



Finance Committee Agenda Item

Meeting Date:	September 23, 2025
Agenda Item:	Discussion and possible action to recommend amending Ordinance 2.48.080 Removal of Members
Staff Contact (name, email, phone):	Steven T. Chesebro, schesebro@whitewater-wi.gov , 262-458-2780

BACKGROUND

(Enter the who, what, when, where, why)

On June 17, 2025 Ordinance 25-O-20 was on the agenda for removal of committee members. The request originated from prior practices which followed a process for removal consistent with Whitewater Ordinance 2.48.080 which is limited in application to only the Industrial Development Commission. The intent was for Ordinance 25-O-20 to provide a standard procedure for removal of committee members for unexcused absences and some other reasons.

Concerns have been raised about the policy to ensure it does not apply to members of committees who are appointed by third parties, addressing council members, and City Manager designee being able to excuse absences.

Removal of City officers, which includes committee and commission members is controlled by State Statute Wis. Stat. § 17.12 Removal and suspension of City Officers. Under Wis. Stat. § 17.12 an officer appointed to a position within the City may be removed by the appointing official at pleasure or by the Common Council for cause. Where the individual is appointed by the Common Council the Common Council is able to remove the individual at its pleasure. However, removing a person by Common Council requires an affirmative vote of three-fourths (6 Members for City of Whitewater) of its members. Removal by any other committee that appointed an individual would require 2/3 vote.

It should be noted that there are other removal provisions for elected officials and Board of Police and Fire Commissioners under Wis. Stat. § 17.12. There are also some other special cases for removals that are governed by other state statutes.

“For cause” is defined by Wis. Stat. § 17.001 to mean “inefficiency, neglect of duty, official misconduct, or malfeasance in office.” Substantial unexcused absences would justify removing a committee member or other City Officer.

“At pleasure” is a legal term understood to mean that the person can be removed for any non-illegal reason or no reason at all.

With the procedure in place by State Statute, for removal of City officers, that procedure is the baseline of what the City can do. Wis. Stat. § 17.12 does provide additional authority to a common council to remove the option of firing at pleasure and instead requiring City officers to only be removed for inefficiency, neglect of duty, official misconduct, or malfeasance in office. Electing to restrict removal for pleasure provides additional protection to city officers, as their employment cannot be terminated for no reason. However,

restricting removal of pleasure may slow down or prevent the removal of an individual who should be removed because inefficiency, neglect of duty, official misconduct, or malfeasance in office cannot be sufficiently proven.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

June 17, 2025: Ordinance 25-O-20 was presented to Common Council and referred to Finance Committee for Review and consideration requested returned to council by October 1.

July 22, 2025: Ordinance 25-O-20 was presented to Finance Committee was tabled to September meeting for advice of new City Attorney.

FINANCIAL IMPACT

(If none, state N/A)

N/A

STAFF RECOMMENDATION

Staff recommends taking no action and directing City staff to comply with and follow Wis. Stat. § 17.12. Alternatively, the Council may wish to create an ordinance requiring City officers may only be removed for inefficiency, neglect of duty, official misconduct, or malfeasance in office.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Proposed Ordinance 25-O-20 to Create Ordinance 2.48.080.