rate of taxes levied for State, County School, Local, or other purposes.

State Law Reference: Sections 70.65 and 74.08, Wis. Stats.

#### **3.0102 DUPLICATE TREASURER'S BOND ELIMINATED**

A. Bond Eliminated

The City of Marinette elects not to give the bond on the City Treasurer provided for by Section 70.67(1), Wis. Stats.

B. City Liable for Default of Treasurer

Pursuant to Section 70.67(2), Wis. Stats., the City shall be obligated to pay, in case the City Treasurer shall fail to do so, all state and county taxes required by law to be paid by such City Treasurer to the County Treasurer.

State Law Reference: Section 70.67, Wis. Stats.

#### **3.0103 CITY BUDGET**

A. Departmental Estimates

When requested by the Finance and Insurance Committee and City Comptroller, each year by a target date of September 1, each officer, department and committee shall file with the Comptroller an itemized statement of disbursements made to carry out the powers and duties of such officer, department 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 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 and prioritized in the

form prescribed by the Comptroller and shall be designated as "Departmental Estimates," and shall be as nearly uniform as possible for the main division of all departments. (Ordinance 2013-2251 adopted 6-4-13)

B. Finance and Insurance Committee to Prepare

Each year the Finance and Insurance Committee and the Comptroller 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 include the following information:

1. The expense of conducting each department and activity of the City for the ensuing fiscal year and corresponding items for the current year and last preceding fiscal year, with reasons for increase and decrease recommended as compared with appropriations for the current year.
2. An itemization of all anticipated income of 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.

C. Copies of Budget

The Finance and Insurance Committee shall provide every Common Council member and Department Head a complete copy of the initial/preliminary City Budget under consideration and a reasonable number of copies of the budget thus prepared for distribution to citizens. The Finance and Insurance Committee shall provide every Common Council member and Department Head a complete copy of the final draft of the City budget at least two (two) weeks prior to established public hearing date where budget will be considered for adoption. (Ordinance 2013-2251 adopted 6-4-13).

D. Hearing

1. The Finance and Insurance Committee 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 thereon, shall be published in a newspaper of general circulation in the City of Marinette 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 thereon, the public hearing shall be held at the time and place stipulated, at which time any resident or taxpayer of the City of Marinette shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time.

State Law Reference: Sections 62.12, Wis. Stats.

**3.0104 CHANGES IN BUDGET**

The amount of the tax to be levied or certified, the amounts of the various appropriations, and the purposes thereof shall not be changed after approval of the budget unless authorized by a vote of two-thirds of the members-elect of the governing body of the City. Any changes shall be published either as a class 1 notice under ch. 985, within 15 days or posting a notice of the changes on the City's website within 15 days.

**3.0105 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 3.0104 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 reappropriation; 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.

**3.0106 FISCAL YEAR**

The calendar year shall be the fiscal year.

**3.0107 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 Treasurer and bondsman shall not be liable for such losses as are defined by state law. The Treasurer shall invest and the interest arising therefrom shall be paid into the City treasury.

State Law Reference: Chapter 34 and Section 62.1 2(7), Wis. Stats.

**3.0108 BONDS OF CITY OFFICERS**

The following City officers shall furnish the City surety bonds in the following amounts:

CITY TREASURER	\$50,000.00
MUNICIPAL JUDGE	\$10,000.00
CITY CLERK	\$10,000.00

**3.0109 PENALTY ON DELINQUENT REAL ESTATE AND PERSONAL PROPERTY TAXES AND SPECIAL ASSESSMENTS**

Pursuant to the authority of Section 74.80(2) of the Wisconsin Statutes, the City of Marinette hereby imposes a penalty of 0.5 percent per month or fraction of a month, in addition to the interest prescribed by Section 74.81(1) of the Wisconsin Statutes, on real estate taxes, personal property taxes, and special assessments that are overdue or delinquent on or after the effective date of this ordinance.

State Law Reference: Section 74.80(2), Wis. Stats.

## **3.0200 SPECIAL ASSESSMENTS**

### **ARTICLE A: LEVYING OF SPECIAL ASSESSMENTS**

#### **3.0201 COMMON COUNCIL MAY LEVY SPECIAL ASSESSMENTS**

- A. The City of Marinette 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. The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property therefrom, and for those representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the Common Council.

State Law Reference: Section 66.62, Wis. Stats.

