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Mequon, WI 53092
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www.ci.mequon.wi.us

Office of the City Administrator

PUBLIC WELFARE COMMITTEE
Tuesday, September 13, 2016
5:00 PM
South Conference Room

Agenda

1. Call to Order, Roll Call
2. Approval of August 10, 2016 Meeting Minutes
 - a. August 2016 Minutes
3. Ordinances

Action requested: review and recommend approval

 - a. An Ordinance Amending Chapter 58, Zoning Code As it Relates to Definitions and the Use of Single-Family Dwellings in the Residential Zoning District for Short Term and Long Term Rentals
4. Discussion Items
 - a. Consideration of an Ordinance Amending the Mequon Municipal Code in Connection with Further Establishing Honesty Provisions within the City's Personnel Code
 - b. Review of City Boards, Commissions & Committees
5. Information Items
 - a. 2016-2017 Work Plan
6. Adjourn

Dated: September 13, 2016

/s/ Dan Abendroth, Chairman

.....
Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the City Administrator's Office at 262-236-2941, Monday through Friday, 8:00 AM – 4:30 PM.



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PUBLIC WELFARE COMMITTEE
Wednesday, August 10, 2016
5:00 PM
South Conference Room

Minutes

1. Call to Order, Roll Call

Present:

Alderman Mark Gierl
Alderman John Wirth

Not Present: Alderman Dale Mayr

Also Present: Mayor Abendroth, City Administrator Jones, Alderman Connie Pukaite (5:22 p.m.), Community Development Director Tollefson, City Attorney Sajdak, James Friedman, Chair Ethics Board, Executive Assistant Prosser, Press

2. Approval of Meeting Minutes

a. Public Welfare Committee - Regular Meeting - Jul 12, 2016 6:00 PM

RESULT: Accepted [Unanimous]

MOVED BY: Alderman Wirth

SECONDED BY: Alderman Gierl

AYES: Alderman Gierl, Alderman Wirth

ABSENT: Alderman Mayr

3. Ordinances

Action requested: review and recommend approval

a. An Ordinance Amending Chapter 58, Zoning Code As it Relates to Definitions and the Use of Single-Family Dwellings in the Residential Zoning District for Short Term and Long Term Rentals

Community Development Director Tollefson provided a background on the proposed text amendment noting that there are no changes since the last time the Public Welfare Committee discussed short-term rentals. Ms. Tollefson went on to say staff recommends that the regulation of short term rentals be handled similar to other ancillary uses allowed within single-family residential zoning districts as a permitted accessory use. Ms. Tollefson used the examples of home occupations and professional offices as permitted accessory uses so long

Attachment: 08-10-2016 draft public welfare committee minutes (1867 : August 2016 Minutes)

as expressed conditions are met. Ms. Tollefson stated a similar application and permit can be used for short-term rentals. Ms. Tollefson pointed that this process would not include a public notification or Planning Commission approval. Ms. Tollefson stated a one-time application fee of \$40 is recommended.

Alderman Wirth stated if the use is permitted, than an application and fee would not be required unless it is specifically written in the ordinance as a requirement. Alderman Wirth requested further information on whether the code specifically states that an application is required for a permitted accessory use.

Alderman Wirth suggested a change to the language in Exhibit C, Sec. 14-175 to read: “any person wishing to rent their residential property to others.” Alderman Wirth suggested that both parties, the owner and the tenant, should be held legally responsible for any rule violation by the tenant. Alderman Wirth noted the way the code is currently written a boarding house is not permitted and if the intent is to remove restrictions on short-term rentals than the restriction on boarding houses should be removed. Alderman Wirth suggested removing boarding house and replacing it with a definition for rentals from the listing of definitions provided under the zoning code.

Attorney Sajdak reviewed the Committee’s discussion stating, there is a general consensus among the members of the Committee to make the necessary change within the code to allow the use without any restrictions, and ensure enforcement of violations are not only against the tenant but also against the landlord.

b. ORDINANCE 2016-1477 An Ordinance Creating § 2-137(b)(9) of the Mequon Municipal Code Relating to the Imposition of an Affirmative Duty Upon Officials to Act with Honesty in Their Dealings with the Public

City Attorney Sajdak provided a brief overview of prior discussions regarding Ordinance 2016-1477. Attorney Sajdak stated at the last meeting of the Public Welfare Committee, a motion was made to forward the Public Welfare Committee’s language to the Council with the request that the Ethics Board would be given the opportunity to provide input. Attorney Sajdak stated the Ethics Board did meet to review the language; however they did not have a quorum. Attorney Sajdak went on to say, although there was no formal action taken, the four members present believed that no changes should be made to the Ethics Code. Attorney Sajdak noted a memo was forwarded to the Council that gave an overview of the informal discussion.

Jim Friedman, Chair of Ethics Board, stated that members of the Board are requesting that no changes be made to the Ethics Code.

Alderman Wirth inquired whether there would be a different vehicle to place the honesty provision that would resolve the concern of the Ethics Board. The Committee went on to discuss other alternatives for placement of an honesty provision.

Attorney Sajdak stated there is an honesty provision already in the personnel code adopted by the Council per the request of Alderman Gierl.

Alderman Gierl stated he would like to have a remedy included in the honesty provision.

Attorney Sajdak requested a point of clarification as to whether the focus should be more on employees as opposed to officials, or leave the provision somewhat broad. Alderman Gierl confirmed he would want the focus on both employees and officials.

Alderman Wirth moved to table until the next meeting to give staff the opportunity to determine whether there is a better vehicle than going through the Ethics Board, and a remedy as a result of being found to be dishonest.

4. Discussion Items

a. Review of City Boards, Commissions and Committees

The Committee held a discussion on how to move forward with the review of the ordinances for the City's Boards, Commissions and Committees. Alderman Wirth suggested the Committee review the draft general ordinance he prepared as a model at the next meeting. Alderman Wirth will provide staff with the remaining proposed ordinances for the next meeting.

5. Information Items

a. Public Welfare Committee FY2016-2017 Work Plan

City Administrator Jones stated the Committee's work plan for FY2016-2017 is a document that is subject to change on a monthly basis. Mr. Jones noted that staff will bring back the ethics code, review of the city ordinances for boards, commissions and committees, and short-term rentals to the Committee's next meeting.

The Committee agreed to start the meeting at 5:00 p.m.

6. Adjourn

The Public Welfare Committee meeting was adjourned at 6:27 p.m.

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Alderman Gierl

SECONDED BY: Alderman Wirth

AYES:	Alderman Gierl, Alderman Wirth
EXCUSED:	Alderman Mayr



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Office of Community Development

TO: Public Welfare Committee
FROM: Kim Tollefson, Director of Community Development
DATE: September 13, 2016
SUBJECT: An Ordinance Amending Chapter 58, Zoning Code As it Relates to Definitions and the Use of Single-Family Dwellings in the Residential Zoning District for Short Term and Long Term Rentals

Background

The subject text amendment is being sponsored by Mayor Abendroth due to concerns related to the short-term rental of single-family homes. The City maintains the goal of preserving the stability of residential neighborhoods with controls related to density, traffic, unenclosed parking, noise, safety and congestion. This text amendment was presented to the Committee of the Whole, Planning Commission and Common Council. At those meetings, the Council expressed the need to achieve consensus regarding the following:

1. Number of individuals allowed in the home at the time of rental
2. Number of days annually allowed to rent
3. A process less burdensome than the Conditional Use grant process

At the August Public Welfare Committee meeting, the Committee requested a few additions to the text that was recommended by staff. The text presented in August allows short term rentals as permitted accessory uses (further described below). The requested additions include the following and are now included in the attached text changes. In the case of the enforcement matters, that provision is addressed under a separate set of regulations.

- Removal of term and definition for boarding houses
- Acknowledgment of required application for short term rentals as a permitted accessory use.
- Enforcement of regulations and penalties for violations shall be against the property owner.

Analysis

The following analysis is an excerpt from August's Public Welfare Committee staff memo:

In recent months, the Public Welfare Committee worked to achieve consensus on the following operational standards:

1. A short term rental should be defined as a maximum of 29 days of rental, or less,

annually.

2. A short term rental should be limited to a maximum of 6 annual rental occurrences.
3. Rental terms are defined as consecutive days.
4. A minimum two-night rental is required. Single night rentals are prohibited.
5. The maximum number of guests allowed for each short term rental is 6.

A text amendment was forwarded to Council; however Council members expressed concern with the approval process associated with a Conditional Use Grant. As an alternative, Planning staff recommends that the regulation of short term rentals can be handled similar to other ancillary uses allowed within single-family residential zoning districts as permitted accessory uses. For example, home occupations and professional offices are permitted accessory uses so long as expressed conditions are met. This process would not include a public notification or Planning Commission approval. The Department of Community Development has an established application and permitting processes in place for home occupations and professional offices (see Exhibit B). A similar application and permit can be used for short-term rentals. This process will also allow the City to maintain records of these uses and address any enforcement matters as needed. The recommended one time application fee is \$40.

Short-term rentals, per the attached draft ordinance, are listed as *Permitted Accessory Uses* subject to the operational standards as acted on by the Public Welfare Committee and listed above.

As an alternative, some Council members expressed a preference for a simple registration process. Therefore attached is a draft code provision that would accomplish that process which would be administered by the City Clerk's Office (see Exhibit C).

Fiscal Impact

The application fee is intended to cover the administrative costs associated with approving and managing the applications.

Staff Recommendation

Staff recommends approval of the text amendment and pending the Committee's action, will forward the proposed ordinance to the October Common Council meeting.

Attachments:

Ord2015-1452ShortTermRental09.13.16 (DOCX)
Exhibit A: Home Occupational Permit (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

An Ordinance Amending Chapter 58, Zoning Code As it Relates to Definitions and the Use of
Single-Family Dwellings in the Residential Zoning District for Short Term and Long Term
Rentals

SECTION I:

Chapter 58, Zoning Code, of the Mequon Code of Ordinances are amended in the forms attached to this Ordinance as Exhibit A, having been placed on file and open to public inspection in the office of the City Clerk of the City of Mequon at City Hall, 11133 North Cedarburg Road, Mequon, Wisconsin, since _____ in accordance with the procedures provided in Sections 66.0103 and 62.11(4)(a), Wis. Stats.

SECTION II:

All ordinances in conflict or inconsistent with this ordinance, in whole or in part, are repealed to the extent necessary to give this ordinance full force and effect.

SECTION III:

This ordinance shall be in full force and effect upon its passage and on the day after its publication.

Approved by: Dan Abendroth, Mayor

Date Approved: September 13, 2016

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 13, 2016.

Caroline Fochs, City Clerk

Published: _____

Definitions:

Accessory Short-Term Rental of Dwellings. Accessory Short-Term Rental of Dwellings is where an owner residing in a dwelling unit rents the dwelling on a short-term basis subject to the following standards:

1. An accessory short-term rental shall be subject to an application and permit approval through the Department of Community Development.
2. An accessory short-term rental shall be limited to a maximum rental of 29 accumulative days annually.
3. A dwelling used as an accessory short-term rental shall be limited to an occupancy of six (6) overnight guests or as dictated by Chapter 10, City Uniform Dwelling Code occupancy, whichever is less.
4. An accessory short-term rental term shall provide a minimum two-night rental. Single night rental is prohibited. Rental terms are defined as consecutive days.
5. An accessory short-term rental shall be limited to a maximum of six (6) annual rental occurrences.

~~*Boarding house* means a dwelling, or part thereof, in which commercial lodging is provided by the owner.~~

Principal Long-Term Rental of Dwellings: A Principal Long-Term Rental is where the owner rents the dwelling as the principal use for no less than 30 days consecutively and more than 180 days annually.

Sec 58-234

(b)(4) Principal Long-Term Rental of Dwellings

(d)(16) Accessory Short-Term Rental of Dwellings

Sec. 58-235

(b)(4) Principal Long-Term Rental of Dwellings

(d)(10) Accessory Short-Term Rental of Dwellings

Sec. 58-236

(b)(4) Principal Long-Term Rental of Dwellings

(d)(14) Accessory Short-Term Rental of Dwellings

Sec. 58-237

(b)(4) Principal Long-Term Rental of Dwellings

(d)(10) Accessory Short-Term Rental of Dwellings

Attachment: Ord2015-1452ShortTermRental09.13.16 (1705 : Chapter 58 Text Short Term Rental)

Sec. 58-238

(b)(4) Principal Long-Term Rental of Dwellings

(d)(10) Accessory Short-Term Rental of Dwellings

Sec. 58-239

(b)(4) Principal Long-Term Rental of Dwellings

(d)(8) Accessory Short-Term Rental of Dwellings

Sec. 58-240

(b)(3) Principal Long-Term Rental of Dwellings

(d)(6) Accessory Short-Term Rental of Dwellings

Exhibit B



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Department of Community Development

APPLICATION FOR HOME OCCUPATIONAL PERMIT

Permit Fee: \$40.00

Name of Occupation:	
Detailed Description of Occupancy Type or Work Performed:	
Occupant:	Phone: () -
Street Address:	Tax Key:
City, State, Zip:	
Owner of Building:	Phone: () -
Street Address:	
City, State, Zip:	

Applicant Signature _____ Date _____

Home Occupancy Requirements

Home occupations and professional offices which are clearly incidental to the principal residential use subject to the following:

- a. The home occupation shall be carried on wholly within the principal residential building or within a building accessory thereto, and only by residents occupying the premises and one additional person not a resident on the premises.
- b. No article or service shall be sold or offered for sale on the premises.
- c. The home occupation shall not normally generate customer or client traffic to the residential premises.
- d. Any off-street parking area shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.
- e. The home occupation shall not include the conducting of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone, topsoil, or peat moss for commercial purposes.
- f. The home occupation shall not include outside storage of materials or other operational activity resulting in offensive noise, vibration, smoke, dust, odors, heat, or glare which may create a nuisance or be otherwise incompatible with the surrounding residential area.

Approved By _____ Date _____

Attachment: Exhibit A: Home Occupational Permit (1705 : Chapter 58 Text Short Term Rental)

TO: Public Welfare Committee
FROM: Brian Sajdak, City Attorney
DATE: September 8, 2016
SUBJECT: Consideration of an Ordinance Amending the Mequon Municipal Code in Connection with Further Establishing Honesty Provisions within the City's Personnel Code

Background

The City's Ethics Board was created in 1978 and a formal Code of Ethics was codified in 1998 after a comprehensive review/update was performed by the City's Ethics Board. Prior to 1998, the City's "Ethics Code" existed in the form of a policy manual. Presently, the Municipal Code of the City formally codifies both the Ethics Code (§ 2-135, *et seq.*) and the Employee Personnel Code (§ 2-203, *et seq.*). Both of those sections are attached in their entirety for reference.

In 2014, Alderman Gierl sponsored changes to the Ethics Code and the Personnel Code to add honesty provisions to both. The result of that process resulted in Ordinance No. 2014-1440 (adopted on January 13, 2015). That ordinance made two changes (both of which are highlighted in **BOLD** in the attachments):

1. It added the following language to the list of prohibited practices within the Ethics Code:

No city official or employee may dishonestly obtain financial gain or anything of substantial value for the city official's or employee's private benefit or that of his or her immediate family, or for an organization with which he or she is associated.

2. It made two changes to § 2-230 of the Personnel Code – adding "honesty" to the list of expected conduct and adding "Dishonesty" to the list of conduct that could result in disciplinary action.

Following this action, Alderman Gierl requested that the City revisit the matter, noting that there was no express requirement that officials be honest within the Ethics Code (the Ethics Code only prohibiting the use of dishonesty to obtain a personal gain). At the request of Alderman Gierl, the Public Welfare Committee considered the matter. At its May 2016 meeting, the Public Welfare Committee forwarded a request to the Ethics Board to have the Board consider the following language be added as a new provision within the Ethics Code:

(9) No city official or employee may, in that official's or employee's official capacity dealing with the public or other city officials or employees, communicate any material fact that:

- a. is materially untrue; and
- b. the official or employee knew to be untrue when communicated or that the official or employee communicated with a reckless disregard for the truth.

This language has been incorporated into Ordinance No. 2016-1477, which had a first reading at the Common Council meeting in August (highlighted with a single underline in the attached Ethics Code). This second ordinance has been discussed by both the Ethics Board and by the Public Welfare Committee.

To remind the Committee, the Ethics Board has recommended that there should be no changes to the Ethics Code. The following are comments from the Ethics Board which explain their reasoning:

- A member questioned why the City would want to deviate from the state code – questioned whether there was some reason or need for change that could be identified.
- A member commented that the fact that the language was different did not change anything because making the change is still a bad idea.
- A member commented that an ethics code is not an integrity code. An ethics code regulates conduct (e.g., do not misuse the power that has been granted by virtue of position). An integrity code being more of an aspirational policy.
- A member commented that regulating honesty is hard because you have to identify some harm before it should be actionable. For example, a 6-foot person telling someone that they are 6.5 feet tall is a lie. But who cares? There is no harm
- A member commented that as it relates to officials, especially the elected officials, that dishonesty is an issue for campaigns, not the Ethics Board. As it relates to staff, dishonesty can be addressed administratively more effectively than by the Ethics Board.
- A member commented that if you turn on the TV you see all the political ads alleging that the other side is untruthful. Honesty in the Ethics Code seems like it is inviting political use of the system.
- A member commented that there are degrees of truth that make honesty hard to define. For example, asking multiple people “how old is the planet” may get multiple answers that may all be “true” because the level of specificity between answers may vary.
- A member commented that the Ethics Board should not be the arbiters of “truth.”
- A member commented that the language was a bit cumbersome. A “material fact that is materially untrue” has too many “materials” in it.
- A member commented that there should be a sub. (c) added to also require that dishonesty result in some benefit gained on the part of the actor. This would make it consistent with the rest of the provisions of the Ethics Code (and addresses the conduct/integrity issue).
- A member commented that there needs to be some way to specify that harm has been caused - not sure that “material” fully covers it.

At the Public Welfare Committee’s August meeting, there was further discussion about the proposed language. Alderman Gierl noted that the State Ethics Code represented the bare minimum and suggested that the City should strive for better. Alderman Wirth questioned why the language was needed at all since the current language seems to give the Ethics Board the very authority that would be provided by the change. Discussion also ensued concerning the limits the Ethics Board faces when it comes to its ability to punish employees (e.g., the Ethics Board can admonish an employee and refer that to the Administrator, but it cannot fire the employee).

Alderman Wirth also correctly noted that some of the honesty language would be difficult to enforce against an elected official given the free speech protections offered to those in such positions. The result of the discussion was a request to staff to look to other ways to address the concerns raised by the Committee including other locations in the code that could be considered as well as other bodies that could hear complaints and have the power to terminate an employee.

Analysis

Following Alderman Gierl's discussion further detailing the concerns that drove his request to make the changes, staff considered ways to better address his concerns within the Code. Staff identified an area in the Personnel Code that could be revised to address these concerns, § 2-205, Employee Commitment. Consequently, changes to that section have been prepared (and appear in **bolded with double underline** in the attached Personnel Code) to include honest communication, professional attitude free of bias and favoritism, and fiscal responsibility.

Staff also reviewed options available for other bodies to hear complaints. After reviewing the statutes and discussing the situation with an employment law specialist, there are no statutory bodies that exist that would offer more than what the Ethics Board currently provides. Therefore, any such body that was created would be a purely locally created body. One Committee member suggested something along the lines of a personnel review board. After looking into a few of those, they are not bodies that have independent authority. Instead, they are reviewing bodies designed to satisfy the requirements of Wis. Stat. § 66.0509. Their powers are limited to hearing appeals of an individual that has been disciplined.

Section 66.0509 would further present an obstacle to creating a new local body that would have the power to terminate an employee. Any such discipline would require a subsequent hearing before an impartial hearing officer as well as an appeal process that would culminate before the Common Council itself. Accordingly, the local body could not consist of a member of the Common Council because the Council is the highest appeal authority as well.

Fiscal Impact

There is no applicable fiscal impact.

Recommendation

As discussed above, the Ethics Board's recommendation to the Committee is to not adopt any changes to the Ethics Code at this time. The Public Welfare Committee has forwarded their language for consideration to the Common Council. Staff's recommendation is as follows:

1. A recommendation to the Council with respect to Ordinance No. 2016-1477 needs to be made. That recommendation could be: to adopt; to deny; to adopt with changes (remembering that the Ethics Board did highlight some language issues); or to table to allow further Committee study.
2. Staff would seek direction with respect to the changes in § 2-205 (Employee Commitment). These changes also address Alderman Gierl's suggestion of incorporating impartiality/non-retaliation language ("free of personal biases and favoritism"). These changes could be formalized into an ordinance for ultimate Council consideration.
3. Staff would also seek direction as to a reviewing body. Given the challenges presented by § 66.0509, staff's recommendation would be to not pursue this avenue further, leaving the current structure for employee discipline in place.

Attachments:

ARTICLE_V ___PERSONNEL_CODE (DOCX)

DIVISION_3 ___ETHICS-3 (DOCX)

ARTICLE V. - PERSONNEL CODE

Sec. 2-203. - Purpose and application.

This manual is an informational guide regarding employment practices for all non-represented regular full/part time, represented general, seasonal and temporary city employees, who are not represented by a labor organization and collective bargaining agreement; but excluding all library personnel. The City of Mequon reserves the right to amend, delete, supplement or rescind any of the provisions of this manual or any other written or unwritten plans, policies or procedures at any time with or without advance notice. The city further reserves the right to deviate from policies or procedures where appropriate, to interpret policies and to suspend the application of a general policy when, in the city's sole discretion, such action is appropriate.

The provisions of this article are not conditions of employment nor are they intended to create an express or implied contract of employment for any employee covered by this article. Unless otherwise specified in writing or required by law, your employment with the city is at will and may be terminated by you or the city at any time with or without reason.

No provision of this article is intended to nor shall be construed to conflict with Wisconsin Statutes or federal law including but not limited to Wis. Stats. §§ 17.12, 62.09 and 62.13.

Sec. 2-204. - Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

City means the municipality of the City of Mequon, Ozaukee County, Wisconsin.

