

**CITY OF SHEBOYGAN
GENERAL ORDINANCE 6-25-26
DIRECT REFERRAL TO FINANCE AND PERSONNEL COMMITTEE**

BY ALDERPERSONS DEKKER AND MITCHELL.

MAY 27, 2025.

AN ORDINANCE to Amend, Repeal, and Recreate Provisions Related to the Manner of Selection and Tenure of the City Attorney.

WHEREAS, The Common Council has approved and passed a Charter Ordinance to change the City Attorney position from an elected position to a position appointed by the Common Council; and

WHEREAS, certain provisions of the Sheboygan Municipal Code now require amendments, repeal, or recreation to comply with the Charter Ordinance establishing the City Attorney position be appointed; and

NOW THEREFORE BE IT RESOLVED, the Common Council of the City of Sheboygan do ordain as follows:

SECTION 1: AMENDMENT “Sec 2-200 TERMS” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 2-200 Terms

1. *Mayor*. The term of office of the mayor shall be four years.
2. *Administrative officials*. The terms of office of the clerk ~~and the attorney~~ shall be four years.
3. *Alderpersons*.
 1. The term of alderpersons shall be two years, with the following exception:
 1. The eight alderpersons elected in 2016 shall serve terms of one year; and
 2. The five alderpersons elected in 2017 in the even-numbered aldermanic districts shall serve terms of one year.
 2. The alderpersons shall be residents of the aldermanic district from which they are elected, and commencing in 2018 and thereafter, five of their number, representing one alderperson from each of the five even-numbered districts in even-numbered years, and one alderperson from each of the five odd-numbered districts in odd-numbered years shall be elected.
4. *Appointive officials*. All appointive officials, except as otherwise provided, shall be appointed at-will, removable by the appointing authority at pleasure.

SECTION 2: AMENDMENT “Sec 2-945 Elected Officials Enumerated” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 2-945 Elected Officials Enumerated

The elective officials of the city shall be a mayor, one alderperson from each district, and a city clerk, ~~and the city attorney~~. Every elective official shall hold office until the successor is elected and qualifies.

SECTION 3: AMENDMENT “Sec 2-347 Position Established; Outside Business Activities Prohibited,” of the City of Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

DIVISION 2-III-6 CITY ATTORNEY

Sec 2-347 Position Established; Appointment; Qualifications; Outside Business Activities Prohibited

The position ~~full-time-salaried position~~ of city attorney is established. The qualifications and duties for the city attorney position are identified within municipal code and the corresponding job description. The city administrator shall submit a qualified individual to the common council for their consideration and/or appointment. The city attorney shall serve as a full-time employee at the pleasure of the common council in accordance with the city attorney’s employment contract. The city attorney shall serve an indeterminate term subject to the employment contact or removal pursuant to Section 17.12(1) of the Wisconsin Statutes.

The city attorney shall not engage in any outside business activities adverse or potentially adverse to their primary representation of the City of Sheboygan, without consent or approval from the city administrator and mayor. during normal city hall hours. The city attorney shall have the duties and powers as established by the municipal code. ~~prescribed by state statute.~~

SECTION 4: REPEAL “Sec 2-348 Health Insurance Premiums” of the City of Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

~~Sec 2-348 Health Insurance Premiums~~

~~Employee health insurance premium contributions for the city attorney shall be consistent with that of nonrepresented city employees.~~

HISTORY

~~Adopted _____ by _____ Ord. _____ 36-21-22 _____ on _____ 11/11/2022
Adopted by Ord. 3-23-24 RECODIFICATION on 6/5/2023~~

SECTION 5: REPEAL “Sec 2-349 Salary” of the City of Sheboygan Municipal Code is hereby *repealed* as follows:

REPEAL

~~Sec 2-349 Salary~~

- ~~(a) The city attorney shall receive a salary in the annual amount established by the city council, commencing with the first payday in May of each year. For the years 2023–2026, the salary of the city attorney shall be as follows:~~

- ~~1. 2023: \$132,320.00.~~
- ~~2. 2024: \$134,967.00.~~
- ~~3. 2025: \$137,666.00.~~
- ~~4. 2026: \$140,419.00.~~

- ~~(b) Amounts given in subsection (a) of this section for 2023 reflect a two percent increase, plus an additional 0.75 percent increase so that the 2023 increases reflect the across the board increases earned by other nonrepresentative employees (0.5 percent in 2017 and 0.25 percent in 2018) that were not accounted for in a previous salary ordinance. Amounts for 2024–2026 reflect a two percent increase. It is anticipated that any increases for other nonrepresented employees above two percent will be added to the salary schedule in 2027.~~

HISTORY

~~Adopted _____ by _____ Ord. _____ 36-21-22 _____ on _____ 11/11/2022
Adopted by Ord. 3-23-24 RECODIFICATION on 6/5/2023~~

SECTION 6: ADOPTION “Sec 2-348 Qualifications, Duties, Informed Consent” of the City of Sheboygan Municipal Code is hereby *added* as follows:

ADOPTION

Sec 2-348 Qualifications, Duties, Informed Consent

(a) Prior to appointment to the City Attorney position, a person must be an attorney licensed to practice law within the state of Wisconsin. The Common Council may make exceptions to this requirement for exceptional applicants provided the appointee qualifies by the date of hire.

(b) Duties and Responsibilities

1. 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, as established or set within the municipal code, as identified within the position job description and employment contract, and such other duties as the Common Council may prescribe from time to time. This includes but is not limited to enforcement of every provision of this Code by any legal means deemed appropriate by law or municipal code.
2. Assistants. The City Attorney may appoint Assistants, as authorized by action of the common council, who shall have power to perform the duties of the City Attorney’s office. The City Attorney shall be responsible for and oversee the actions of the Assistants. The Assistants shall receive such compensation as the Common Council shall provide.

(c) Informed Consent:

1. Pursuant to this section, the Common Council provides informed consent to the Office of the City Attorney to share information regarding representation of the City including the identify of the City as a client and information which may not be available to the public at the time of the release of information for the purpose of consulting with and collaborating with other municipal attorneys or legal counsel representing other governmental jurisdictions or other public or private organizations or parties, for the benefit of the City. This informed consent explicitly includes but is not limited to participation in legal listservs, joint meetings or conferences with other municipal attorneys or legal counsel representing other governmental jurisdictions, and individual consultations with other attorneys with expertise in the subject matter or legal interests similar to those of the City.

2. This section shall not provide informed consent to the Office of the City Attorney to release confidential information relating to the representation of the City where the disclosure would disadvantage the City's legal position or where the communication is reasonably likely to be conveyed or otherwise disclosed to a party that is adverse to the City in the particular legal matter. In its sole discretion, the Common Council may establish additional restriction or conditions related to its informed consent pursuant to this section.
3. In specific instances where the Office of the City Attorney deems it necessary to seek more specific informed consent regarding disclosure of information due to the requirements of subsection (2) or due to other obligations of the City Attorney under the rules of professional conduct for attorneys or to other factors or circumstances, the City Attorney may seek such informed consent from the Mayor and the Mayor may, in their sole judgment, determine whether such informed consent may be provided on behalf of the City.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

_____.

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan