

AGREEMENT FOR THE OPERATION OF THE JOINT MUNICIPAL COURT FOR  
EASTERN COLUMBIA COUNTY  
(Sec. 66.0301 Wis. Stats.)

**AGREEMENT**, entered into this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between the Municipalities shown on the attached Exhibit "A", all being municipal corporations organized and existing under the laws of the State of Wisconsin, hereinafter referred to as the "Member Municipalities."

**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:

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 or Member Municipalities, the general operation of the court shall be by the judge and the Municipal Court Committee.
3. **MUNICIPAL COURT COMMITTEE.**

- (a) **Composition.** The Municipal Court Committee shall be comprised of one representative of each Member Municipality that chooses to appoint a voting representative to the committee who shall be appointed by the Mayor, President or Chairman of the Member Municipality, subject to confirmation by the respective governing body. The Chairman of the Committee will be a representative from a member municipality and will rotate on an annual basis, alphabetically, starting with the representative from Rio for 2019. If a representative cannot fulfill or chooses not to fulfill the obligation of committee chairperson for any reason, then the position of Chairperson goes to the next municipality, alphabetically.
- (b) **Powers and Duties.** The Municipal Court 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 Municipal Court committee shall be a recommending agency. The Municipal Court Committee shall be responsible for the selection of the Clerk of the municipal court. The Municipal Court Committee shall recommend to the governing bodies for determination, the salary of the Judge, the number and salary of such clerks and/or deputy clerks. The Municipal Court 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 Municipal Court Committee shall, with the assistance of the Judge and Court Clerk, prepare an annual budget for the operation of the court. The Municipal Court Committee shall cause an annual review of court accounts every four years beginning in 2009 and an annual audit of court accounts every fifth year beginning in 2013, to be completed between August 1<sup>st</sup> and August 31<sup>st</sup> of each year. The Municipal Court Committee may establish any subcommittees necessary for the efficient operation of the court, such as a personnel committee and/or operating committee.
- (c) **Voting and Procedure.** The Municipal Court Committee shall be governed by Roberts Rule of Order and a majority vote of all representatives of the Municipal Court Committee shall be required to adopt any motion or resolution. A quorum of voting members or alternates shall be present to vote on any motion or resolution. A quorum consists of 50% plus 1 voting member.

4. **CLERK.** Pursuant to Section 755.10, the judge shall, in writing, appoint such clerk and deputy clerks as employed by the Municipal Court Committee.
5. **JUDGE'S SALARY.** The salary of the judge shall be set by the governing bodies of Member Municipalities.
6. **FORFEITURES, PENALTY ASSESSMENTS AND COSTS.**

All forfeitures, penalty assessments and costs paid to the municipal court under a judgment shall be deposited daily to a designated bank account at a financial institution selected by the Municipal Court Committee. This account, an interest-bearing account, shall be established by the Municipal Court committee as the temporary depository for court funds. The Municipal Court Clerk shall maintain a complete record of deposits and expenditures including, without limitation, the title of the action, offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessments and costs, if any. The Municipal Court Clerk shall prepare a monthly listing of the funds that are due to be disbursed as provided in Sections 814.65(1), 757.05, 167.31(5) and 346.655, Wis. Stats. All forfeitures shall be disbursed by the clerk at least monthly to the Member Municipality for which the judgment was entered.
7. **BUDGET PROCESS.**
  - (a) **Time and Approval.** The Municipal Court Committee and Court Clerk shall, with the assistance of the judge, 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 Costs.** The local share of the court costs required to be collected pursuant to Section 814.65(1) Wis. Stats. (100%) shall be retained by the court to be applied to the operating expenses of the court.
  - (c) **Court Operating Expenses.** The net operating expenses after application of the local share of the court costs shall be charged to Member Municipalities based upon each municipality's percentage of total annual filed cases. Contributions shall be based upon the approved budget with appropriate credits and debts being made on the next succeeding billing after annual audit or review. Payment shall be made within 30 days of billing. Initial contributions for

operating expenses shall be based upon the average of the last two years' forfeitures from the last court of record based on Circuit Court records of Columbia County.

- (d) Capital Expenditures and Start-up Expenses. The cost of office furniture and equipment and the initial supplies necessary to begin operations shall be shared equally by the Member Municipalities. Forms shall be considered operating expenses.

- 8. **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 or amending this agreement.
- 9. **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 the Judge's term. No member, pursuant to Wis. Stats. 755.01(2), may abolish the municipal court while this agreement is in effect.

EASTERN COLUMBIA COUNTY JOINT MUNICIPAL COURT AGREEMENT

"EXHIBIT A"

This "Exhibit A" reflects the Wisconsin Municipalities that have agreed to be members of the Eastern Columbia County Joint Municipal Court.

Village of Cambria  
City of Columbus  
Village of Fall River  
City of Lodi  
Village of Pardeeville  
Village of Poynette  
Village of Randolph

Village of Rio  
Town of Columbus  
Village of Dane  
Town of Dekorra  
Town of Lodi  
Village of Arlington  
Village of Friesland  
Village of Wycena

This "Exhibit A" may be amended as other Wisconsin Municipalities request to join the Membership pursuant to Section 8 of the Agreement.

This "Exhibit A" may be amended as Members terminate their Membership pursuant to Section 9 of the Agreement.

---

(Date)

**CITY OF LODI**

Approved: \_\_\_\_\_  
(Date)

By/Title: \_\_\_\_\_

Attest: \_\_\_\_\_