Confidential employee means an employee who has access to confidential information relating to labor relations, including information dealing with the employer's strategy or position in bargaining, grievance processing, litigation or other similar matters that is not available to the bargaining representative.

Continuous service means uninterrupted employment as a full-time employee with the city since date of hire or last date of rehire and does not accrue during any unpaid leave which exceeds 30 calendar days. Authorized leaves of absence granted under the terms of this article shall not be deemed an interruption of service.

Department means an established and recognized city division, staffed by employees which is organized and structured to accomplish a particular type of assigned municipal service.

Department head means an employee who is responsible for the operation of a city department and includes: city administrator, chief of police, fire chief, city assessor, director of community development, director of public works/city engineer, director of parks and operations, director of finance/treasurer, assistant city administrator and deputy city clerk.

Employee means an individual, who is engaged to provide personal services to the city for wages or salary, and the city has the right to control the details of and type of work assigned.

Exempt employee means an employee whose position is classified as an administrative, supervisory, executive, professional or computer professional position, who is paid on a salary basis and is exempt from state and federal overtime requirements.

Full-time employee means an employee who is normally scheduled to work an average of 40 hours per week for the city.

Part-time employee means an employee who is normally scheduled to work less than 40 hours per week for the city but does not include volunteer fire fighters or ambulance and rescue squad personnel.

Regular, full-time employee and *regular, part-time employee* means an employee who is scheduled to work throughout the year and who occupies a regular position established by the common council.

Represented general employee means a nonprotective service, nonexempt employee who is represented by a labor association for the purposes of negotiating any increase to base wages.

Temporary or seasonal employee means an employee, either full-time or part-time, who is hired only for a limited period of time and includes all employees hired under state and/or federal grant programs, regardless of the length of such employee's period of employment.

Sec. 2-205. - Employee commitment.

The most fundamental value of the City of Mequon is open and honest government. It is crucial that City employees contribute to, and maintain, the organization's reputation for honesty and integrity. Each employee has a responsibility to the organization, to the citizens, and to their colleagues to demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in their public actions. Accordingly, all employees of the city agree:

- (1) To cooperate in giving efficient public service and to assist in maintaining efficient public administration.
- (2) To abide by the rules, regulations, policies, resolutions and ordinances established by the city or the city administrator. Department heads may adopt such other departmental rules and procedures as may be required for the efficient and effective delivery of public services within their departments provided they are not in conflict with this article.

(3) To communicate in a manner that is open, honest, and accurate.

(4) To strive for personal professional excellence and exhibit at all time a professional attitude based upon sound judgment free of personal biases and favoritism.

(5) To manage public funds and resources in the most efficient manner at all times to ensure fiscal responsibility.

Sec. 2-206. - City management rights.

- (1) Except to the extent abridged by a specific provision of this article, the city reserves and retains solely and exclusively all of its common law, statutory and inherent rights to manage its own affairs, as such rights existed prior to the passage of this or any other previous article or salary ordinances. Such rights include, but are not limited to the following:
 - (a) To determine the general business practice and policies of the city, including the purchase and utilization of equipment, and to utilize personnel, methods and means efficiently and flexibly.
 - (b) To manage and direct the employees of the city, to make assignments of jobs, to determine the size and composition of the work force, to train or retrain employees, to establish standards of job performance, to determine and schedule the work to be performed by the work force and each employee, to determine the competence and qualifications of the employee, to establish and revise job descriptions for any position and to establish the manner and method of selection of new employees.
 - (c) To determine the methods, means and personnel by which and the location where the operations of the city are to be conducted.
 - (d) To take whatever action it deems necessary in situations of emergency.
 - (e) To utilize temporary, provisional, part-time or seasonal employees when and where it deems necessary.

- (f) To hire, promote, demote, permanently or temporarily transfer, lay off employees and to make promotions and assignments to supervisory positions.
 - (g) To suspend, demote, discipline or discharge employees.
 - (h) To establish or alter the number of shifts, hours of work, work schedules, methods or processes. Such alterations shall not be in conflict with, or contradict, the terms of this article.
 - (i) To schedule with and assign overtime work when required in the manner most advantageous to the city.
 - (j) To create new positions or departments, to introduce new or improved operations in work practices, to terminate or modify existing positions, departments, operations or work practices and to consolidate existing positions, departments or operations.
 - (k) To make and alter rules and regulations for the conduct of its business and of its employees. Such alterations shall not be in conflict or contradict the terms of this article. All employees must follow all other applicable rules, ordinances or resolutions of the City of Mequon as well as any applicable state or federal laws currently in effect. The city reserves the right to modify or change this article at any time.
- (2) Whatever work is to be accomplished by the City of Mequon is not necessarily to be done by employees of the city. The city reserves the right unto itself to contract or subcontract any such work and/or to transfer any such work to employees not covered by this article.

Sec. 2-207. - Hours of work; attendance.

- (1) Positions.
 - (a) Exempt employees. Employees that meet the exemption criteria as set forth by the Fair Labor Standards Act will be paid on a salary basis without regard to hours worked. Exempt employees are not entitled to overtime compensation or compensatory time off in lieu of overtime compensation.
 - (b) Non-exempt employees. Non-exempt employees are eligible for overtime or compensatory time at a rate of time and one-half pay for all hours worked over 40 hours per week unless otherwise provided herein and double time for all hours worked over 40 hours per week that fall on a Sunday or holiday as defined by the holidays designated by this article. Compensatory time not used or otherwise addressed by the end of the calendar year will be paid out.
 - (c) Confidential employees. The assistants to the city administrator, police chief and assistant city administrator shall be deemed to be "confidential" employees and excluded from union representation. These employees are non-exempt shall be paid on an hourly basis. Confidential employees are eligible for overtime or compensatory time at a rate of time and one-half pay for all hours worked over 40 hours per week unless otherwise provided herein and double time for all hours worked over 40 hours per week that fall on a Sunday or holiday as defined by the holidays designated by this article. Compensatory time not used or otherwise addressed by the end of the year will be paid out.
- (2) Department heads are expected to conform to the normal business hours (Monday through Friday, 8:00 a.m. to 4:30 p.m.) of their department, however, they are afforded flexibility in the application of their time to the responsibility involved in managing their department. Subject to the prior approval of the city administrator, department heads are afforded flexibility in terms of the application of the time of those employed within their department consistent with the requirements of this article. Police and fire departments need approval from the mayor before changing their normal business hours.

- (3) Hours of work. Except for police and fire, the normal work week for full-time employees is eight hours per day (not including lunch breaks), 40 hours per week, Monday through Friday. Work hours and days shall conform to the established hours of city business. However, this conformity shall not interfere with special time tables as required in the operation of the city or prohibit or prevent the establishment of rotated, staggered or shortened work periods, multiple shifts or part-time hours as well as attendance at city meetings and hearings which may be needed and as approved by the city administrator.
- (4) The normal work week for dispatchers is four days on duty followed by two days off duty, then repeating the cycle. The normal work day shall be eight and one-quarter hours. Such normal work day will include a 30-minute paid lunch period, during which the employees are on call, and two 15-minute breaks each day. Although paid, the lunch period will not count towards total hours worked in the work week. Adjustments to this normal work week for dispatchers are at the discretion of the chief of police and the city administrator.
- (5) The city provides five personal days (40 hours) per year to exempt employees and two personal days (16 hours) to represented general employees in dispatch required to cover 24/7 operations. Personal days will be paid out when the employee terminates employment or retires from the City of Mequon. All personal days must be taken within the calendar year for active employees or they shall be considered lost, unless they are deferred at the request of the employee's department head and approved by the city administrator. Employees are allowed to use these personal days in a minimum of four-hour increments. All use of personal days is subject to prior approval by the employee's supervisor.
- (6) Attendance. Anticipated absences shall be reported to the employee's supervisor in advance. When it is not possible to report an absence until the date of absence, the employee must notify their supervisor within an hour of their scheduled starting time. If they must leave work due to illness or family emergency, their supervisor or the city administrator should be notified. Leaving work for illness or family emergency not approved by supervisor is considered "unauthorized." Unauthorized absence in excess of two consecutive workdays is considered a resignation of employment. Employees with unauthorized absences, excessive absences or lateness may be subject to disciplinary action up to and including discharge.
- (7) Pay period. All wages shall be paid every two weeks.
- (8) Jury/witness duty. When an employee is unable to work, as a result of being summoned to jury duty or subpoenaed as a witness related to city business, the city shall pay the employee their normal wages and the employee shall endorse the jury duty or witness service check over to the city. Employees shall return to work on those days that they are called for jury duty or witness service as soon as circumstances reasonably allow.
- (9) Outside employment. Employees may pursue part-time employment provided the part-time work does not interfere with the performance of the employee's regular work with the city and there is no conflict of interest between the regular and part-time jobs. No part-time outside employment will be allowed if it involves any licensure granted by the city or any inspection provided by the city. All employees must get prior approval for any outside employment from the city administrator or his/her designee. An employee may not work for another employer while on leave of absence or while absent for illness.

Sec. 2-208. - Orientation period.

- (1) Department heads. Unless otherwise provided for by state statute or city ordinance, new department heads shall be appointed initially as an acting department head for a period of one year. Within 30 days after the expiration of the one-year period, the city administrator or their acting designee shall take action to either appoint such person as the department head or terminate such person.

- (2) Other employees. All other new employees will be subject to an orientation period not to exceed one year of employment.
- (3) Employees who are promoted or transferred to other positions within the city shall serve a one-year orientation period.
- (4) The city administrator reserves the right to extend the orientation period of any employee.
- (5) During the orientation period as during the entire time employed by the city, the employee may be terminated at any time, with or without cause.

Sec. 2-209. - Salary rates.

- (1) Appointment of new employees shall be at a rate of pay within the position's salary range as determined by the mayor, common council, city administrator and/or department head.
- (2) Appointment, promotion, transfer or demotion of an employee to a new or different position shall be at a rate of pay within the position's salary range as determined by the mayor, common council, city administrator and/or department head.
- (3) Salary ranges and rates of employees shall be as set forth or approved by the common council. Unless stated otherwise in this article, compensation including fringe benefits for part-time, seasonal and temporary employees will be established by resolution or the annual city budget.
- (4) For all other hours of work in excess of 40 hours per work in a week, all full-time, non-exempt employees shall be paid time and one-half of their regular straight time rate of pay. Such hours worked on Sundays and holidays shall be paid for at double their regular straight time rate of pay. All overtime and double time is assigned by department heads or the city administrator.
- (5) For all other hours of work in excess of 40 hours per work in a week, all full-time, non-exempt employees shall be eligible for overtime pay or compensatory time off. Compensatory time off is calculated at time and one-half hours for all hours of work in excess of 40. Such hours worked on Sundays and holidays shall be paid for at double their regular straight time rate of pay. The accrual of compensatory time is capped at a maximum of 80-hours at any period within a calendar year. The amount of compensatory time that exceeds 80-hours at the end of a given pay period will be paid out on the following payroll. Compensatory time is subject to a maximum carry-over of 40 hours at the end of a fiscal year. All overtime and double time are assigned by department heads or the city administrator.
- (6) All part-time employees are eligible for overtime pay or compensatory time off as outlined for full-time, non-exempt employees for hours worked outside of their normal work week as assigned and approved by their department head.

