

## CHAPTER 18.00 MUNICIPAL COURT

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### 18.01 SHORT TITLE.

This Code shall be known and may be cited as the "Agreement for the Operation of the Mid-Moraine Municipal Court".

### 18.02 GENERAL PROVISIONS.

Except as otherwise specifically provided in this Chapter, all provisions pertaining to the establishment of a Municipal Court as provided for in Sec. 755 and Sec. 66.30 of Wis. Stats. are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any amendments, revisions or modifications of these statutes incorporated herein are intended to be made part of this Code.

- A. Municipal Court Created. There is created and established a Municipal Court, to be designated as the "Mid-Moraine Municipal Court," under the provisions of Chap. 755, Wis. Stats., and pursuant to the Agreement for the Operation of the Municipal Court for Washington County, as amended ("Agreement"), a copy of which is on file with the Village Clerk.
- B. Municipal Court Judge. The Municipal Court shall be under the jurisdiction of and presided over by a municipal Judge, who shall be an attorney licensed to practice law in Wisconsin and who resides in any of the Member Municipalities as defined in the Agreement. The Municipal Judge shall be elected at large in the Spring election for a term of two (2) years commencing on May 1 of the year of his or her election. The governing bodies of the Member Municipalities shall provide for a primary election in the event that more than two (2) candidates file nomination papers for the position of the Municipal Judge.
- C. Bond. The amount of the bond required by Sec. 755.03(1), Wis. Stats., shall be twenty-five hundred dollars (\$2,500.00).
- D. Hours. The Municipal Court shall be open at such times as the Municipal Judge determines, subject to the Agreement.

- E. Contempt. The Municipal Judge may impose forfeiture for contempt of court and a jail sentence for nonpayment of the forfeiture and any applicable assessments, under Sec. 800.12(2), Wis. Stats.
- F. Jurisdiction. This Section shall be construed to limit neither the jurisdiction of the Municipal Court nor the authority of the Municipal Court to impose penalties under the Wisconsin Statutes.

### **18.03 ESTABLISHMENT OF JOINT PARTICIPATION AND PROVISIONS.**

- A. The Board hereby agrees to the conditions as set forth in the terms listed in the joint document of participating members as referenced in 18.01 by adopting an identical Ordinance thereby creating and establishing a Municipal Court.
- B. The Municipal Court shall be organized and shall operate pursuant to Wis. Stats. the ordinances adopted by the Member Municipalities and the terms of this Chapter.
- C. Except for matters required by statute to be determined by the respective governing bodies of the member municipalities, the general operation of the court shall be by the Judge and the Court Administrative Committee.

### **18.04 COURT ADMINISTRATIVE COMMITTEE.**

- A. Composition. The Court Administrative Committee shall be comprised of one (1) representative of each member municipality who shall be appointed by the Mayor, President or Chairman of the member municipality, subject to confirmation by the municipality's governing body. In order to assure participation and continuity or representation, each member municipality may provide for an alternate representative who shall act on committee matters in the absence of the representative. Neither the representative nor the alternate representative of a member municipality shall be a police officer for the municipality or an attorney representing the municipality.
- B. Powers and Duties. The Administrative Committee shall have general control over the operation of the court, except where such control is specifically granted to the judge or the governing bodies by statute, in which case the Administrative Committee shall be a recommending agency. The Administrative Committee shall be responsible for the initial selection of the Clerk of the Municipal Court, subject to appointment by the Judge. The Administrative Committee shall recommend to the governing bodies for determination, the salary of the Judge and the number and salary of the Clerks and/or Deputy Clerks. The Administrative Committee shall cause appropriate bank accounts to be established for the deposit of all fees, forfeitures, assessments and costs paid into the court and shall adopt appropriate accounting procedures to insure the proper handling of said funds. The Administrative Committee shall, with the assistance of the Judge, prepare an annual budget for the operation of the court.

- C. Voting and Procedure. The Court Administrative Committee shall be governed by Roberts Rules of Order and a majority vote of all representatives of the Court Administrative Committee shall be required to adopt any motion or resolution. Four members or alternate members shall constitute a quorum.

#### **18.05 JUDGE'S SALARY.**

The salary of the Judge shall be set forth by a majority of the governing bodies of member municipalities. In order to provide for appropriate withholding and FICA tax procedures and in order to avoid the necessity of establishing employer accounts and identification numbers for a single employee, it is hereby agreed that the Judge's salary shall be administered by the City of West Bend. This procedure is for accounting and tax purposes only.

#### **18.06 COURT PERSONNEL.**

- A. Clerk. The initial selection of a Clerk of the Municipal Court shall be the Administrative Committee. The Clerk must be appointed by the Judge pursuant to Wis. Stat. Sec. 775.01 and 10.
- B. Compensation. The salary and fringe benefits of the Clerk and any other court personnel shall be established by a majority of the governing bodies after recommendation of the Administrative Committee.
- C. Administration. The Clerk and other court personnel shall be employees of the City of West Bend. All expenses and liabilities incurred by the City of West Bend as a result of employing the Judge, Clerk and any other court personnel shall be charged back to the Municipal Court. Such expenses and liabilities include, but are not limited to, salaries, fringe benefits, health insurance, workers compensation, unemployment compensation, general liability, and public officials liability insurance.

