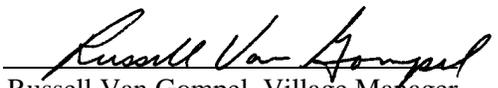


**VILLAGE BOARD MEETING**  
**Monday, October 1, 2012**  
**Earl McGovern Board Room, 6:30 P.M.**



**PLEASE TAKE NOTICE** that a meeting of the Brown Deer Village Board will be held at the Village Hall of the Village of Brown Deer, 4800 West Green Brook Drive, Brown Deer, Wisconsin at the above noted time and date, at which the following items of business will be discussed and possibly acted upon:

- I. Roll Call
- II. Pledge of Allegiance
- III. Persons Desiring to be Heard
- IV. Consideration of Minutes: September 17, 2012 – Regular Meeting
- V. Unfinished Business
- VI. New Business
  - A) Joint Municipal Court – Agreement For The Operation of the North Shore Municipal Court in Milwaukee County
  - B) Joint Municipal Court – Ordinance No. 12 - “An Ordinance to Create and Establish a Joint Municipal Court Pursuant to Section 755.01(4) and Section 66.0301 Wisconsin Statute
- VII. Trustee/Committee Appointments
- VIII. Village President’s Report
- IX. Village Manager’s Report
- X. Recess into Closed Session pursuant to §19.85 (1) (c) Wisconsin Statutes for the following reasons:
  - (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
- XI. Reconvene into Open Session for Possible Action on Closed Session Deliberations
- XII. Adjournment

  
Russell Van Gompel, Village Manager  
September 27, 2012

**PERSONS REQUIRING SPECIAL ACCOMMODATIONS FOR ATTENDANCE AT THE MEETING SHOULD CONTACT THE VILLAGE CLERK AT LEAST ONE BUSINESS DAY PRIOR TO THE MEETING.**



# REQUEST FOR CONSIDERATION

<b>COMMITTEE:</b>	Village Board
<b>ITEM DESCRIPTION:</b>	Joint Municipal Court
<b>PREPARED BY:</b>	Russell Van Gompel, Village Manager <i>RV Gompel</i>
<b>REPORT DATE:</b>	September 27, 2012
<b>EXPLANATION:</b>	<p>Attached are two items necessary to create a joint municipal court. The first item is the agreement for the Operation of the North Shore Municipal Court in Milwaukee County. The other item is a draft Ordinance to Create and Establish a Joint Municipal Court Pursuant to Section 755.01(4) and Section 66.0301 Wisconsin Statutes.</p> <p>The Joint Municipal Court, as presented, would have one Municipal Judge elected by the residents of both the City of Glendale and Village of Brown Deer. The proposed agreement will create a Court Administrative Committee to oversee the operation, but for the time being keep the record keeping and clerks as employees for each of the two respective Committees.</p>

**AGREEMENT FOR THE OPERATION OF THE  
NORTH SHORE MUNICIPAL COURT IN MILWAUKEE COUNTY  
(Sec. 66.0301 Wis. Stats.)**

AGREEMENT, entered into this \_\_\_\_ day of \_\_\_\_\_, 2012, by and between the City of Glendale and Village of Brown Deer, being Municipal Corporations organized and existing under the laws of the State of Wisconsin, hereinafter called the "Member Municipalities."

**Recitals**

WHEREAS Section 755.01(1) Wis. Stats. provides that any Municipality may establish a Municipal Court to be maintained at the expense of the Municipality, and

WHEREAS Section 755.01(4) Wis. Stats. provides that two or more Cities, Towns or Villages may enter into an agreement under Section 66.0301 Wis. Stats. for the joint exercise of the power granted under Section 755.01(1), after enactment of identical Ordinance by each affected City, Town or Village, and

WHEREAS the Municipalities which are parties to this agreement have enacted identical Ordinances thereby creating and establishing a Municipal Court to serve said Municipalities, and

WHEREAS the Municipalities have expressed willingness to enter into a contract for the joint operation of said Municipal Court and for the equitable sharing of the costs thereof, pursuant to Section 66.0301 Wis. Stats.,

NOW, THEREFORE, in consideration of the benefits to be derived by each Municipality from the joint operation of the Municipal Court, the Member Municipalities Contract and agree as follows:

**Agreement**

1. GENERAL. The Municipal Court shall be organized and shall operate pursuant to Chapter 755 Wis. Stats., the Ordinances adopted by the Member Municipalities, and the terms of this agreement. In the event of conflicts the provisions of Wisconsin Statutes shall prevail.