Sec. 2-210. - Stand-by pay.

- (1) Stand-by compensation will be provided to selected sewer division employees and selected highway division employees for all of or a portion of the year as follows:
 - Five hour's pay for a holiday;
 - Four hour's pay for a Sunday;
 - Four hour's pay for a Saturday;
 - Two hour's pay for a weekday overnight.
- (2) Such pay will be paid to the employee that makes himself/herself available for 24 hours a day during the required period as set by the director of public works/city engineer.

Assignments may be made by the director of public works/city engineer or a department of public works superintendent. The pay referenced in this section is the employee's regular straight-time rate of pay. Employees may be assigned a city vehicle during the required period of stand-by service, which may be driven to and parked at the employee's residence only during the required period of stand-by service.

Sec. 2-211. - Call in pay.

- (1) Employees in the department of public works called in for emergency work which is not consecutively prior to, or subsequent to their scheduled work hours, will receive a minimum of one hour's pay at time and one-half of their regular straight-time rate for such call in.
- (2) Dispatchers called in for coverage consecutively prior to, or subsequent to their scheduled work hours will receive pay at time and one-half of their regular straight-time rate for actual hours worked.

Sec. 2-212. - Shift differential.

The city may establish shifts that fall outside of the regular hours of operation of the city and will provide an additional 25 cents per hour for all hours worked in such a shift. The shift identified as qualifying for shift differential are determined by the department head or city administrator.

Sec. 2-213. - Field training dispatchers.

The city will assign a field training dispatcher for the purposes of training new dispatchers. In the event of a new dispatcher being trained, it will be the goal, whenever possible, to have a field training dispatcher on each shift with the new dispatcher. Field training dispatchers or their designee may receive one hour of compensatory time off or one hour of pay in addition to their regular pay for an eight-hour shift during which they serve as a field training dispatcher.

Sec. 2-214. - Leave of absences.

- (1) Employees may be granted subject to the approval of the city (unless such leave is required by state or federal law), a leave of absence up to three months, provided that the employee makes prior application therefore. A leave of absence shall not be granted for the purpose of seeking other employment. All requests for leaves of absence shall be made in writing to the city administrator.
- (2) In the event an employee would like to take family or medical leave, the city must be notified at least 30 days before the date on which leave is to begin, except in the case of an emergency. The request form is available from human resources. The failure to timely notify the city may result in the delaying of leave until proper notice is received.

Sec. 2-215. - Paid holidays.

- (1) Regular employees will be granted time off with pay for the following designated holidays:

New Year's Day*
 Memorial Day
 Independence Day*
 Labor Day
 Thanksgiving Day
 Day after Thanksgiving
 December 24*
 Christmas Day*
 December 31* (half day)
 One floating holiday**

* In the event a holiday falls on a Saturday, the immediate preceding Friday shall be recognized as the holiday. In the event a holiday falls on a Sunday, the immediate following Monday shall be recognized as the holiday. In the event December 24 or December 31 falls on a Friday, the immediate following Monday shall be recognized as a holiday. In the event these two days fall on a Sunday, the immediate preceding Friday shall be recognized as the holiday.

** The floating holiday must be taken during the calendar year at a time mutually agreed upon between the employee and their supervisor.

Police captains shall be paid an additional wage of eight hours times their regular hourly rate for each full day holiday designated as holiday compensation. Such payments are to be paid on the first pay period of December. The provisions of this section shall be the exclusive holiday provision for police captains covered under this article and such employees shall work if scheduled on any day observed as a holiday without additional compensation or time off.

- (2) To qualify for paid holidays:
 - (a) Employees must be actively at work the last scheduled workday prior to the next scheduled workday immediately following the holiday.
 - (b) An employee may be off from work on one or both qualifying days for one of the following reasons and still qualify for holiday pay: vacation, paid non-occupational illness/injury leave, occupational illness or injury, jury or witness duty, funeral leave, supervisor's permission in advance or one day of special leave as provided under subsection 2-217(3)(a) of this article.
 - (c) Regular part-time employees shall receive holiday pay based upon the budgeted full time equivalent calculation of their position.
- (3) In the event a holiday falls within a vacation period, such day shall not count as a vacation day taken.
- (4) The city will endeavor to make reasonable accommodation for employees' required observance due to conscientious religious beliefs. The supervisor and/or department head must be consulted in advance of such a religious observance in order to ensure the employee's duties are covered. Any such day taken will be charged as a vacation day, floating holiday or compensatory time off.

Sec. 2-216. - Paid time off.

- (1) Paid time off (PTO) is an all-inclusive program that is designed to provide salary continuation for time away from work as allowed by this policy. PTO is intended to be used for a variety of traditional types of time away from work, including vacation, personal illness, personal business, doctor appointments, family time and personal voluntary community service; however, an employee does not have to designate the reason for the scheduled absences being requested.
- (2) Whenever the provisions of this policy are in conflict with federal or state laws or regulations, the provision of the laws or regulations shall prevail.
- (3) Regular, full-time employees are eligible for the following paid time off benefits:
 - Eighteen workdays after one year of service.
 - Twenty-three workdays after seven years of service.
 - Twenty-eight workdays after 13 years of service.

- (4) Employees that have reached 25 years of service as of January 1, 2013, will be provided with 33 workdays of paid time off annually.
- (5) Paid time off for regular full-time employees shall be paid at the employee's regular straight-time rate listed in the salary schedule up to a maximum of eight hours per day. If an employee is working under a modified regular schedule as determined by the department head, paid time off shall be paid at the employee's regular straight-time rate listed in the salary schedule up to a maximum of the employee's regularly scheduled hours of work per day under the modified schedule.
- (6) An employee will be allowed to take paid time off prior to his/her anniversary date, but will have to pay back any unaccrued portion used by the employee if the employee terminates employment with the city prior to his/her anniversary date. All paid time off hours must be taken within the calendar year of full accrual or they shall be considered lost, unless such paid time off is deferred according to this policy or is deferred at the request of the employee's department head and approved by the city administrator.
- (7) Paid time off schedules shall be approved by the employee's supervisor.
- (8) Department heads who give at least four weeks' notice and other employees who give at least two weeks' notice of resignation shall be entitled to pay for all unused paid time off accrued as of the employee's last anniversary date to the date of termination with the exception of the accruals in the employee's medical leave bank.
- (9) Regular part-time employees shall be granted paid time off on the above basis pro-rated on the part-time employee's full time equivalent.
- (10) Employees will be allowed to carry over a maximum of 40 hours of paid time off from one fiscal year to the next.
- (11) Scheduled leave and requests for and usage of paid time off.
 - (a) The scheduling of time off is dependent upon the judgment and discretion of the employee's department head or his/her designee. This includes scheduled surgery or medical conditions covered by the FMLA policy, vacations, personal days, etc.
 - (b) PTO can be requested to be taken in 15-minute increments, 30-minute increments, hourly increments, or daily increments as deemed necessary and desirable by the employee with the agreement of the department head or designee.
 - (c) An employee will continue to accrue PTO during a leave of absence as long as the leave is with pay. An employee in an unpaid leave status shall not accrue PTO.
 - (d) If an employee's accrued PTO days have been exhausted, additional time off, if granted and as allowed by the Family and Medical Leave (FMLA) Act, will be unpaid. Negative balances are not permitted. Any employee who has exhausted PTO and is not eligible for FMLA may be subject to disciplinary action up to and including termination for any further absences.
- (12) Unscheduled leave.
 - (a) Unscheduled leave/absences are defined as unscheduled time off that is unapproved in advance by the department head or designee. If less than three working days' notice is given for any requested time off, the absence is considered unscheduled.
 - (b) When unscheduled leave is necessary, employees shall notify their department head or designee prior to the beginning of their scheduled reporting time within the time period designated by the department head, and shall inform their department head or designee of an anticipated date of return.
 - (c) When unscheduled PTO extends beyond three consecutive working days, a statement from the attending physician or other qualified medical professional, certifying to the nature and seriousness of the illness or injury shall be furnished to the supervisor

and/or department head. Employees who use such leave will be required, upon return to work, to file a written report on a form furnished by the city, stating length of absence and nature and effect of the employee's illness or injury.

- (d) A department head or designee may grant approval of a request by an employee to use PTO with less than three days' notice if the employee's absence does not negatively affect departmental workload, project completion, and sufficient staffing levels exist.

(13) Medical leave bank.

- (a) The city will provide the option of a medical leave bank for employees. The purpose of the bank is to address the long term medical needs for an employee's personal illness or the personal illness of an eligible family member. The medical needs must be for qualifying events as described in the Family and Medical Leave Act for personal or family medically related reasons.
- (b) The unused balance of PTO shall be accumulated to the employee's credit, provided that the total accumulation credited to an employee at the end of the calendar year shall not exceed 180 working days. Once the employee's bank reaches the maximum, no more hours will be credited to the employee's bank until the accumulated hours fall below the maximum.
- (c) In the event that the medical leave bank is exhausted for a qualifying event, employees may use PTO. Negative balances are not permitted.
- (d) The city reserves the right to require satisfactory proof of illness, which may include a physician's statement or other evidence. Unauthorized use of an employee's medical leave bank may result in loss of pay for the duration of the absence and may be considered grounds for disciplinary action.
- (e) The city may require the employee to provide a certificate of recovery before the employee returns to work from a qualified health care provider as named either by the employee or the city.
- (f) Employee sick leave accruals as of January 1, 2013, will be converted to the medical leave bank hour for hour not to exceed the 180-day maximum as established by this policy.

- (14) Upon retirement or termination, unless otherwise directed, all accumulated paid illness/injury leave under this policy will be canceled. It will not be treated as vacation or other paid time due to be paid to the employee.

Sec. 2-217. - Paid funeral and special leave.

- (1) Regular employees may receive up to three days paid funeral leave not to extend beyond one day after burial. Funeral leave will apply in case of each death on the immediate family which is defined as spouse, children, brother, sister, parents, grandparents or grandchildren of an employee, or of their spouse.
- (2) Regular employees will receive one day of funeral leave in the event of the death of an aunt or uncle of either the employee or the employee's spouse.
- (3) Special leave.
 - (a) In the event a regular employee must attend a funeral other than for a member of their immediate family listed in subsection 2-217(1) or (2) of this article because their attendance is required to serve as a pallbearer, they shall be allowed to use one day of accumulated paid non-occupational illness/injury leave. Special leaves for this purpose will be limited to one day per occurrence.

- (b) The city will pay all regular employees located in city hall their regular straight time wages for any day during which, for emergency reasons, city hall is officially closed during normal work hours and an employee's supervisor does not require the individual's assistance in dealing with the emergency situation or maintaining the building or grounds in proper order.

Sec. 2-218. - Wisconsin Retirement Fund.

The city shall make the required contribution to the Wisconsin Retirement Fund as established from time to time in Wis. Stats. § 40.05. Eligibility requirements and pension benefits shall be provided by statutes and the rules and regulations of the Wisconsin Retirement Fund.

Sec. 2-219. - Retirement/death benefit.

For employees hired prior to January 1, 2012, upon retirement under the Wisconsin Retirement System, death, or if an employee retires due to injuries or illness which prevent the employee from physically or mentally performing his/her duties (or comparable duties with any other public or private sector employer), a regular, full-time employee shall receive two full working days of pay for each year of continuous service with the city as of January 1, 2012. The rate of pay shall be determined by the employee's regular rate as of January 1, 2012. No additional days shall be accumulated after 30 years of service.

If the fire chief, police chief or a police captain hired prior to January 1, 2012, retires due to injuries or illness which prevent the employee from physically or mentally performing his duties, the employee shall receive three full working days for each year of continuous service on the department. The rate of pay shall be determined by the employee's regular rate upon January 1, 2012. No additional days shall be accumulated after 30 years of service.

Sec. 2-220. - Group health insurance.

- (1) Coverage.
 - (a) City officials will enter into health contracts with carriers as determined by the city.
 - (b) Coverage provided by the contracts is contained in the group health booklet published by the carriers, which will be distributed to covered employees.
 - (c) The group health master contract controls coverage limits and the carrier has final control of eligible benefits.
 - (d) It shall be the employee's responsibility to notify the city of any change in status for health insurance coverage. This shall include, but not be limited to, changing from family to single coverage or from single to family coverage. Such notification shall take place within 30 days of the change in status. Failure to notify the city shall result in the employee assuming responsibility for the additional cost until corrected.
 - (e) The city reserves the right to change health insurance, or self-fund coverage, at any time for current employees or retirees.
 - (f) Upon retirement, the employee will be permitted to participate in the city's medical insurance plan subject to the employee paying the full cost of his/her insurance.
 - (g) No employee shall make any claim against the city for additional compensation in lieu of or in addition to the city's contribution.
- (2) Premium contribution.
 - (a) All employees eligible for and participating in health program(s) will pay an amount to be determined annually. Health insurance premium payments by the city are subject to the minimum and maximum payments as certified by the state plan. However, it is understood that based on compliance with the provisions of the Employee Trust Fund

40.10 Wisconsin Administrative Code, employees may be required to make higher contributions towards the cost of their selected health insurance plan.

1. Increases in the cost of such coverage shall be reviewed annually by the common council.
2. For regular, part-time employees who are regularly scheduled to work at least 20 hours per week, the city will pay, on the same basis as offered to full-time employees, one-half of the cost of single plan health insurance coverage, three-fourths of the cost of single plan health insurance coverage after the employee completes three years of service, and full single plan coverage after the employee completes five years of service. The one-half, three-fourths and full single plan coverage will be based on the amount that the city would pay for single plan coverage if the part-time employee were a full-time employee. All employee payments for group health insurance will be made by the means of payroll deductions.
 - (b) The city's contribution will continue during any approved absence with pay or any leave covered by federal or state law. Employees on an unpaid leave of absence that is not covered by federal or state law may continue to maintain their group health insurance coverage provided they pay the full premium by the tenth of the month.
 - (c) Upon retirement under the Wisconsin Retirement System, such employees and/or their spouses may continue to maintain their group health insurance coverage. The employer will make a monthly contribution toward the premium in the amount of the group health insurance coverage for the City of Mequon Plan in effect on January 1, 2013, for a period of time not to exceed one month for each ten days of accumulated, unused medical leave (amended to use the correct term). The city will deduct the cost of the employee's contribution from their final paycheck.
 - (d) Upon the death of an employee, the employee's spouse and/or dependent children may continue to maintain the group health insurance coverage as provided for under COBRA. The employer will make a monthly contribution toward the premium in the amounts specified in subsection 2-221(2)(a) of this article for a period of time not to exceed one month for each ten days of accumulated, unused paid illness/injury leave at the time of death.

Sec. 2-221. - Group dental insurance.

- (1) Coverage.
 - (a) Officers of the city will enter into a dental insurance contract with a carrier selected by the city. The city reserves the right to change the dental insurance or self-fund coverage for any covered individuals.
 - (b) Coverage provided by the contract is contained in the group dental insurance booklet published by the carrier, which will be distributed to covered employees.
 - (c) The dental insurance master contract controls coverage limits and the carrier has final control of eligible benefits.
- (2) Premium contributions.
 - (a) The city will contribute 75 percent of the family or single monthly premium for full-time employees and 37½ percent of the monthly premium for regular part-time employees. Any premium cost over and above the amount to be paid by the city is to be paid by the employee on the basis of a payroll deduction. The city reserves the right to make adjustments to the employer paid premium contributions as a part of the annual budget process.

- (b) The city's contribution will continue during any approved absence with pay or any leave covered by federal or state law. Employees on an unpaid leave of absence that is not covered by federal or state law may continue to maintain their group dental insurance coverage provided they pay the entire premium by the tenth of the month.

Sec. 2-222. - Group long-term disability coverage.

- (1) Coverage.
 - (a) The city will maintain a group long-term disability insurance contract to provide protection for the city's regular, full-time employees.
 - (b) Officers of the city will enter into a long-term disability insurance contract with a carrier selected by the employer.
 - (c) Coverage provided by the contract is contained in a certificate published by the carrier, which will be distributed to covered employees. Briefly, the coverage will include: A monthly benefit of 60 percent of monthly salary not to exceed \$5,000.00, coordinated with payments from Worker's Compensation or Social Security, employees will be eligible for this coverage on the first of the month following 30 days of service. There is a waiting period of 90 consecutive calendar days or until the expiration of all but ten days of benefits under the city's paid illness/injury leave provided for in section 2-216 of this article, whichever is greater, and benefits are payable for up to two years for disabilities due to sickness and up to age 65 for accidental disabilities. A three-month survivor benefit, which is an amount equal to three non-integrated monthly benefit payments, is paid in a lump sum to the covered employee's spouse, children or parents, respectively.
 - (d) The long-term disability insurance master contract controls coverage limits and the carrier has final control over eligibility benefits.
- (2) The city shall pay 100 percent of the premium for all regular full-time employees enrolled in the long-term disability insurance plan.

Sec. 2-223. - Group life insurance.

- (1) All regular, full-time employees under this article shall receive term life insurance in the amount equal to their gross annual salary, rounded off to the next \$1,000.00. Any premiums for additional life insurance shall be paid by the employee through payroll deduction.
- (2) The city shall pay the full premium for such insurance for regular employees that qualify under WRS.
- (3) Eligibility requirements and benefits shall be as provided by statutes and the rules and regulations established by the Group Insurance Board of the State of Wisconsin. All insurance policies within this article (group health, group dental, group long-term disability and group life) are subject to the underlying terms and conditions of the insurance policies and may be changed at the discretion of the employer.

Sec. 2-224. - Educational incentive program.

- (1) Regular, full-time employees who have completed one year of satisfactory employment are eligible to participate in this program.
- (2) Employees, subject to approval of the city administrator, shall be eligible for reimbursement under this program, provided however, that any courses approved must be job-related and offered by an accredited college, university, business or vocational school. Employees must apply and receive approval from the human resources department and

city administrator prior to beginning the course. Approval is subject to availability of monetary funds.

- (3) Time spent in preparation for classes, and attendance of classes, shall be considered off time not compensated by the city. Only tuition costs may be reimbursed under this program, if not compensated for by any other agency. Employees will be reimbursed on a sliding scale based upon the grade: 50 percent for "C", 75 percent for "B", and 100 percent for "A". Reimbursement for tuition will be limited to the lower of the actual tuition for the course or the resident tuition charge for a course of the same number of credits charged by the University of Wisconsin-Milwaukee for the same semester. The city will reimburse an employee up to a maximum of \$1,500.00 per calendar year.
- (4) This section applies only to courses pursued by employees on their own and does not cover conferences and meetings that employees attend at the direction of their supervisors.
- (5) Reimbursement will not be made to an employee who terminates employment with the city prior to completion of the course.

Sec. 2-225. - Health examination.

- (1) Employees shall be required to submit to health examinations and physical examinations as may be deemed necessary for the specific positions being appointed to and as may from time to time be required by the city administrator, subject to exceptions provided in state statutes relating to religious beliefs. Such examinations will be by a physician selected by and paid for by the city. If the employee requests that his own physician perform the examination, the cost of such examination will be paid for by the employee.
- (2) Employees who have been off work because of illness or injury will be required to submit medical verification that the employee is able to return to work with or without limitations and if the former, to specify the limitations before being allowed to return to work.
- (3) In addition to a medical examination, the city shall require an individual to take and pass a drug screen after an offer of employment has been made and prior to the employee commencing work for the city. The city shall also have the right to request that current employees submit to said drug screen when there is a reasonable cause to believe that the employee may be at work under the influence of alcohol or other drugs.

Sec. 2-226. - Uniform/clothing allowance.

- (1) Employees who are required to wear a department specified uniform established by the city will be paid a uniform/clothing allowance of \$345.00 subject to all applicable state and federal withholding taxes. New employees and employees who terminate during the year will receive a pro-rated allowance based on the employee's full time equivalent.
- (2) The chief of police, fire chief and police captains shall be entitled to a uniform allowance to be determined on an annual basis by the city.
- (3) Full time employees in the fleet maintenance division will receive an annual \$150.00 tool allowance. Administration and control of this benefit shall be under the director of public works/city engineer. New employees will receive a pro-rated allowance based on the number of months worked during the year.
- (4) All regular, full-time non-represented employees whose work at any time requires the wearing of safety glasses or goggles will be supplied with such equipment by the employer. In the case of those employees who require prescription safety glasses, the employer will pay up to a maximum of \$175.00 for replacement of prescription safety glasses if such glasses are broken on the job and proof of payment is submitted.
- (5) All uniform allowances are subject to annual proration. Such payment is to be made on the first pay period in December.

Sec. 2-227. - Car and expense allowance.

Employees using their personal cars on authorized city business shall be reimbursed per the applicable IRS rate.

Sec. 2-228. - Deferred compensation.

An employee may elect, pursuant to Wis. Stats. § 40.81(2), to defer from each paycheck a specified amount by having the city deduct such amount from the employee's paycheck. The amount so deducted from an employee's paycheck shall be transferred by the city to one of the employer-approved deferred compensation providers as selected by the employee. An employee participating in the deferred compensation plan may change the amount of the deduction or eliminate the deduction by informing the human resources department. Only the provider (not the employer) is responsible for the administration of the deferred compensation plan, including the investment of the employees' funds.

Sec. 2-229. - Grievance procedure.

- (1) Should an employee have a grievance regarding employee termination, employee discipline or workplace safety they shall follow the provisions of the grievance procedure as adopted by the City of Mequon.
 - (a) "Employee termination" as used in this policy section, shall not include: layoffs; workforce reduction activities; job transfers or demotions; voluntary termination including, without limitation, quitting or resignation; job abandonment; end of employment due to disability, lack of qualification or licensure or other inability to perform job duties; end of employment and/or completion of assignment of temporary, contract or part time employees; retirement; death; or any other cessation of employment not involving involuntary termination.
 - (b) "Employee discipline" as used in this policy shall include any employment action that results in disciplinary action, which typically involves any one of four actions: verbal reprimand, written reprimand, suspension with or without pay, and termination of employment. "Employee discipline" as used in this policy, shall not include: plans of correction or performance improvement; performance evaluations or reviews; documentation of employee acts and/or omissions in an employment file; administrative suspension with pay pending investigation of alleged misconduct or nonperformance; non-disciplinary wage, benefit or salary adjustments; other non-material employment actions; counseling meetings or discussions or other pre-disciplinary action; or demotion for reasons other than discipline, transfer or change in assignment.
 - (c) "Workplace safety" as used in this section means any alleged violation of any standard established under state law or rule of federal law or regulation relating to workplace safety.

