

STATE OF WISCONSIN

VILLAGE OF SUSSEX

WAUKESHA COUNTY

ORDINANCE NO. 740

A CHARTER ORDINANCE
GRANTING LIMITED CONTRACTING AND CONTRACT
EXECUTION AUTHORITY TO THE VILLAGE ADMINISTRATOR

WHEREAS, Wisconsin Statutes Section 61.50(1) states, in part, that every contract shall be executed on the part of the village by the president and clerk in pursuance only of authority therefor from the village board; and

WHEREAS, it is often necessary in the administration of the legislative policies adopted by the Village of Sussex Village Board, and to carry out the budgetary approvals granted by the Village of Sussex Village Board, and for the efficient administration of Village business, for the Village of Sussex to enter contracts for labor, materials, supplies and equipment; and

WHEREAS, frequently time is of the essence regarding such contracts; and

WHEREAS, in such situations where the dollar amount for such contracts is equal to or less than \$10,000, the Village Board finds that the Village of Sussex is best served if such contracts are entered in a timely manner, without the additional time and expense of calling a special Village Board meeting, and without the need to obtain the Village President's signature, provided that the contract pursues a legislative policy adopted by the Village Board, and is consistent with the budgetary approvals granted by the Village Board; and

WHEREAS, in addition, in emergency situations where the dollar amount of such contracts is equal to or less than \$25,000, the Village Board finds that the Village of Sussex is best served if such contracts are entered in a timely manner as described herein; and

WHEREAS, in addition, in situations where the contract is not directly consistent with the budgetary approvals granted by the Village Board, the dollar amount of the contract is equal to or less than \$2,500, and delaying the contract to await Village Board approval is deemed by the Village Administrator to be disadvantageous to the interests of the Village, the Village Board finds that the Village of Sussex is best served if such contracts are entered in a timely manner as described herein; and

WHEREAS, under Article XI, section 3 of the Wisconsin Constitution, and Wisconsin Statute Section 66.0101(4), villages in Wisconsin may elect not to be bound by any State law relating to the local affairs and government of the village, other than laws that are of statewide concern as shall with uniformity affect every village; and

WHEREAS, Wisconsin Statutes Section 61.50(1), to the extent it controls the administration and execution of contracts in the Village of Sussex that are necessary to pursue the Village Board's legislative directives, is a law affecting the local affairs of government, and is not of statewide concern; and

WHEREAS, the Village of Sussex, by this ordinance, elects not to be bound by Wisconsin Statute Section 61.50(1) to the extent described herein, in order to best administer and execute all relatively small contracts within the budget, in amounts equal to or less than \$10,000, as are necessary to serve the governmental policies adopted by the Village Board of the Village of Sussex, and in emergency situations in amounts equal to or less than \$25,000, and for situations not directly consistent with the budget in amounts equal to or less than \$2,500, as described herein.

NOW, THEREFORE, the Village Board of the Village of Sussex, Waukesha County, Wisconsin, DO ORDAIN as follows:

SECTION 1: In addition to, and not to the exclusion or prejudice of, the contracting authority described in Wisconsin Statutes Section 61.50(1), the Village of Sussex may enter contracts as follows:

- (1) Budgeted Contracts. The Village Administrator shall have the power to approve contracts for the Village of Sussex for labor, materials, supplies or equipment, subject to the following conditions:
 - (A) Any such contract shall be for less than or equal to \$10,000 in total cost;
 - (B) The contract must further a legislative policy adopted by the Village Board;
 - (C) The contract must be consistent with, and must not exceed, the budgetary approvals granted by the Village Board; and
 - (D) The Village Administrator must notify the Village Board of the contract within a reasonable time following approval, not to reconsider the approval, but for purposes of monitoring the Village Administrator's activities pursuant to this ordinance. Separate notification is not required if the contract is for purchase of materials, supplies or equipment and the Village Board approves the payment.

- (2) Emergency Contracts. In the case of an emergency, as an alternative to the power granted by Subsection (1), above, the Village Administrator shall have the power to approve contracts for the Village of Sussex for labor, materials, supplies or equipment necessary to address such emergency, subject to the following conditions:
 - (A) Any such contract shall be for less than or equal to \$25,000 in total cost;
 - (B) For purposes of this Subsection, an emergency exists when the Village Administrator finds that it would be impossible or impractical for the Village Board to convene to approve the contract, and in addition:
 - (i) The contract will address damage, or threat of impending damage, to public facilities; or
 - (ii) The contract will address severe injury, or threat of impending severe injury, to health, safety or welfare within the Village.
 - (C) The Village Administrator must notify the Village Board of the contract within a reasonable time following approval, not to reconsider the approval, but for purposes of monitoring the Village Administrator's activities pursuant to this ordinance.

- (3) Not Directly Budgeted Contracts. As an alternative to the power granted by Subsection (1) and (2), above, the Village Administrator shall have the power to approve contracts for the Village of Sussex for necessary labor, materials, supplies or equipment that are not directly consistent with the budgetary approvals granted by the Village Board, subject to the following conditions:

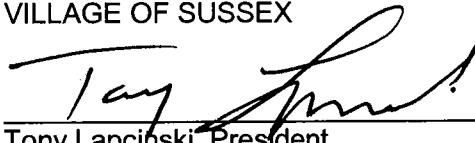
- (A) Any such contract shall be for less than or equal to \$2,500 in total cost;
 - (B) The authority granted by this Subsection (3) only applies when the Village Administrator finds it would be impossible or impractical for the Village Board to convene to approve the contract; and that the contract, while not directly consistent with the budget, is not inconsistent with the budget, or adverse to the budgetary policies approved by the Village Board.
 - (C) The Department Head requesting the contract shall submit to the Village Administrator a report on the need for the contract and how it can be funded within the constraints of the approved budget.
 - (D) Village Administrator must notify the Village Board of the contract within a reasonable time following approval, not to reconsider the approval, but for purposes of monitoring the Village Administrator's activities pursuant to this ordinance.
- (4) The contracts described in Subsections (1), (2), and (3), above, may be executed in the name of the Village of Sussex by the Village Administrator and the Village Clerk.

SECTION 2: The several sections and portions of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

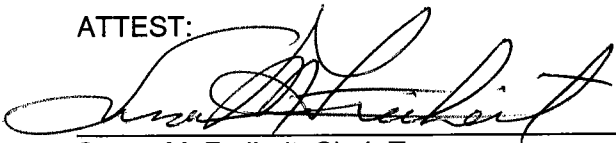
SECTION 3: This charter ordinance shall take effect sixty (60) days after its passage and publication, unless within such sixty (60) days a referendum petition shall be filed as provided by Section 66.0101 of the Wisconsin Statutes, in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of electors voting thereon as provided by Section 66.0101 of the Wisconsin Statutes.

This charter ordinance is passed by the Village Board of the Village of Sussex by a two-thirds vote of the members-elect of the Village Board on this 22ND day of FEBRUARY, 2011.

VILLAGE OF SUSSEX


 Tony Lapcinski, President

ATTEST:


 Susan M. Freiheit, Clerk-Treasurer

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published 3-2-2011