#### **3.0202 RESOLUTION AND REPORT REQUIRED**

- A. Whenever the Common Council shall determine that any public work or improvement shall be financed in whole or in part by special assessments levied under this Chapter, 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 of which any of the assessments may be deferred while no use of the improvement is made in connection with the property. Such resolution may limit the proportion of the cost assessed. The resolution may direct the proper City official or employee to make a report thereon.
- B. The report required by Subsection (a) shall consist of:
  - 1. Preliminary or final plans and specifications.
  - 2. The provisions of Section 66.60 of the Wisconsin Statutes, as amended, shall apply to special assessments levied under this Chapter except that, 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 the rendering of the service, the report required by Section 66.60(3) of the Wisconsin Statutes, shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.

3. 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.
4. A copy of the report when completed shall be filed with the City Clerk for public inspection.

**3.0203 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.

**3.0204 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 circumstance 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.

**3.0205 NOTICE OF PROPOSED OR APPROVED PROJECT**

On the completion and filing of the report required in Section 3.0202(B)(4) of this Chapter, the Clerk shall give notice stating the nature of the proposed or approved work or improvement, the general boundary lines of the proposed assessment district, the place and time at which the report may be inspected and 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 given either by publication in the official City newspaper or posted in not less than three (3) public places within the City and a copy of said notice shall be mailed to each interested person whose post office address is known. The hearing shall commence not less than ten (10) days and not more than forty (40) days after the publication or posting of said notice.



**3.0206 COUNCIL ACTIONS AFTER HEARING**

- A. After the hearing, the Common Council may approve, disapprove, modify or re-refer the report to the designated officer or employee with such directions as it deems necessary to change the plans and specifications so as to accomplish a fair and equitable assessment.
- 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.
  - 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.
- C. The Clerk shall publish the final resolutions as required in Section 3.0205 of this Chapter.
- D. 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), Wisconsin Statutes, or any other applicable provision of law.

**3.0207 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 any one or more of said improvements.

**3.0208 COUNCIL'S 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 3.0205 to amend, cancel or confirm any prior assessment and notice of this amending, canceling or confirming be given by the Clerk as provided in Section 3.0206 of this chapter.

**3.0209 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.

**3.210 APPEALS; APPEALED ASSESSMENTS PAYABLE WHEN DUE**

- A. Any person against whose property a special assessment is levied under this ordinance may appeal therefrom in the manner prescribed by Section 66.60(1 2) 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), Wisconsin Statutes, 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.

**3.211 SPECIAL ASSESSMENT A LIEN ON PROPERTY.**

Pursuant to subsection (13) of Section 66.60, Wisconsin Statutes, any special assessment levied under this chapter shall be a lien on the property against which it is levied on behalf of the City of Marinette. 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.

**3.212 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 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, twenty (20) days notice published in the official City newspaper, or by posting such notice in three (3) places in the City 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 in installments. If not paid within the period fixed by the Common Council in said resolution, such delinquent special charges, pursuant to Section 3.0211, 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 3.0202(A) of this Chapter shall not be applicable to proceedings under this section.
- D. Special charges under \$5.00 may be waived by the City at the discretion of the Finance Director. (Ord. 2014-2300 Adopted 10-7-14)

**3.213 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 ordinance that the City of Marinette 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.

**3.214 SPECIAL ASSESSMENT VERIFICATION FEES**

Repealed (See 9.1302 Schedule A)

**3.215 CURB AND GUTTER REQUIRED ON CERTAIN STREET CONSTRUCTION AND RECONSTRUCTION PROJECTS**

Curb and gutter shall be required on any new street construction and any street reconstruction where sufficient storm sewer capacity is available.

**3.216 RESERVED FOR FUTURE USE**

**3.217 RESERVED FOR FUTURE USE**

**3.218 RESERVED FOR FUTURE USE**

**3.219 RESERVED FOR FUTURE USE**

**ARTICLE B PAYMENT OF SPECIAL ASSESSMENTS; EXTENSION OF WATER AND SEWER MAINS**

**3.220 PAYMENT OF SPECIAL ASSESSMENTS**

- A. Any single payment special assessment levied under this Chapter which is not paid within thirty (30) days of the date of billing shall be delinquent and begin to bear interest at that time at the rate of five percent (5%) per annum.
- B. Special assessments levied under this Chapter in excess of \$200.00 may be paid in equal, annual installments, including interest at the rate of five percent (5%) per annum commencing on the due date of the first installment as follows:

<u>AMOUNT OF ASSESSMENT</u>	<u>ANNUAL INSTALLMENTS</u>
\$201.00 To \$1,000.00	THREE (3)
\$1,001.00 To \$2,500.00	FIVE (5)
\$2,501.00 To \$4,000.00	SEVEN (7)
\$4,001.00 AND OVER	TEN (10)

Under the installment payment plan, the first installment shall be due within thirty (30) days of the date of billing and subsequent installments, including accrued interest, on the same date of each successive year. All special assessments for a single project shall be combined to determine the repayment schedule.