Sec. 2-230. - Discipline procedure.

- (1) *Expectations of conduct.* It shall be the duty of all employees to maintain high standards of conduct, cooperation, **honesty**, efficiency and economy in their work for the city. Department heads and supervisors shall organize and direct the work of their units in a manner calculated to achieve these objectives. Whenever conduct of an employee falls below a desirable standard, supervisors shall point out the deficiencies at the time they are observed. Corrections and suggestions should be made in a constructive and helpful manner in an effort to elicit the cooperation of the employee.

Law enforcement officers suspension and removal procedures shall be governed by Wis. Stats. § 62.13. Statutory and appointed officers of the City of Mequon, including the

treasurer, clerk, engineer, assessor, police and fire chief [or such other appointive officers as have been created by the city] shall be governed by the provisions of Wis. Stats. §§ 17.12—17.16.

Any action that reflects discredit upon the municipal service or is a direct hindrance to the operations of the city may warrant disciplinary action. Circumstances constituting disciplinary action include but are not limited to the following:

- (a) The on duty use or illegal handling of alcoholic beverages or controlled substances.
- (b) Conviction of a crime which is job-related in nature.
- (c) **Dishonesty** or offensive attitude, conduct or language toward the public, city officials or employees.
- (d) Negligence, inefficiency, failure or inability to perform job duties.
- (e) Intentional damage or negligence in the care and handling of city property.
- (f) Violation of any lawful and reasonable official regulation, departmental rule or a supervisor's directive.
- (g) Commission or omissions of acts unbecoming an incumbent of the particular office or position held.
- (h) Willful violation of any city ordinances or administrative regulations.
- (i) Unauthorized absences from work.
- (j) Excessive use of the city equipment including, but not limited to telephones and electronic media, for the conduct of personal business (including unauthorized long distance calls).
- (k) Claiming sick leave under false pretenses.
- (l) Use or attempted use of political influence or bribery to secure advantage in a promotion, departmental appropriation or for personal benefit.
- (m) Failure to maintain satisfactory job attendance.
- (n) Perpetuating any acts of workplace violence, including, but not limited to, abusive language, threats or acts of aggression.
- (o) Failure to uphold and enforce the city's harassment policy.
- (p) Violation of the city's ethics code.

Sec. 2-231. - Severability.

The provisions of this article shall be severable and if any of the provisions shall be held in contravention of the Constitution and laws of the State of Wisconsin or of the United States by a court of competent jurisdiction, the validity of the rest of the article shall not be affected. It is hereby declared to be the intent of this article that the same would have been adopted and such unconstitutional or unlawful provisions, if any, not been included herein. This article replaces all prior ordinances/personnel codes which are in conflict with this new article.

Sec. 2-232. - Reserved.

Sec. 2-233. - Commercial driver's license requirement.

- (1) Department of public works employees as identified by the director of public works/city engineer and city administrator are required to have a valid commercial driver's license (CDL) issued by the State of Wisconsin.

- (2) Such employees are required to advise the city immediately if their license is suspended, revoked or cancelled, or they are disqualified from operating a commercial vehicle. This must be done the first business day after notification is received. Employees must report all traffic convictions including any received while on duty or off duty to the director of public works/city engineer within 30 days. This includes convictions in a private vehicle as well as a commercial vehicle. The lack of a commercial driver's license or other occupational permit that does not allow an employee to drive may be grounds for termination.

Sec. 2-234. - Nepotism policy.

For the protection of the city's assets and development and maintenance of an equitable working environment, the city limits the hiring, promotion and transfer rights of persons who have an immediate family member employed by the city. For purposes of this article immediate family members include anyone in a direct relationship by blood or marriage up to and including first cousin. Included are spouse, parent, child, sibling, grandparent, grandchild and first cousin of the employee or the employee's spouse or any person residing in the employee's household.

No immediate family member of a current employee will be hired, transferred or promoted where such personnel action would result in:

- (1) A direct or indirect reporting relationship between family members;
- (2) Immediate family members would be working in the same department or unit and one would be responsible for auditing, controlling or reviewing the work of the other(s); or
- (3) Any situation where the employment of two family members would result in the possibility for fraud or a conflict of interest.

Sec. 2-235. - Media relations.

The city administrator shall be the primary spokesman for the city. Department heads may confer with representatives of the news media on matters related to their departments. Other employees are to have no contact with the media stating official city policy unless instructed to do so by the city administrator and their department head. Further information can be found in the city's communications policy.

Sec. 2-236. - Training/travel.

- (1) *Overview.* When employees and elected officials of the city are required to travel on official business, the city shall pay reasonable amounts for transportation, meals, lodging and miscellaneous approved expenses. An employee or official is expected to show good judgment and an appreciation for economy when incurring travel expenses.
- (2) *Approval.* Department heads must authorize all out-of-town travel. The city administrator must approve all travel requests for training, conferences, meetings or other official functions, which require overnight accommodations. The department head shall determine the most cost-effective mode of travel and authorize local area training.
- (3) *Transportation.* Employees required to travel by air shall travel economy class whenever available. Due to the high-risk of liability exposure and the absence of insurance coverage, it is prohibited to use any private aircraft for official city business. An employee must obtain permission from their department head or the city administrator to use city vehicles. Gasoline must be obtained at the city's pumps prior to departure. When an employee is authorized by the department head or the city administrator to use a personal vehicle for official travel outside of the city, the employee shall be compensated at the current mileage rate as established by the U.S. Internal Revenue Service. The IRS rate will be published by the finance director at the beginning of each calendar year.

- (4) *Lodging.* Employee's lodging expenses shall be covered while traveling on city business. Employees are expected to make lodging reservations in advance whenever possible and to take other actions to ensure that lodging is secured at the most reasonable rate possible.
- (5) *Meals.* Employees traveling on city business shall be reimbursed in the event that the employee pays for their own meal subject to the following policy guidelines. The maximum daily meal allowances are set forth below in Table 1. Claims for meals shall represent actual, reasonable and necessary expenses. Tips are limited to 15 percent. Employees shall submit receipts with their reimbursement request.

Table 1

Breakfast	Lunch	Dinner	Maximum daily meal per diem
\$10.00	\$15.00	\$25.00	\$50.00

The city shall not provide reimbursement for those meals included within conference registration, ticket cost, or training/tuition fees. Only those meals not covered by such fees shall be reimbursed by the city. The city will not pay for alcoholic beverages.

An employee is entitled the flexibility to combine the daily lunch and dinner allowances as desired, as long as the total allowable for the consecutive meals per day is not exceeded and said meal(s) are not included within conference registration, ticket cost, or training/tuition fees.

Employees will be eligible for 50 percent of the maximum per diem rate for the first day of travel and the last day of travel. If meal maximums are not reached on one day, the savings do not accrue and cannot be applied to expenses claimed on another day or for other costs such as lodging. Each day is considered separately for application of this policy. The department head shall determine what meals shall be allowed based upon the times and dates of travel.

- (6) *Miscellaneous.* Miscellaneous expenses, such as parking fees, taxi fares, fax transmissions and other bona fide miscellaneous expenses, shall be reimbursed upon presentation of receipts or other suitable documentation. Tips for meals, baggage handling, etc., will be reimbursed up to a maximum of 15 percent of the bill. The cost of long distance telephone calls to the city will be reimbursed.
- (7) *Advances and prepaid fees.* The city will pay registration, lodging and transportation (air, train, bus, rental car) to the vendor, provided a supervisor approved travel and training expense report with back-up documentation is presented to the finance department within 15 days of the travel date. An advance for 75 percent of the estimated out of pocket travel expenses may be made to an employee.
- (8) *Responsibilities.* A travel and training expense report must be submitted to the authorizing supervisor prior to travel. It is the responsibility of the employee incurring the expense to fill out a travel authorization form before traveling and obtain the necessary approvals within their department. The employee is also responsible for completion of a travel and training report when they return, obtain the necessary approvals and file it with the finance department. A fully itemized travel and training expense report, including original receipts, along with any unexpended portion of the advance, must be submitted to the finance

Attachment: ARTICLE_V ___ PERSONNEL_CODE (1868 : Honesty)

department within ten business days of the close of the authorized travel period for which expenses have been advanced.

- (9) *Documentation.* Claims for reimbursement must be accompanied by an original vendor receipt or bank charge slip showing the amount paid and items/services received.

Reimbursement will not be paid for expenses for spouses, guests or other persons not authorized to receive reimbursement under this policy or state regulations. One person may claim reimbursement for several employees or officials dining together, as long as all the names are listed on the reimbursement claim.

Sec. 2-237. - Participation in political activities.

- (1) Employees are prohibited from bringing their political affiliations to bear on their official duties. Political activities of employees that are prohibited during working hours include, but are not limited to:
- (a) Campaigning, fund raising or other partisan political activities on city premises while in the performance of duties and responsibilities as an employee of the city.
 - (b) Use of official work time or unauthorized use of city resources for political activity.
 - (c) Promising any employment, work, compensation or other benefits as consideration, favor or reward for political activity.
 - (d) Performing political activities at the direction of a supervisor, department head or other city official.
 - (e) Using status or position as a city employee in an endorsement or solicitation of votes in an election.
 - (f) Wearing or displaying any button, badge or sticker relevant to any political issue or candidate during working hours.
- (2) City employees engaged in political activities while off duty should clearly act as private individuals and not convey the impression that they are acting in their official capacity as city employees.

Secs. 2-238—2-259. - Reserved.

DIVISION 3. - ETHICS

Sec. 2-135. - Declaration of policy.

- (a) It is declared that high moral and ethical standards among city officials and employees are essential to the conduct of free government. The common council believes that a code of ethics for the guidance of city officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the people of Mequon in their officials and employees.
- (b) It is the intent of the common council that the ethics board in its operations shall protect to the fullest extent possible, the rights of individuals affected.

Sec. 2-136. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Anything of value means any money or property, favor, service, payment, advance, forbearance, loan or promise of future employment, but does not include compensation and expenses paid by the city, fees and expenses of more than \$100.00 which are permitted and reported to the ethics board under section 2-140(b), political contributions which are reported under Wis. Stats. ch. 11, or hospitality extended for a purpose unrelated to city business by a person other than an Organization.

Associated, when used with reference to an organization, includes any organization:

- (1) In which an individual or a member of his or her immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least ten percent of the outstanding equity, voting rights, or outstanding indebtedness, or
- (2) Of which an individual or a member of his or her immediate family is an authorized representative or agent.

Board means the ethics board.

City official or employee means any individual employed by or holding an office or position, whether elected or appointed, paid or unpaid, full-time or part-time, as the case may be, (including members of councils, boards, committees, commissions or similar entities), but not including an office of position subject to the jurisdiction of the fire and police commission.