2. ORGANIZATION. Except for matters required by statute to be determined by the respective governing bodies of Member Municipalities, the general operation of the Court shall be by the Judge and the Court Administrative Committee.

3. ADDITIONAL MEMBERS. Additional Municipalities may become Member Municipalities upon such conditions as may be determined by the Court Administrative Committee, upon approval by the governing bodies of all of the existing Member Municipalities.

4. CONTRACT MUNICIPALITIES. Additional Communities may, upon request of the Community and approval of the Court Administrative Committee come into the Court as a Contract Municipality. A Contract Municipality shall not be deemed a

9/21/2012 alternate

Member Municipality, and shall not participate on the Court Administrative Committee as a voting member. However, a Contract Municipality may designate a member to the Court Administrative Committee for informational purposes. A Contract Municipality may apply at any time for Member Municipality status. Any Contract Municipality will have Municipal Court services provided pursuant to a contract entered into between the Contract Municipality and the Court Administrative Committee. Costs incurred by the Court in adding the Contract Community shall be part of and included with any charges to such Contract Community and included in the contractual obligations of the Contract Community.

5. COURT ADMINISTRATIVE COMMITTEE.

a) Composition. The Court Administrative Committee shall be comprised of one representative of each Member Municipality who shall be appointed by the Mayor, President or Chairman of the Member Municipality, subject to confirmation by the respective governing body. In order to assure participation and continuity of representation, each Member Municipality may appoint an alternate representative who shall act on committee matters in the absence of the representative. The Municipal Judge shall be a member of the Court Administrative Committee, but shall vote only to break a tie.

b) Powers and Duties. The Court 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 Court Administrative Committee shall be a recommending agency. Each Municipality shall be responsible for the initial selection of a Clerk and/or any Deputy Clerks of the Municipal Court, subject to appointment by the Judge. The Court Administrative Committee shall recommend to the governing bodies for determination, the salary of the Judge, and the bail bond schedule for the Court.

c) Voting and Procedure. The Court Administrative Committee shall be governed by Roberts Rules of Order and a majority vote of all the representatives of the Court Administrative Committee shall be required to adopt any motion or resolution. A majority of members or alternate members shall constitute a quorum. In the event of a tie vote the Municipal Judge shall have the authority to vote to break such tie.

6. CLERK. The initial selection of Clerks of the Municipal Court shall be by the Municipal Judge. The Clerks so selected shall be employees of the respective Member Communities. Salary and fringe benefits shall be established by the governing bodies of the respective communities in which the clerk or clerks is employed. The Clerk must be approved and officially appointed by the Judge pursuant to Section 755.10 Wis. Stats.

7. JUDGE'S SALARY. The salary of the Judge shall be set by 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 Glendale. This procedure is for accounting and tax purposes only. The portion of salary so paid by the City of Glendale on behalf of the Member Communities shall be charged back to the Member Communities.

8. FORFEITURES, FEES, PENALTY ASSESSMENTS AND COSTS. All forfeitures, fees, penalty assessments, terms, and costs shall be paid to the Court Clerk of the issuing municipality.

9. BUDGETT PROCESS.

a) Time and Approval. Until such time as the functions of the Member Communities Clerk of Court offices shall be merged, the Member Communities shall sets and control their own budgets with the exception of the shared Judge's salary. Each Member Community shall budget for its respective share of the Judge's salary as provided for in Section 7 herein. At such time as the Clerk of Court offices and Court Functions might be merged, by agreement of the Member Municipalities, thereafter, the Court 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 a majority of the Member Municipalities shall constitute approval of the budget.

b) Court Operating Expenses. At such time as the Clerk of Court offices and Court Functions might be merged, by agreement of the Member Municipalities, thereafter, the net operating expenses of the Court shall be charged to Member Municipality based upon each Municipality's percentage of total annual filed cases. Contributions shall be based upon the approved budget with appropriate credits and debits being made on the next succeeding billing after annual audit. Payment shall be made within 30 days of billing. Initial contributions for operating expense shall be based upon the percentage of forfeitures collected in 2012.

c) Capital Expenditures and Start-up Expenses. At such time as the Clerk of Court offices and Court Functions might be merged, by agreement of the Member Municipalities, thereafter, the cost of office furniture and equipment and the initial supplies necessary to begin operation shall be shared equally by the Member Municipalities. Forms shall be considered operating expenses.

10. TERMINATION. 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. No Member Municipality may abolish the Municipal Court while this agreement is in effect.

9/21/2012 alternate

In Witness Whereof the parties have executed this agreement under seal to be effective as of the date first above written.