- C. Any delinquent single payment special assessment and any delinquent special assessment installment, including interest, remaining unpaid on November 1<sup>st</sup> of any given year shall be placed on the tax roll.
- D. If a property owner is paying on an installment plan for one project, and in the future the City makes another special assessment on a new project that affects the same property, the property owner may request in writing that the second special assessment be deferred until the first is completely repaid. The deferred amount will accrue interest from the time of initial levy as stated above.

**3.221 RESERVED FOR FUTURE USE**

**3.222 RESERVED FOR FUTURE USE**

**3.223 CITY OR EXEMPT PROPERTY**

In the event any improvement, which would normally be assessed, is on or serves City property, or exempt property, the assessments for the project shall be made as if the City or exempt property is assessable.

**3.224 CURBS, GUTTERS, SIDEWALKS AND DRIVEWAYS**

- A. There shall be no special assessments for installation or replacement of curb and gutter or sidewalks installed or replaced as part of the reconstruction of existing street improvements completed as part of the City's planned reconstruction program.
- B. The City may assess 100% of the cost of street improvements including curb and gutter, pavement, sidewalks, storm sewer and driveways for new streets or extensions of existing streets.

### **3.0300 SALARIES**

#### **3.0301 SALARIES OF ELECTED OFFICIALS**

Elected Officials. The annual salaries of elected City Officials are hereby fixed as follows:

**A. Mayor:**

SALARY	\$51,325.34	- EFFECTIVE APRIL 17, 2007
SALARY	\$52,095.22	- EFFECTIVE APRIL 15, 2008
SALARY	\$52,095.22	- EFFECTIVE APRIL 21, 2009
SALARY	\$52,095.22	- EFFECTIVE APRIL 20, 2010
SALARY	\$52,095.22	- EFFECTIVE APRIL 19, 2011
SALARY	\$65,000.00	- EFFECTIVE APRIL 17, 2018
SALARY	\$68,250.00	- EFFECTIVE APRIL 16, 2019
SALARY	\$71,663.00	-EFFECTIVE APRIL 21, 2020
SALARY	\$74,530.00	-EFFECTIVE APRIL 16, 2024

The Mayor shall receive the same benefits as Non-Protective Service Department Heads.

This salary shall remain in effect unless and until it is amended by the Common Council.

**B. The entire compensation for an Alderperson shall be based upon attendance at the following meetings as an official member of that particular body:**

- \$50.00 per regular Common Council Meeting.
- \$50.00 per special Common Council Meeting.
- \$50.00 per regular Finance and Insurance Committee Meeting.
- \$50.00 per regular Personnel and License Committee Meeting.
- \$50.00 per regular Civic Affairs and Traffic and Lights Committee Meeting.
- \$50.00 per regular Public Safety and Code Enforcement Committee Meeting.
- \$50 per regular Parks and Recreation Committee meeting.
- In any given month, \$50.00 for one (1) regular Board of Public Works Meeting and \$50.00 for each subsequent regular meeting.
- \$50.00 per special meeting of any of the five (5) boards and committees mentioned above unless they are held before any Common Council meeting. (Effective April 21, 2026)

**C. Municipal Judge:**

- Salary \$15,000.00 - Effective May 1, 2003
- Salary \$15,000.00 - Effective May 1, 2004
- Salary \$15,000.00 – Effective May 1, 2009
- Salary \$15,000.00 – Effective May 1, 2010
- Salary \$17,500.00 - Effective May 1, 2012

Through April 30, 2001, the Municipal Judge shall receive the benefits negotiated

by the Department of Public Works. Effective May 1, 2001, the Municipal Judge shall receive no fringe benefits. This salary shall remain in effect unless and until it is amended by the Common Council.

### **3.0302 BENEFIT ELIGIBLE CITY OFFICIALS AND EMPLOYEES**

Table of Organization. Only those employee positions listed in the attached Table of Organization shall be classified as “benefits eligible” positions.