Immediate family means:

- (1) An individual's spouse; and
- (2) An individual's relatives by marriage, lineal descent or adoption.

Internal revenue code has the meaning given under Wis. Stats. § 71.01(5).

Ministerial action means an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the individual's own judgment as to the propriety of the action being taken.

Organization means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic.

Sec. 2-137. - Standards of conduct.

- (a) *Generally*. The common council hereby reaffirms that a city official or employee holds his or her position as a public trust, and any effort to realize substantial personal gain through official conduct is a violation of that trust. This division does not prevent any city official or employee from accepting other employment or following any pursuit which in no way interferes with the

full and faithful discharge of his or her duties to this city. The common council further recognizes that city officials and employees are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government; that city officials and employees retain their rights as citizens to interests of a personal or economic nature; that standards of ethical conduct for city officials and employees need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are substantial and material and that city officials and employees may need to engage in employment, professional or business activities, other than official duties, in order to support themselves or their families and to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the provisions of this division.

(b) *Prohibited practices.*

- (1) No city official or employee may use his or her public position or office to obtain financial gain or anything of substantial value for the city official's or employee's private benefit or that of his or her immediate family, or for an organization with which he or she is associated. This subsection does not prohibit an elected official from using the title or prestige of his or her office to obtain contributions permitted and reported under Wis. Stats ch. 11.
- (2) No person may offer or give to a city official or employee, directly or indirectly, and no city official or employee may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the city official's vote, the city official's or employee's official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the city official or employee. This subsection does not prohibit a city official or employee from engaging in outside employment.
- (3) No city official or employee may intentionally use or disclose information gained in the course of or by reason of his or her official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family, or for any other person, if the information has not been communicated to the public or is not public information. This provision shall not be interpreted to prevent such city official or employee from reporting violations of this division or other illegal acts to the proper authorities.
- (4) No city official or employee may use or attempt to use his or her position to influence or gain unlawful benefits, advantages or privileges for himself or herself or others.
- (5) No city official or employee, member of such city official's or employee's immediate family, nor any organization in which the city official or employee or a member of such city official's or employee's immediate family owns or controls at least ten percent of the outstanding equity, voting rights, or outstanding indebtedness may enter into any contract or lease with the City of Mequon involving a payment or payments of more than \$3,000.00 within a 12-month period unless the city official or employee has first made written disclosure of the nature and extent of such relationship or interest to the board and to the department involved in regard to the contract or lease. Any contract or lease entered into in violation of this subsection may be voided by the city in an action commenced within three years of the date on which the board, or the department or officer acting for the city in regard to the allocation of funds from which such payment is derived, knew or should have known that a violation of this subsection had occurred. This subsection does not affect the application of Wis. Stats. § 946.13.
- (6) No city official or employee may represent a person for compensation before a city department or any employee thereof, council, board, committee, commission or similar entity, except:
 - a. In a contested case which involves a party other than the city with interests adverse to those represented by the city official or employee; or

- b. At an open hearing at which a stenographic or other record is maintained; or
- c. In a matter that involves only ministerial action by the department.

This subsection does not apply to representation by a city official or employee acting in his or her official capacity.

- (7) No former city official or employee for 12 months following the date on which he or she ceases to be a city official or employee, may, for compensation:
 - a. On behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employee of a department with which he or she was associated as a city official or employee within 12 months prior to the date on which he or she ceased to be a city official or employee.
 - b. On behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any official or city employee of a department in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding which was under the former city official's or employee's responsibility as a city official or employee, within 12 months prior to the date on which he or she ceased to be a city official or employee.
 - c. On behalf of any party other than the city, act in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding in which the former city official or employee participated personally and substantially as a city official or employee.
- (8) No city official or employee may dishonestly obtain financial gain or anything of substantial value for the city official's or employee's private benefit or that of his or her immediate family, or for an organization with which he or she is associated.**
- (9) No city official or employee may, in that official's or employee's official capacity dealing with the public or other city officials or employees, communicate any material fact that:
 - a. is materially untrue; and
 - b. the official or employee knew to be untrue when communicated or that the official or employee communicated with a reckless disregard for the truth.
- (c) *Inquiries by city official.* This section does not prohibit an elected city official from making inquiries for information on behalf of a person or organization or from representing a person or organization before a department if he or she receives no compensation therefor beyond the salary and other compensation or reimbursement to which the elected city official is entitled by law.

Sec. 2-138. - Conflict of interest prohibited; exception.

- (a) Except in accordance with the board's advice under subsection (b) and except as otherwise provided in subsection (c), no city official or employee may:
 - (1) Take any official action substantially affecting a matter in which the city official or employee, a member of his or her immediate family, or an organization with which such city official or employee is associated has a substantial financial interest.
 - (2) Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the city official or employee, one or more members of the city official's or employee's immediate family either separately or together, or an organization with which the city official or employee is associated.
- (b) Advisory opinions.

- (1) Any individual, and specifically including former city officials and employees, either personally or on behalf of an organization or governmental body, may request of the board an advisory opinion regarding the propriety of any matter or matters to which the person is or may become a party, and any appointing officer, with the consent of a prospective appointee, may request of the board an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The board shall review a request for an advisory opinion and may advise the person making the request.
 - (2) Advisory opinions and requests therefor shall be in writing. Requests for advisory opinions, records obtained or filed in connection with requests for advisory opinions and advisory opinions rendered shall be closed in whole to public inspection. The board's deliberations and actions upon requests shall be in meetings not open to the public. It is prima facie evidence of intent to comply with this division when a person refers a matter to the board and abides by the board's advisory opinion if the material facts are as stated in the opinion request.
 - (3) No member of the board may make public the identity of the individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion. This shall not be interpreted to preclude the board from compiling or publishing summaries of opinions rendered if no identification of the requestor or any organization identified in the opinion is made. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person is deemed to have waived the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the board in connection with the request for an advisory opinion.
- (c) This section does not prohibit a city official or employee from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a city official or employee from taking official action with respect to any proposal to modify law.

Sec. 2-139. - Exception: honorariums, fees and expenses.

- (a) Generally. Every city official and employee is encouraged to meet with clubs, conventions, special interest groups, political groups, school groups and other gatherings to discuss and to interpret legislative, administrative, executive or judicial processes and proposals and issues initiated by or affecting any city department or agency.
- (b) Reporting required:
 - (1) Except as provided in subsection (b)(2) of this section, every city official and employee who receives for a published work or for the presentation of a talk or participation in a meeting, any lodging, transportation, money or other thing with a combined pecuniary value exceeding \$100.00 excluding the value of food or beverage offered coincidentally with a talk or meeting shall, in the manner prescribed by the city administrator, report the identity of every person from whom the city official or employee receives such lodging, transportation, money or other thing of pecuniary value during his or her preceding taxable year, the circumstances under which it was received and the approximate value thereof.
 - (2) A city official or employee need not report under subsection (b)(1) of this section information pertaining to any lodging, transportation, money or other thing of pecuniary value which:
 - a. The city official or employee returns to the payor within 30 days of receipt.
 - b. The city official or employee can show by clear and convincing evidence was unrelated to and did not arise from the recipient being or having been a city official or employee and was made for a purpose unrelated to the purpose specified in subsection (a).

- c. The city official or employee has previously reported to the board as a matter of public record.
 - d. Is paid by the city.
- (c) Notwithstanding section 2-138:
- (1) A city official or employee may receive and retain reimbursement or payment of actual and reasonable expenses and an elected city official or employee may retain reasonable compensation for a published work or for the presentation of a talk or participation in a meeting related to topic specified in subsection (a) if the payment or reimbursement is paid or arranged by the organizer of the event or the publisher of the work.
 - (2) A city official or employee may receive and retain anything of value if the activity or occasion for which it is given is unrelated to the city official's or employee's use of the city's time, facilities, services or supplies not generally available to city residents and, the city official or employee can show by clear and convincing evidence that the payment or reimbursement was unrelated to and did not arise from the recipient's holding or having held a public office and was paid for a purpose unrelated to the purposes specified in subsection (a).
 - (3) A city official or employee may receive and retain from the city, or on behalf of the city, transportation, lodging, meals, food or beverage, or reimbursement therefor or payment or reimbursement of actual and reasonable costs that the city official or employee can show by clear and convincing evidence were incurred or received on behalf of the city and primarily for the benefit of the city and not primarily for the private benefit of the city official or employee or any other person.
 - (4) A city official or employee may receive and retain from a political committee under Wis. Stats. ch. 11 transportation, lodging, meals, food or beverage, or reimburse therefor a payment or reimbursement of costs permitted and reported in accordance with Wis. Stats. ch. 11.
- (d) If a city official or employee receives a payment not authorized by this division, in cash or otherwise, for a published work or a talk or meeting, the city official or employee may not retain it. If practicable, the city official or employee shall deposit it with the city treasurer. If that is not practicable, the city official or employee shall return it or its equivalent to the payor or convey it to a charitable organization other than the one with which he or she is associated.

Sec. 2-140. - Organization, composition and operation of the board of ethics.

- (a) *Creation.* There is recreated an ethics board of the City of Mequon.
- (b) *Purpose.* The ethics board shall advise the common council with respect to appropriate rules of ethics which shall govern city officials and employees in their duties, and shall administer the city ethics code including rendering advisory opinions, undertaking investigatory inquiries, and conducting enforcement hearings.
- (c) *Membership and term of office.* The Mequon ethics board shall consist of nine members who are residents of the city and shall serve without compensation unless the common council otherwise provides. Members of the board of ethics shall not be elected officials, persons appointed to elective office, full-time appointed officials whether exempt or nonexempt, or city employees, nor shall they be currently serving on any other city board or commission. Board members shall be selected in the following manner and shall be submitted by the mayor to the common council for confirmation. Each alderman shall appoint a resident of his/her aldermanic district. If during his or her term, the member shall no longer reside in such district but continues to reside in the city, he or she may serve until a successor is duly appointed. The mayor shall make one appointment of a resident of any aldermanic district. All appointees shall be subject to confirmation by the common council. Terms of office shall be three years and shall be coterminous with the terms of office of the city official making the appointment.

- (d) *Chairman.* The members of the board shall select their own officers.
- (e) *Quorum.* Five members shall constitute a quorum for the transaction of the business of the ethics board.
- (f) *Meetings.* Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine.

Sec. 2-141. - Duties of the board.

The board may:

- (1) Adopt written rules as may be necessary to carry out this chapter. A copy of the rules shall be filed with the city clerk. The board shall give prompt notice of the contents of its rules to city officials and employees who will be affected thereby.
- (2) Prescribe and make available forms as may be necessary for use under this chapter.
- (3) Retain outside counsel and other experts, including without limitation clerical support and court reporting service for hearings as needed after solicitation of recommendations from the city attorney and upon contract for services approved for form and content by the city attorney.
- (4) Designate the person who shall act as legal custodian and accept and file any information related to the purposes of this chapter, which is voluntarily supplied by any person in addition to the information required by this chapter.
- (5) Prepare and publish special reports and technical studies, as the board deems appropriate, to further the purposes of this chapter.

Sec. 2-142. - Complaints.