CITY OF GLENDALE

Approved: \_\_\_\_\_  
Date

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

VILLAGE OF BROWN DEER

Approved: \_\_\_\_\_  
Date

By: \_\_\_\_\_  
Village President

Attest:

\_\_\_\_\_  
Village Clerk

AN ORDINANCE TO CREATE AND ESTABLISH  
A JOINT MUNICIPAL COURT PURSUANT TO SECTION 755.01(4)  
AND SECTION 66.0301 WISCONSIN STATUTES

The Village Board of Trustees of the Village of Brown Deer do ordain as follows:

SECTION 1. Chapter 36 of the Municipal Code of the Village of Brown Deer is hereby repealed and recreated to provide as follows:

**Chapter 36 - MUNICIPAL COURT.**

**Sec. 36 - 1. Municipal Court Created.**

There is hereby created and established a Municipal Court under the provisions of Chapter 755 of the Wisconsin Statutes to be designated as North Shore Municipal Court as to those Municipalities which enact an Ordinance identical to this Ordinance pursuant to Sec. 755.01(4) Wis. Stats., and enter into a joint agreement pursuant to Section 66.0301 Wisconsin Statutes.

**Sec. 36 - 2. Municipal Judge.**

Such 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 shall reside in one of the following Municipalities: City of Glendale or the Village of Brown Deer, or those Municipalities which enact an Ordinance identical to this Ordinance and enter into an agreement pursuant to Sec. 66.0301 Wis. Stats. for the joint exercise of the power granted under 755.01 Wis. Stats. Such Municipal Judge shall be elected at large in the spring election for a term of three (3) years commencing on May 1. The first Municipal Judge of this Court shall be elected for a term commencing May 1, 2013. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in Section 8.10, Wis. Stats., and selection at a primary election if such is required to be held as provided in Section 8.11, Wis. Stats. If three (3) or more candidates file nomination papers for such position of Municipal Judge as provided in Section 8.11(1)(a) Wis. Stats., such primary election shall be held on the third Tuesday of February as provided in Section 5.02(22) Wis. Stats. The term of office shall be three (3) years.

**Sec. 36 - 3. Elections.**

The Municipal Clerk of each Municipality shall see to the compliance with Statutes 5.58(1c), 8.10(6)(a), 5.60(1)(b), 5.60(2), 7.10(1)(a), 7.60(4)(a) and to provide for the election of a Municipal Judge under S.755.01(4).

**Sec. 36 - 4. Oath and Bond**

The Judge shall, after his or her election or appointment to fill a vacancy, take and file the official oath as prescribed in Section 757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$5,000.00. The Judge shall not act until his or her oath and bond have been filed as required by Section 19.01(4)(c) Wis. Stats. and compliance with the requirements of Section 755.03(2) Wis. Stats.

**Sec. 36 - 5. Salary**

The salary and any other compensation in the form of benefits of the Municipal Judge shall be fixed by the governing bodies of the Municipalities that are members of the Municipal Court. No salary shall be paid

for any time during his or her term during which such Judge has not executed his or her official bond or official oath, as required by Section 755.03, Wis. Stats., and filed pursuant to Section 19.01(4)(c) Wis. Stats. The Municipalities may by separate Ordinances, Resolutions, or through the budget process, allocate funds for the Administration of the Municipal Court pursuant to Section 66.0301.

**Sec. 36 - 6. Jurisdiction**

The Municipal Judge of the Municipal Court shall have such jurisdiction as provided by Sections 755.045 and 755.05 Wis. Stats., and as otherwise provided by State Law. The Municipal Judge is authorized to issue inspection warrants under Chapter 66 Wis. Stats.

**Sec. 36 - 7. Filling of Vacancy in Office**

Pursuant to the provisions of Wis. Stats. § 8.05(4)(fm), a permanent vacancy in the office of the Municipal Judge may be filled by temporary appointment of the municipal governing bodies. The office shall then be permanently filled by special election, held concurrently with the next spring election following the occurrence of the vacancy, except that a vacancy occurring during the period after December 1 and on or before the date of the spring election shall be filled at the second succeeding spring election, and no such election may be held after the expiration of the term of office nor at the time of holding the regular election for the office.

**Sec. 36 - 8. Location and Hours**

The Municipal Court shall be held in such locations as designated by the Member Municipalities through a Court Administrative Committee. The Municipal Court shall be open at such times as determined by the Municipal Judge.

**Sec. 36 - 9. Fines and Forfeitures**

The Municipal Judge may impose punishment and sentences as provided by Section 800.09, Wis. Stats., and as provided in the ordinances of the Member Municipalities. All forfeitures, fees, penalty assessments and costs shall be paid to the Treasurer of the Municipality within which the case arose within 14 days after receipt of the money by the Municipal Judge or other Court Personnel. At the time of the payment, the Municipal Court shall report to the Treasurer the title of the action, the offense for which forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessment and costs, if any, or the amount of any terms imposed.