After 2011 Wisconsin Act 10/32, new hires who were not previously employed by the City of Marinette (a WRS participating employer), are required to work at least 1,200 hours per year (increased from the prior 600 hours per year) in order to be eligible for WRS benefits.

#### **Exhibit “A” to MMC 3.0302 For details of additional benefits please refer to the Employee Manual**

##### City of Marinette Table of Organization

Elected Officials: Mayor; Common Council; Municipal Court Judge

Benefits-Eligible employees:

##### Finance Department

Finance Director/Treasurer  
Payroll/Accounting Clerk  
Accounts Payable/Administrative Assistant – Part Time  
Information Technology Specialist

##### Public Works/Engineering Department

City Engineer/Public Works Director  
Superintendent-Public Works  
Engineering Technician/Draftsman  
Engineering Technician/Draftsman  
Administrative Assistant/Engineering & Public Works  
Heavy Equipment Operators/Class 3  
Mechanic/Class 4  
City Forester/Class 5  
Building and Grounds

##### Legal Department

Attorney  
Legal Assistant

##### Building Inspection/Plumbing Inspection/Electrical Inspection/Zoning Administration Department

Administrative Assistant/Building Inspection - Part time

##### Municipal Court

Municipal Court Clerk  
Assistant Municipal Clerk – Part time

Police Department

Police Chief  
Police Captain  
Patrol Lieutenants/Police Supervisor  
Lt. Investigator/Police Supervisor  
Patrol Sergeants  
Detective Sergeant  
Investigators  
School Liaison Officer  
Patrol Officers  
Office Coordinator  
Police Records Personnel  
Code Enforcement Officer/Animal Control

Mayor's Office

Mayor (WRS/health insurance/HRA only)  
Mayor's Assistant/Community Development Specialist

Human Resources

Fire Department

Fire Chief  
Assistant Fire Chiefs  
Fire Lieutenants  
Firefighters  
Fire Department Administrative Assistant

Clerk's Office

City Clerk  
Deputy City Clerk

Wastewater Department

Chief Operator  
Chief Collection Crew Operator  
Laboratory Technician/Pre-Treatment Coordinator  
Operator/Distribution Crew member

Recreation Department

Executive Director of Recreation and Events  
Recreation Superintendent  
Senior Center Director part-time  
Maintenance Tech Lead  
Maintenance Tech  
Custodian

Marketing and Tourism Director

Water Utility\*

\*Water and Wastewater Utility Chief Operator and Business Manager Note: salary and benefits divided between City of Marinette and City of Marinette Water and Wastewater Utility.



\*Water Utility has own Table of Organization pertaining to staffing.

**3.0303 ADVANCE NOTIFICATION OF LEAVING CITY EMPLOYMENT BY DEPARTMENT HEADS AND NON-UNION EMPLOYEES**

- A. In order to be eligible for any retirement sick leave cash payout or application toward health insurance, any employee holding a position listed in Section 3.0302 and any other City employee not covered by a collective bargaining agreement shall give the City two (2) months advance notification prior to leaving City employment.
- B. If an employee is unable to give the notice required in Subsection (a) due to an emergency situation, financial/prospective employment situation or health problem, the employee may apply to the Personnel and License Committee for an exemption from this Section. The Personnel and License Committee has the sole and absolute discretion on whether or not to grant such exemption.
- C. This Section shall affect employees who leave the employment of the City on or after July 2, 1996.

**3.0304 INSURANCE (including but not limited to Health/Dental/Vision/HRA)**

“Eligibility for City health/dental insurance/HRA shall be subject to the restrictions set forth in 2011 Act 10/32 and MMC 3.0302(1) above entitled “Table of Organization.” (Ord. 2016-2346 adopted 2-2-16)

The City currently offers health, dental and optional vision insurance for its full-time employees of the City of Marinette and City of Marinette Water and Wastewater Utility. The City will determine its insurance carrier, plan composition (including the amount, if any, of the HRA contribution) and employee contribution for these premiums on a yearly basis, but in no case will its contribution exceed the limits established under state law.

- 1. The employer shall provide a Health Reimbursement Account (HRA) funded at \$500/single and \$1,000/family. Part time employees listed in the Table of Organization receive pro-rated benefits but part time employees who work less than 30 hours per week are not entitled to participate in the HRA program.

**3.0400 PUBLIC RECORDS**

**3.0401 DEFINITIONS**

- A. "Authority" means any of the following City 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" means that officer, department head, division head, or employee of the City designated under Section 3.0403 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" means 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.

