

Title

Ordinance to Amend Subsections 2.01(1), 2.01(3), 2.02 (1)(a), 2.15 (1), 2.15(3)(a), 2.15(3)(b), 2.15(4); Create 2.15(2), 2.76 (5)(a)(16), 2.76(5)(c)(16), and repeal subsections 2.15 (4) and 2.15(5) of the Municipal Code of the City of West Allis relating to the position of City Attorney and the Office of the City Attorney.

2.01 Elective Officials.

(1) Which Officials Elected. The elective officials shall be a Mayor, two (2) Alderpersons from each District, ~~an Attorney~~ and a Municipal Justice.

(3) Terms and Year Elections.

(a) Generally. The terms of office of Mayor ~~and~~, Alderpersons ~~and Attorney~~ shall be for four (4) years, and such officials shall be elected in the spring elections held in each presidential election year.

(b) Municipal Judge. The term of office of the Municipal Justice shall be for four (4) years, and such official shall be elected in the spring election held in the year preceding each presidential election year.

2.02 Appointive Officials and Employees.

(1) Unclassified Service.

(a) Non-elected officials (Executive Service/Department Heads/Managerial and Deputy/Assistant Service Employees) shall be appointed and hold their positions in accordance with Policy No. 404~~5~~ in the City of West Allis Policies and Procedures Manual and Sections 17.12 and 17.16 Wis. Stats, except employees of the Police and Fire Department who shall be appointed by the Police and Fire Commission and the employees of the Library who shall be appointed by the Library Board.

2.15 City Attorney.

(1) Election and Term— ~~effective until April 30, 2020.~~ (See Section 2.01 of this Code.) ~~Appointment - On and after May 1, 2020, The City Administrator shall recommend appointment of the City Attorney subject to approval by the Common Council in the unclassified service of the City to serve full time at the pleasure of the Common Council, in accordance with City of West Allis Policies and Procedures Manual Policy No. 404 (Recruitment and Hiring Process for Executive/Managerial/Deputy Assistant Service Positions), Policy No. 405 [Discipline for Non-Elective Officials (Executive Service/Department Heads)], and as provided by Section 17.12(1) of the Wisconsin Statutes.~~

(2) Qualification. ~~Prior to appointment to the City Attorney position, a person must be an attorney licensed to practice law in this state.~~

(32) Duties.

(a) ~~The City Attorney shall be a full-time officer of the City and shall perform the functions of the Office of City Attorney as provided under the Constitution and laws of the State of Wisconsin, the position job description, employment contract, and such other duties as the Common Council may prescribe from time to time. shall have the responsibilities and perform the duties as are prescribed by law for his office.~~

(b) The City Attorney is authorized to adjust, compromise and make settlement of claims against the City for injuries or property damage referred to ~~him~~ ~~the office~~ under Sec. 3.05(6) of this Code. The City Attorney shall file on a monthly basis, a report of claims paid and claims recommended for disallowance.

(c) The City Attorney is authorized to enforce every provision of this Code by instructing a law enforcement officer to issue a citation, by issuance of a summons and complaint for appearance in Municipal or by other legal means deemed appropriate for violation of Municipal Ordinances.

(d) The City Attorney is authorized to commence actions in circuit court and to take such further necessary and proper actions as the City Attorney deems appropriate to abate and enjoin public nuisances, including but not limited to, drug houses, criminal gang activity, and repeated violations of building, electrical, plumbing, health, and fire codes.

(43) Assistants. The City Attorney may appoint Assistants, in accordance with sec. 62.09(12)(f) of the Wisconsin Statutes, who shall have power to perform the duties of the office and for whose acts the City Attorney shall be responsible to the City. The Assistants shall receive such compensation as the Common Council shall provide. ~~Full-time Assistants shall (a) be residents of the City upon commencing employment; or, (b) become such residents in accordance with the adopted ordinances, rules and policies of the City.~~

(4) ~~Office Quarters. The City shall provide and maintain adequate office room, equipment, supplies and stenographical service to enable the City Attorney to properly and efficiently perform the duties of his office.~~

(5) ~~Salary. The salary for the City Attorney shall be established periodically in conformance with established policies, procedures, resolutions, and ordinances for other nonrepresented City officials in the executive service of the City.~~

2.76(5) The Executive, Managerial and Deputy/Assistant Services.

- a. The Executive Service: those individuals, also referred to as "City officers" or "department heads," who have direct authority and responsibility over one (1) or more major functional and/or operational areas of City government and who, as a result of this authority and responsibility, can commit and allocate resources within the limits of the approved budgets. These individuals participate in the formulation, determination and implementation of management policy and have discretion to allocate and use resources in the administration of their functions. These individuals are department heads and officers of the City. Those positions within the Executive Service and their respective appointing authorities are:

Position	Appointing Authority
1. City Administrator	Mayoral appointment/Common Council approval
2. Director of Public Works	City Administrator recommendation/Common Council appointment
3. City Engineer	City Administrator recommendation/Common Council appointment
4. Police Chief	Board of Police and Fire Commissioners
5. Fire Chief	Board of Police and Fire Commissioners
6. Health Commissioner/City Sealer	City Administrator recommendation/Common Council appointment
7. Library Director	Library Board
8. Director of Building Inspections and Neighborhood Services	City Administrator recommendation/Common Council appointment
9. Director of Development	City Administrator recommendation/Common Council appointment
10. City Clerk	City Administrator recommendation/Common Council appointment
11. Finance Director/City Comptroller/City Treasurer	City Administrator recommendation/Common Council appointment
12. City Assessor	City Administrator recommendation/Common Council appointment
13. Human Resources Director	City Administrator recommendation/Common Council appointment
14. Director of Information Technology	City Administrator recommendation/Common Council appointment
15. Director of Communications	City Administrator recommendation/Common Council appointment
<u>16. City Attorney</u>	<u>City Administrator recommendation/Common Council appointment</u>

c.

The Deputy/Assistant Service: those individuals who do not have direct authority and responsibility over one (1) or more functional and/or operational areas of City government, but may be delegated this authority and responsibility from time to time in the absence of the Executive Manager. This service includes deputies or assistants to department and division heads. These individuals do not normally have discretion to allocate and use their own time in the administration of the departmental/division/bureau functions, and any time worked outside normal working hours must be approved. Those positions within the Deputy/Assistant Service and their respective appointing authorities are:

Position	Appointing Authority
1. Assistant Fire Chief (Operations)	Fire Chief
2. Deputy Police Chief (Operations)	Police Chief
3. Deputy Finance Director	Finance Director/City Comptroller/City Treasurer
4. Director of Community Health Services	Health Commissioner
5. Library Manager	Library Director
6. Principal Engineer	City Engineer
7. Sanitation and Streets Superintendent	Director of Public Works
8. Electrical Maintenance Superintendent	Director of Public Works
9. Building and Sign Maintenance/Inventory Superintendent	Director of Public Works
10. Forestry and Grounds Superintendent	Director of Public Works
11. Water System Superintendent	Director of Public Works
12. Fleet Services Superintendent	Director of Public Works

Position

Appointing Authority

- 13. Assistant City Engineer
- 14. Senior Center Director
- 15. Assistant Director of Public Works
- 16. Deputy City Attorney

- City Engineer
- Health Commissioner
- Director of Public Works
- City Attorney