



Office of the City Manager
312 W. Whitewater Street, P.O. Box 178
Whitewater, Wisconsin 53190

MEMORANDUM

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Telephone: (262) 473-0104
Fax: (262) 222-5901

To: Common Council
From: John Weidl, City Manager
Date: 4/9/2024
Re: Timeline for Judicial Appointment Process, Special Meeting Consideration, and Compliance with State Statutes

Please see the attached resignation from Judge Patrick Taylor and corresponding email. In anticipation of the upcoming vacancy resulting from Judge Taylor's departure, the City Manager's Office presents a timeline for the appointment process. This schedule is designed to ensure the seamless integration of the new appointee with the outgoing judge, facilitating an effective onboarding period before June.

Timeline Overview

- Application Period Closure: The period for accepting applications for the judicial vacancy is recommended to conclude on April 30, 2024. This deadline is set to provide ample opportunity for qualified candidates to present their applications, thereby ensuring a diverse and competitive selection pool.

- Applicant Vetting Session: It is recommended that the Common Council schedules a session to vet the applicants at the first meeting in May, which falls on May 7, 2024. This session will enable a comprehensive review and assessment of the candidates, paving the way for a well-informed appointment decision.

Special Meeting Consideration

Should the Common Council deem it beneficial to expedite this timeline, the option to call a special meeting is available. Accelerating the appointment process could facilitate the newly appointed judge's attendance at the upcoming New Municipal Judge Orientation hosted by the Wisconsin Judicial Education division of the Director of State Court's Office. This orientation, scheduled for May 7-10, 2024, in Appleton, is an invaluable resource for newly elected municipal judges. The City of Whitewater's prompt identification and appointment of the new judge could significantly benefit from this educational opportunity, ensuring a well-prepared judiciary to serve our community.

State Statutes Compliance

Pursuant to Wisconsin Statute section 800.06(3), in the event of a permanent vacancy in the office of municipal judge, the Chief Judge of the Judicial Administrative District may designate another municipal judge to perform the duties of the office until the municipal governing body fills the vacancy by temporary appointment under s. 8.50(4)(fm). This power of appointment by the Chief Judge is limited to 90 days under a policy adopted by the Committee of Chief Judges.

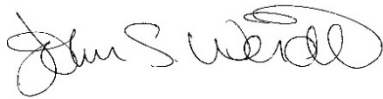
Further, Section 8.50(4)(fm) states that the office shall then be permanently filled by a special election, with the elected individual serving for the remainder of the unexpired term.

Special Election Consideration

The City Manager's Office seeks a decision from the Common Council regarding the scheduling of a special election for the municipal judge. Aligning the special election with the already scheduled November election could provide a streamlined process for the electorate. It is important to note that the winner of the special election will serve out the remainder of the original term that expires in May 2027.

The outlined timeline, considerations for a special meeting, compliance with state statutes, and the special election process are crafted to ensure the continuity and integrity of the judicial process within the City of Whitewater. The City Manager's Office appreciates the Council's cooperation in this critical appointment process and is prepared to assist in any capacity deemed necessary by the Council.

Warmest Regards,

A handwritten signature in black ink, appearing to read "John S. Weidl". The signature is fluid and cursive, with a large loop at the end of the last name.

John S. Weidl, City Manager



Patrick Taylor
Whitewater Municipal Judge
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Monday, April 01, 2024

John Weidl
City Manager
City of Whitewater

Dear City of Whitewater,

It is with sadness but profound gratitude that after five years I must resign my position as Whitewater Municipal Judge effective June 1, 2024. My wonderful and talented wife Grace Crickette has taken a position as vice president of her alma mater, the University of Redlands in California, and I must follow her there.

Many thanks to my staff, Beatriz Aranda and Mike Ciardo, for their support and guidance. I am also grateful for the participation of WUSD high school and middle school administrators who wholeheartedly accepted my invitation to be active participants, as well as Walworth County Health and Human Services professionals who provide needed services beyond the significant capacities of the schools. It was also a privilege to work with the city attorney and witness the professionalism of the WPD as few people can.