### **3.0402 DUTY TO MAINTAIN RECORDS**

- A. Except as provided under Section 3.0407, 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 of 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 therefor to the officer or employee, who shall file said receipt with the City Clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

### **3.0403 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 an employee of his or her staff to act as the legal custodian.
- B. Unless provided in Subsection (c), the City Clerk or the Clerk'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
BUILDING INSPECTOR'S OFFICE	BUILDING INSPECTOR
FIRE DEPARTMENT	FIRE CHIEF
POLICE DEPARTMENT	CHIEF OF POLICE
MUNICIPAL COURT AND JUDGES OFFICE	MUNICIPAL JUDGE
CITY ATTORNEY'S OFFICE	CITY ATTORNEY
CITY ENGINEER'S OFFICE	CITY ENGINEER
CEMETERY OFFICE	CITY CLERK
HOUSING AUTHORITY	EXECUTIVE DIRECTOR OF THE HOUSING AUTHORITY
OFFICE OF THE REDEVELOPMENT AUTHORITY	EXECUTIVE DIRECTOR OF THE REDEVELOPMENT AUTHORITY
WATER UTILITY BOARD	ADMINISTRATOR OF UTILITIES
WASTEWATER TREATMENT COMMISSION	ADMINISTRATOR OF UTILITIES
POLICE AND FIRE COMMISSION	CHAIRMAN OF THE POLICE AND FIRE COMMISSION
HARBOR COMMISSION	CHAIRMAN OF THE HARBOR COMMISSION

- 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 the absence of his or her designee, and each legal custodian shall send notice of the designated deputy to the City Clerk.

**3.0404 PUBLIC ACCESS TO RECORDS**

- A. Except as provided in Section 3.0406 any person has a right to inspect a record and to make or receive a copy of any record as provided in Section 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 to defray the cost of locating and copying records as follows:
  - 1. The cost of photocopying shall be twenty-five cents (\$0.25) per page. Said cost has been calculated not to exceed the actual, necessary, and direct cost of reproduction.
  - 2. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
  - 3. The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts, and audio- or videotapes, shall be charged.
  - 4. If mailing or shipping is necessary, the actual cost thereof shall also be charged.
  - 5. 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.
  - 6. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds Five Dollars (\$5.00).
  - 7. Elected and appointed officials of the City of Marinette shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
  - 8. 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 Section 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.

### **3.0405 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 information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record doesn't 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 Section 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 3.0404(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 therefor. 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 3.0406. 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 (5) 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 Section 19.37(1), Wis. Stats., or upon application to the Attorney General or a District Attorney.

### 3.0406 LIMITATIONS ON RIGHT TO ACCESS

- A. As provided by Section 19.36, Wis. Stats., the following records are exempt from inspection under this Chapter.
  - 1. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by State law;
  - 2. 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, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and
  - 4. Pursuant to Section 905.08, Wis. Stats., a record, or any portion of a record, containing information qualifying as a common law trade secret. "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.
- B. As provided by Section 43.30, Wis. Stats., public library circulation records are exempt from inspection under this section.
- C. 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 City Attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the request record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:
  - 1. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
  - 2. Pursuant to Section 19.85(1)(a), Wis. Stats., records of current deliberations after a quasi-judicial hearing.
  - 3. Pursuant to Section 19.85(1)(b) and (c), Wis. Stats., records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any City officer or employee, or the investigation of charges against a City officer or employee, unless such officer or employee consents to such disclosure.
  - 4. Pursuant to Section 19.85(1)(d), Wis. Stats., records concerning current strategy for crime detection or prevention.
  - 5. Pursuant to Section 19.85(1)(e), Wis. Stats., records of current deliberations or negotiations on the purchase of City property, investing of City funds, or other City business whenever competitive or bargaining reasons require nondisclosure.

6. Pursuant to Section 19.85(1)(f), Wis. Stats., financial, medical, social or personal histories, or disciplinary data of 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.
  7. Pursuant to Section 19.85(1)(g), Wis. Stats., communications between legal counsel for the City and any officer, agent, or employee of the City, when advice is being rendered concerning strategy with respect to current litigation in which the City or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under Section 905.03, Wis. Stats.
  8. Pursuant to Section 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.
- D. If a 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 custodian shall confer with the City Attorney prior to releasing any such record and shall follow the guidance of the City Attorney when separating out the exempt material. If in the judgment of the custodian and the City 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.