#### **18.07 FORFEITURES, FEES, PENALTY ASSESSMENTS AND COSTS.**

All forfeitures, fees, penalty assessments and costs paid to the Municipal Court under a judgment shall be paid to the City of West Bend Treasurer within seven (7) days after receipt of the money by the Judge or other court personnel. At the time of the payment, the Municipal Judge shall report to the Treasurer, the title of the action, the offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessments and costs, if any. The City Clerk shall disburse the fees, costs and penalty assessments as provided by Statute (currently provided in Wis. Stat. Secs. 814.65(1), 165.87, 167.31(5) and 346.655). The municipal portion of the court costs (as provided in Wis. Stat. Sec. 814.65(1) shall be transferred at least monthly to the Municipal Court operational account. All forfeitures shall be disbursed by the Treasurer at least monthly to the member municipality for which judgment was entered.

## 18.08 BUDGET PROCESS.

- A. Time and Approval. The Administrative Committee and the Judge shall formulate a budget annually no later than September 1<sup>st</sup> of each year for the next succeeding year. The members of the committee shall present said budget to their respective governing bodies for approval. The budget shall be approved annually by the governing bodies no later than November 1<sup>st</sup>. Approval by the majority of all the member municipalities shall constitute approval of the budget.
- B. Court Costs. The local share of the court costs required to be collected pursuant to Wis. Stat. Sec. 814.65(1) shall be applied to the expenses of the court as determined in the budget. The local share shall not be credited to a member municipality's account.
- C. Expenses. The net expenses, whether dominated start-up expenses, capital expenditures, operating expenses, or otherwise, and including those charged under paragraph five (5), after application of the local share of court costs shall be paid by the City of West Bend which shall in turn charge each of the other member municipalities its share. Each Member municipality shall pay the City of West Bend its share within thirty (30) days of billing. Each member municipality's share shall be determined as follows:
1. For the year of 1991, the shares shall be proportional to the populations of the member municipalities as estimated by the Wisconsin Department of Administration for 1989.
  2. For the year 1992, the shares shall be proportional to the populations of the member municipalities as determined by the 1990 federal census.
  3. For the year 1993, the shares shall be proportional to the populations of the member municipalities as estimated by the department of administration for 1992.
  4. For each year thereafter, the shares shall be proportional to the number of citations and complaints filed with the Court by each member municipality during the preceding three (3) years.

## 18.09 LOCATION OF SESSIONS.

Each member municipality shall provide a place for the court to hold sessions and the Judge shall hold sessions in each such place at least once each month. All proceedings for each case of a member municipality shall be held in the place provided by the member municipality and to the extent reasonably possible, at a time convenient to the member municipality.

## 18.10 CONTRACT ADMINISTRATION AND AMENDMENTS.

The affirmative vote of a majority of all member-governing bodies shall be required to adopt any resolution pertaining to the operation of the court.

**18.11 WITHDRAWAL.**

Any member municipality may withdraw from this agreement by giving notice in writing to the Judge no later than August 31<sup>st</sup> of any year. Upon giving such notice, the member municipality's participation in the Municipal Court shall terminate at the end of said year.

**18.12 TERM.**

This Agreement shall terminate as of April 30, 2011. Upon termination, any surplus of assets over expenses held by the Court shall be distributed to the member municipalities in proportion to their contributions to the expenses of the Court over the life of the Agreement. For purposes of this paragraph, member municipalities do not include those who withdraw under Paragraph 10.

**18.13 SURVIVAL OF OBLIGATIONS.**

The obligation to contribute to expenses under paragraph 7 and the right to receive distributions under paragraph 6 shall survive the withdrawal from, or termination of, this Agreement except that a municipality, which withdraws, shall not be responsible for expenses incurred after its withdrawal.

In witness whereof the parties have executed this Agreement to be effective as of December 1, 1990.

CITY OF WEST BEND

Approved: \_\_\_\_\_ By: \_\_\_\_\_  
Date Michael R. Miller, Mayor

Attest: \_\_\_\_\_  
Barbara Barringer, City Clerk

CITY OF HARTFORD

Approved: \_\_\_\_\_ By: \_\_\_\_\_  
Date Dean Kirley, Mayor

Attest: \_\_\_\_\_  
John Spielmann, City Clerk

VILLAGE OF GERMANTOWN

Approved: \_\_\_\_\_ By: \_\_\_\_\_  
Date Charles W. Crump, President

Attest: \_\_\_\_\_  
Jane Unke, Clerk

VILLAGE OF JACKSON

Approved: \_\_\_\_\_ By: \_\_\_\_\_  
Date Gerald Boldt, President

Attest: \_\_\_\_\_  
Delmore Beaver, Clerk

VILLAGE OF KEWASKUM

Approved: \_\_\_\_\_ By: \_\_\_\_\_  
Date Paul Blumer, President

Attest: \_\_\_\_\_  
Daniel S. Schmidt, Clerk

VILLAGE OF SLINGER

Approved: \_\_\_\_\_ By: \_\_\_\_\_  
Date Norman Doll, President

Attest: \_\_\_\_\_  
Dean Otte, Clerk