**Sec. 36 - 10. Municipal Court Authority to Impose Alternative Juvenile Dispositions and Sanctions.**

- a) Pursuant to Wis. Stats. §938.17(2)(cm), the Municipal Court, upon finding that a juvenile has violated a Municipal Ordinance, is authorized to impose any of the dispositions listed in Wis. Stats. §§938.343 and 938.344, in accordance with the provisions of those statutes.
- b) Pursuant to Wis. Stats. §938.17(2)(cm), the Municipal Court, upon finding that a juvenile has violated a Municipal Ordinance and a subsequent condition of a Dispositional Order of the Municipal Court issued under Wis. Stats. §§938.343 and 938.344, is authorized to impose any of the sanctions listed in Wis. Stats. §938.355(6)(d), in accordance with the provisions of those statutes.

**Sec. 36 - 11. Stipulations and Deposits in Municipal Court**

The Municipal Court herein established shall be operated pursuant to and in compliance with the provisions of Chapter 800 Wis. Stats., and, where applicable, other provisions of the Wis. Stats. as referred to herein. The Municipal Judge shall establish in conjunction with a Court Administrative Committee and in accordance with Section 800.03(3) Wis. Stats., a schedule of deposits for violations of

City, Village and Town Ordinances, Resolutions and By-laws, except traffic regulations which are and shall be governed by Chapter 345.27 Wis. Stats., and boating violations which are, and shall be governed by Chapter 23.67 Wis. Stats. Such deposit schedule shall be posted in the office of the Municipal Court Clerk and the Police Departments of all participating Municipalities.

**Sec. 36 - 12. Statutes Adopted by Reference.**

Chapters 755 and 800, Wis. Stats., are hereby adopted by reference.

**Sec. 36 - 13. Procedure in Municipal Court.**

The procedure in Municipal Court shall be as provided by this Ordinance and State Law including, but not excluding because of enumeration Chapter 66, 345, 751, 755, 7575 and 800 of the Wis. Stats.

- a) The Municipal Court shall be open as determined by the Municipal Judge.
- b) The Municipal Judge shall keep his or her office and hold court in such places as shall be made available by the participating Municipalities.
- c) If the Municipal Judge is temporarily absent, sick or disabled, the provisions of Sec. 800.06(1), Wis. Stats., shall apply, and if the Municipal Judge becomes incompetent, unable to fails to act, or in the event of a vacancy, the provisions of Sec. 800.06(2), Wis. Stats., shall apply. Any substitute Municipal Judge designated or assigned hereunder shall be compensated as authorized by the Court Administrative Committee, the Chief Judge of Milwaukee County, or any controlling state statute.
- d) Upon the proper and timely written request for substitution of the Municipal Judge, the provisions of Sec. 800.05, Wis. Stats., shall apply.
- e) The procedures of the Municipal Court shall be in accord with the applicable Wisconsin Statutes and City Ordinances. The Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. For non-traffic matters, the Statutory Attorney for a Member Municipality shall draft a bond schedule, which shall become effective upon approval by the Court Administrative Committee and Municipal Judge. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.

**Sec. 36 - 14. Contempt Procedures.**

- a) The Municipal Judge may impose a sanction authorized under Section 800.12(2) for contempt of court, as defined in Section 785.01(1) Wis. Stats., in accordance with the procedures under Section 785.03 Wis. Stats.
- b) The Municipal Judge may impose a forfeiture for contempt under Section 800.12(1) Wis. Stats, in an amount not to exceed \$50 or, upon nonpayment of the forfeiture and the penalty assessment under Section 165.87, Wis. Stats., a jail sentence not to exceed 7 days.
- c) No person shall be punished for contempt until he or she has been given an opportunity to be heard in his or her defense and for that purpose the Municipal Judge may, if the offender is not present, issue a warrant to bring the offender before the Court.

**Sec. 36 - 15. Abolition**

The Municipal Court hereby established shall not be abolished while any agreement under Sections 66.0301 and 755.01(4) Wis. Stats. is in effect.

SECTION 2. All Ordinances or parts of Ordinances contravening or inconsistent with the provisions of this Ordinance be and they are hereby repealed.

SECTION 3. This Ordinance shall take effect and be in full force and effect from and after its passage and publication as required by law.

Approved: \_\_\_\_\_  
Date

By: \_\_\_\_\_  
Village President

Attest:

\_\_\_\_\_  
Village Clerk