

# Referendum Vote Coming November 8<sup>th</sup>, 2022. Be informed!

The City of Kaukauna has had an elected City Attorney position since spring of 1973. It is now one of the last municipalities in Wisconsin to have this position elected. Other communities have moved to an appointed position because of the professional experience required and how critical this position is for the City of Kaukauna operations.

The City Attorney plays a critical role that involves all departments and all functions of the City. The role of the City Attorney's Office has expanded in recent years, and legal expertise is required across more areas than it has in the past. The volume of data that the City Attorney office holds and processes is immense. With that comes institutional knowledge that an in-house attorney has, much of which is lost if a succession plan is not put in place before any transition. A planned transition becomes difficult with an elected position, as there is just a couple of weeks of overlap. Furthermore, two year's time is just a probationary period where even a seasoned attorney may be getting the basic work done, but still learning more about the layers and complexities of the municipality and how it is functioning.

As an elected position, there are only four selection criteria for the City Attorney: 1. Law degree. 2. Live within the City of Kaukauna. 3. File nomination papers. 4. Receive greater than 50% of the popular vote. Beyond those four requirements, there is nothing further that the public, the Council, the Mayor, or City staff can do to ensure that the City Attorney has appropriate professional qualifications and experience to effectively run the City Attorney's Office.

## **Duties of Role**

- Oversees all legal interests of the City of Kaukauna
- Drafts contracts and real estate conveyance documents, ordinances, resolutions, and Municipal Code revisions
- Reviews or drafts all contracts to which the City is a party
- Advises the Mayor's Office, Common Council, and all City department heads on legal matters across a broad spectrum of legal sub-categories from operations and procedure to liability and risk mitigation.
- Explains City laws and policies to the public and to civic groups
- Serves as General Counsel for Kaukauna Utilities and performs legal duties for the Kaukauna Utilities Commission as requested
- Oversees prosecution of City ordinance violations
- Drafts, reviews and advises on City Ordinances and Resolutions
- Ensures public meetings comply with state law and open records requirements
- Directly prosecutes some civil litigation on behalf of City
- Oversees and advises outside counsel on litigation in which the City is involved

## **Appointed vs. Elected**

### **Changing to Appointed**

- Will allow the candidates to be screened and interviewed to ensure they meet the criteria deemed necessary to serve the legal needs of the City at a level of performance commensurate with the requirements of the office.
- Will make the position directly accountable to the mayor, Common Council and other City staff who work with and closely monitor the day-to-day activities.
- Will provide stability in the position and continuity with staff and the day-to-day legal matters that occur.
- Allow for the best succession plan for retaining internal legal knowledge without interruption in service when there is a replacement or retirement.
- Reduces the risk of something being missed during a transition.

### **Leaving Elected**

- Gives the voters the choice of who they want to fill the position
- Allows candidates with limited experience and education to run for position
- Would require the person filling the role to live within the City
- The pool of candidates is limited
- Runs the risk of no one running and the position being contracted

Be Heard! Come out to vote **November 8<sup>th</sup>** for what you feel is the best structure for City Attorney position. **Referendum Question: *Shall the City of Kaukauna, Outagamie County, Wisconsin change the City Attorney position from elected to appointed?*** If you want additional information, there will be public forums on the following dates and times in the Council Chambers at City Hall 144 W Second Street, Kaukauna, WI.

September 14, 5:30pm

November 2, Noon

November 2, 5:30pm

## Referendum Polling Locations

Streets, Parks, and Recreation (SPAR)  
Community Room  
207 Reaume Avenue  
Kaukauna, WI 54130

Municipal Service Building  
Council Chambers  
144 W. Second Street  
Kaukauna, WI 54130

Polls open 7 a.m.-8 p.m.

## MyVote.wi.gov

The above website allows you to keep your information up to date. It also provides additional information pertaining to upcoming elections.

### Visit the above site to do the following:

- Register to vote.
- Update your name and address.
- Your voting status and history.
- Request an Absentee Ballot.
- Find your polling location.
- What is on my ballot?

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### Referendum Question:

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