### **3.0407 DESTRUCTION OF RECORDS**

- A. City officers may destroy the following non-utility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the bureau of municipal audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven (7) years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to Section 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. Cancelled checks, duplicates, and check stubs.
  4. License and permit applications, stubs, and duplicates.
  5. Payroll 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 Section 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 Section 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. Cancelled voter registration cards.
  - 9. Official bonds.
  - 10. Police records other than investigative records.
  - 11. Resolutions and petitions.
- D. 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 Section 19.21(4)(a), Wis. Stats.
- E. 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.



**3.0408            PRESERVATION THROUGH MICROFILM**

Any City officer, or the director of any department or division of City government may, subject to the approval of the Common Council, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Section 16.61(7)(a) and (b), 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 Section 3.0404 through 3.0406 of this Chapter.

**3.0409            RETENTION OF POLICE RECORDS**

A.    Purpose

The purpose of this ordinance is to establish a Marinette Police Department records retention schedule and authorize destruction of Police Department records pursuant to the schedule on an annual basis. The Police Department records custodian may destroy a record prior to the time set forth in the schedule only if such a record has been photographically reproduced as an original record pursuant to Wisconsin Statutes Section 16.61(7). Any record not covered by this ordinance or other regulation or law shall be retained seven (7) years unless the record is added by amendment into this ordinance and the shorter time period is approved by the State Public Records and Forms Board.

B.    Definitions

1.    "Legal Custodian" means the individual responsible for maintaining records pursuant to Wisconsin Statutes Section 19.33.
2.    "Record" has the meaning defined in Wisconsin Statutes Section 19.32(2).

C.    General Provisions

1.    Microfilming of Records. The Police Department may keep and preserve public records through the use of microfilm providing the microfilm meets the applicable standards in Wisconsin Statutes Section 16.61(7). Retention periods and estimated costs and benefits of converting records between different media should be considered in deciding which records to microfilm. After verification paper records converted to microfilm should be destroyed. The retention periods identified in this ordinance apply to records in any media.
2.    Destruction after Request for Inspection. No requested records may be destroyed until after the request is granted or 60 days after the request is denied. If an action is commenced under Wisconsin Statutes Section 19.37, the requested record may not be destroyed until after a court order is issued and all appeals have been completed. See Wisconsin Statutes Section 19.35(5).
3.    Destruction Pending Litigation. No record subject to pending litigation shall be destroyed until the litigation is resolved.

4. Review and Approval by Public Records and Forms Board. This ordinance and the retention periods of less than seven (7) years have been reviewed and approved by the Public Records and Forms Board.

D. Records Retention Schedules:

<u>Record ID</u>	<u>Brief Description</u>	<u>Retention Period</u>	<u>SHSW Notify</u>
001	TRAFFIC ACCIDENT REPORTS (MV4000 FORMS)	EVT+4 YEARS	W
002	TELEPHONE LINE AND RADIO FREQUENCY, AUDIO AND VIDEO RECORDINGS	CR+120 DAYS	W
003	RADAR/LASER REPORTS	CR+4 YEARS	W
004	RIDE ALONG REPORTS	CR+1 YEAR	W
005	FALSE ALARM REPORTS	EVT+1 YEAR	W
006	DAILY/ROSTER SCHEDULE	CR+2 YEARS	W
007	DAILY ALERT BULLETIN	CR+2 YEARS	W
008	CASH REGISTER BALANCE SHEETS	CR+2 YEARS	W
009	TIME SYSTEM CRIMINAL HISTORY LOG	CR+2 YEARS	W
010	OVERNIGHT PARKING REGISTER	CR+1 YEAR	W

1. CR stands for creation which usually refers to receipt or creation of the record.
2. EVT stands for event and refers to an occurrence that starts the retention "clock ticking".
3. The State Historical Society of Wisconsin (SHSW) has waived the required statutory sixty (60) day notice under Wisconsin Statutes Section 19.21(4)(a) for any record specified in this ordinance marked "W" (waived) notice.

### 3.0500 GRANTS

- A. No grants shall be issued or renewed by any City officer or City Committee or Common Council if the applicant owes to any governmental entity any delinquent taxes, assessment, forfeitures, or other fees or financial obligations-if the City of Marinette is entitled to a portion of any said delinquent taxes, assessment, forfeitures, or other fees or financial obligations. (Ordinance 2012-2226 adopted 8-6-2012)