Preparation, understanding, impartiality, and creative resolutions are among the keys to successfully administering community justice and are prerequisites to steering lives onto a more constructive path. To my successor I would suggest adopting this philosophy and an inclusive 360-degree approach, and never underestimate the positive effect you can make. I will be available to assist as needed.

Above all, I am exceptionally grateful to this community filled with kind, thoughtful and generous people. It has been an honor and privilege to serve you.

Patrick E. Taylor
Judge, City of Whitewater

From: [Patrick Taylor](#)
To: [Sara Marquardt](#)
Cc: [John Weidl](#); [JonathanMcDonell](#); [Bea Aranda](#)
Subject: Whitewater Municipal Court
Date: Wednesday, March 27, 2024 1:55:35 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Sara. I hope all is well. I'd like to make clear some things about the operation of the municipal court, court hiring and the impending judicial vacancy. I am including the city manager and the city attorney for any input they may have.

Municipal courts are governed by an entire chapter of Wisconsin Statutes, Chapter 755. Section 755.01(1) states that “[a] municipal court created under this subsection is a **coequal branch** [not department] of municipal government, subject to the superintending authority of the supreme court, through the chief judge of the judicial administrative district.” The court does not answer to the city manager or to the council, but to the supreme court and the citizens of Whitewater. In other words, in this regard, the municipal court is no different than any state or federal court.

The municipal court is not only a separate and co-equal branch of government, but the municipal judge is exclusively entrusted with setting the court's own hours and court dates. Wisconsin Statute 755.06 governs sessions of court. It states that “The municipal court shall be open daily or as determined by the judge and approved by the governing body.” The city council previously decided that “The municipal court for the city shall be open as determined by order of the municipal judge.” Whitewater City Ordinance 2.36.070.

The municipal judge is also exclusively entrusted with supervision of court personnel. This is specifically granted to the municipal judge in Wisconsin Statutes Chapter 755. The judge may appoint personnel that “are authorized by the council or board.” Wis. Stat. 755.10(1). “[T]he **hiring**, termination, hours of employment, and work responsibilities of the court personnel, when working during hours assigned to the court, shall be under the judge's authority. Their salaries shall be fixed by the council or board.” Id. The council has approved both a part time clerk and part time bailiff. Therefore, both these positions are hired and supervised by the judge.

As you know, Sgt. Ciardo (ret.) is retiring as bailiff and Capt. Gempler (ret.) has expressed an interest in filling this position. By the authority conveyed to me by the legislature of the state of Wisconsin, please make arrangements for Capt. Gempler (ret.) to begin work as soon as possible following Sgt. Ciardo's last day.

As I have discussed with John and others, my wife has taken a position in California and I must join her there. I am finalizing a formal resignation letter that I plan to submit to John by the end of this week. The effective date will be June 1, 2024. The procedure to fill the position is clear.

Wisconsin Statute section 800.06(3) states: “. . . if there is a permanent vacancy in the office of municipal judge, the chief judge of the judicial administrative district may designate

another municipal judge to perform the duties of the office until the municipal governing body fills the vacancy by temporary appointment under s. 8.50 (4) (fm). The municipal judge designated under this subsection may exercise all of the authority of the municipal court to which he or she is assigned." This power of appointment is limited to 90 days under a policy adopted by the Committee of Chief Judges.

Section 8.50(4)(fm) states "A permanent vacancy in the office of municipal judge may be filled by temporary appointment of the municipal governing body The office shall then be permanently filled by special election. A person so elected shall serve for the residue of the unexpired term."

Therefore, commencing June 2, the Chief Judge of the district (for up to 90 days) and the council may appoint an interim municipal judge until a special election is held. Following the special election the voters decide who will fill the position until the conclusion of my term in May 2027.

I trust this answers any questions you may have. If not, please feel free to contact me.

Regards,

Patrick Taylor
Judge, City of Whitewater
925.323.5070