- (a) The board shall accept from any individual, either personally or on behalf of an organization or governmental body, a complaint in writing verified under oath which states the names of any person alleged to have committed a violation of this chapter and which sets forth the particulars thereof. The board shall within ten days following receipt of the verified complaint, forward to the accused a copy of the complaint and a general statement of the applicable provisions with respect to such verified complaint.
 - (1) If the board determines that the verified complaint does not allege facts sufficient to constitute a violation of this chapter, it shall dismiss the complaint and notify the complainant and the accused.
 - (2) If the board determines that the verified complaint alleges facts sufficient to constitute a violation of this chapter, it may make an investigation with respect to any alleged violation.
 - (3) If the board determines that the verified complaint was brought for harassment purposes, the board shall so state.
- (b) Following the receipt of a verified complaint or upon the receipt of other information, whether or not under oath, that provides a reasonable basis for the belief that a violation of this chapter has been committed or that an investigation of a possible violation is warranted, the board may investigate the circumstances concerning the possible violation. Prior to invoking any power under section 2-143, the board shall authorize an investigation by a motion of the board which shall state the nature and purpose of the investigation and the actions or activities to be investigated. Upon adoption of a motion, the board shall notify each person who is the subject of the investigation pursuant to subsection (3). If the board, during the course of an investigation, finds probable cause to believe that a violation of this chapter has occurred, it may:
 - (1) If no verified complaint has been filed, make upon its own motion a verified complaint, which shall be in writing, shall state the name of the person who is alleged to have

committed a violation of this chapter and shall set forth the particulars thereof. The board shall forward to the accused within ten days a copy of the complaint, a general statement of the applicable provisions with respect to such verified complaint and a specific statement enumerating the source or sources of information upon which the complaint is based.

- (2) If a verified complaint has been filed and the board finds probable cause to believe that a violation of this chapter, other than one contained in the complaint, has occurred, it may amend the complaint, upon its own motion, to include such violations. If the complaint is so amended by the board, a copy of the amendment shall be sent to the person complained against within 48 hours.
- (c) Upon adoption of a motion authorizing an investigation under subsection (b), the board shall mail a copy of the motion to each alleged violator who is identified in the motion together with a notice informing the alleged violator that the person is the subject of the investigation authorized by the motion and a general statement of the applicable provisions with respect to such investigation. Service of the notice is complete upon mailing.
- (d) No action may be taken on any complaint which is filed later than three years after a violation of this chapter is alleged to have occurred.

Sec. 2-143. - Additional powers of the board.

Pursuant to any investigation or hearing conducted under this chapter, the board has the power:

- (1) To require any person to submit in writing such reports and answers to questions relevant to the proceedings conducted under this chapter as the board may prescribe, such submission to be made within such period and under oath or otherwise as the board may determine.
- (2) To administer oaths and to require by subpoena issued by it the attendance and testimony of witnesses and the production of any documentary evidence relating to the investigation or hearing being conducted. Issuance of a subpoena requires action by the board in accordance with this chapter.
- (3) To order testimony to be taken by deposition before any individual who is designated by the board and has the power to administer oaths, and, in such instances, to compel testimony and the production of evidence in the same manner as authorized by subsection (2).
- (4) To pay witnesses the same fees and mileage as are paid in like circumstances by the courts of this state.
- (5) To request and obtain from the department of revenue copies of state income tax returns and access to other appropriate information under Wis. Stats. § 71.78(4), regarding all persons who are the subject of such investigation.
- (6) To retain outside counsel and other experts as needed after solicitation of recommendations from the city attorney and upon such contract for services approved for form and content by the city attorney.

Sec. 2-144. - Probable cause of violation.

- (a) At the conclusion of its investigation, the board shall, in preliminary written findings of fact and conclusions based thereon, make a determination of whether or not probable cause exists to believe that a violation of this chapter has occurred.
- (b) If the board determines that no probable cause exists, it shall immediately send written notice of such determination to the accused and to the party who made the complaint.
- (c) If the board determines that there is probable cause for believing that a violation of this chapter has been committed:

- (1) Its preliminary findings of fact and conclusions may contain an order setting a date for hearings to determine whether a violation of this chapter has occurred. The board shall serve the order upon the accused.
- (2) A hearing ordered under this subsection shall be commenced within 30 days after the date it is ordered unless the accused petitions for and the board consents to a later date.
- (3) Prior to any hearing ordered under this subsection, the accused is entitled to full discovery rights, including adverse examination of witnesses who will testify at the hearing at a reasonable time before the date of the hearing.
- (4) The board shall inform the accused or his or her counsel of exculpatory evidence in its possession.

Sec. 2-145. - Hearing procedure.

- (a) Any hearing by the board shall be conducted in accordance with the following provisions:
 - (1) The city official or employee must be given at least 20 days notice of the hearing date.
 - (2) The rules of evidence shall apply to the hearing. All evidence, including certified copies of records and documents which the board considers shall be fully offered and made part of the record in the case. A verbatim transcript of the testimony shall be made. Each party shall be afforded adequate opportunity to rebut or offer countervailing evidence.
 - (3) During the entire hearing conducted under the provisions of this chapter, the city official or employee or any person whose activities are under investigation shall be entitled to be represented by counsel of his or her choosing. The board shall immediately disclose and forward to the city official or employee or his or her counsel any evidence which is possessed that may tend to clear the city official or employee.
 - (4) The city official or employee or his or her representative shall have an adequate opportunity to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing, to bring witnesses to establish all pertinent facts and circumstances, and to question or refuse any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses. Upon the request of the officer involved, the board shall subpoena named individuals to appear as witnesses at the hearing, if such action is necessary to compel their attendance.
 - (5) The board shall have the power to compel the attendance of witnesses and to issue subpoenas for books, records, documents or papers therein to be designated under the authority granted to it by Wis. Stats. § 88.501(3).
- (b) The board may request the Wisconsin department of revenue for permission to have a designated public officer examine the income tax returns of the city officials or employee whose conduct or activities are under consideration by the board. The examination of the city official's or employee's income tax returns shall be in accordance with Wis. Stats. § 71.78(4).
- (c) The board may appoint a hearing examiner to conduct hearings under this section. The board may also retain outside counsel and other experts as needed with respect to hearings in accordance with its policies. The selection of a hearing examiner and outside counsel or other experts and any contract for such persons shall be made after solicitation or recommendations from the city attorney and the contract shall be approved for form and content by the city attorney. Any person whose name is mentioned or who is otherwise identified during a hearing being conducted by the board and who, in the opinion of the board, may be adversely affected thereby, may, upon request of the person or representative of the person, or upon the request of any member of the board, appear at the hearing to testify on his or her own behalf or have a representative appear to so testify, and the board may permit any other person to appear and to testify at a hearing.

- (d) The board shall not find a violation of this chapter except upon clear and convincing evidence admitted at the hearing.
- (e) After the conclusion of the hearing the board shall as soon as practicable begin deliberations on the evidence presented at such hearing and shall then proceed to determine whether the accused has violated this chapter.

Sec. 2-146. - Determinations; board actions; penalties.

- (a) If the board determines that no violation of this chapter has occurred, it shall immediately send written notice of such determination to the accused and to the party who made the complaint.
- (b) If the board determines that a violation of this chapter has occurred, the board shall set forth its findings of fact and conclusions. According to such findings of fact and conclusions, the board may admonish the city official or employee, reprimand the city official or employee, make recommendations to the appropriate appointing authority or where it is determined that criminal misconduct or malfeasance may have occurred, the board shall refer the matter to the district attorney.
- (c) Decisions of the ethics board shall be final and not subject to appeal or review by any city department or any employee thereof or by any council, board, committee, commission or similar entity or member thereof. Nothing herein shall limit the right of any person to pursue legal remedies otherwise available.

Sec. 2-147. - Reimbursement of legal expenses.

City funds shall be used to reimburse city officials and employees for reasonable legal expenses incurred in their successful defense of charges filed against them with the board, including when the matter is dismissed before hearing or determination as to whether a violation of the code was committed.

Sec. 2-148. - Public inspection of records.

- (a) Except as provided in subsection (b) of this section, all records in the possession of the Board are open to public inspection at all reasonable times.
- (b) Notwithstanding subsection (a) of this section, the following records in the board's possession are not open for public inspection.
 - (1) Records obtained in connection with a request for an advisory opinion other than summaries of advisory opinions that do not disclose the identity of individuals requesting such opinions or organizations on whose behalf they are requested. The board may, however, make such records public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested.
 - (2) Records obtained or prepared by the board in connection with an investigation, except that the board shall permit inspection of records that are made public in the course of a hearing by the board to determine if a violation of this chapter has occurred.

Secs. 2-149—2-179. - Reserved.



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Office of Administration

TO: Public Welfare Committee
FROM: William Jones, City Administrator
DATE: September 13, 2016
SUBJECT: Review of City Boards, Commissions & Committees

Background

Earlier this year, the Public Welfare Committee initiated a process to comprehensively review existing ordinance language and consider enabling ordinance language for all of the City’s Boards, Commissions and Committees. Due to the press of other pending matters that are currently before the Committee, commencement of the subject review has been postponed until the Committee’s September meeting.

Analysis

It is anticipated that the Committee will devote a substantial amount of time at the September 13 meeting to reviewing and developing consensus on draft ordinance language previously prepared by Alderman Wirth.

This includes a proposed general ordinance that would be applicable to most/all of the City’s Boards and Committees, as part of an overall effort to standardize provisions and eliminate redundancy/inconsistencies. Also included are current and proposed ordinances for three City committees, including the **Board of Review, Economic Development Board and Park Board.**

In addition, enabling ordinances which govern establishment and administration of several of the City’s other Boards and Committees have been included with this agenda item, for preliminary review and/or discussion by the Public Welfare Committee. These include existing ordinances for the **Architectural Board, Board of Appeals, Joint Bikeway & Pedestrian Way Commission, Open Space Preservation Commission, Opitz Cemetery Board, Milwaukee River Advisory Committee and Tree Board.**

In order to accelerate and streamline the Committee’s review, the Public Welfare Committee may wish to pursue the following suggested work schedule, which proposes to ensure completion of this analysis by the end of 2016. As discussed in July, this may require the Committee to convene additional meetings over the next several months.

MONTH	TASK
September	Review of Existing & Proposed Ordinance Amendments
October	Review of Proposed & New Ordinance Amendments
November	Proposed Amendments to Boards & Committees for Review
December	Proposed Amendments Finalized by Committee, City Attorney
January	Proposed Amendments Considered by Common Council

Recommendation

Considerable time has been set aside at the Committee's meeting on September 13 to commence a workshop-style review of existing (and in some cases) proposed language for approximately half of the City's 19 boards and committees. Should the Committee wish to schedule additional meetings beyond its regularly scheduled monthly meeting on the second Tuesday of each month, City staff is available to facilitate such, with an eye towards completing this project before the end of 2016.

Attachments:

- 1) Memorandum Dated May 11, 2016 from Alderman John Wirth, Including A Copy of a Draft General Ordinance for All City Boards, Commissions & Committees and Existing and Proposed Ordinance Language for:
 - Board of Review
 - Economic Development Board
 - Park Board

- 2) Existing and Proposed Ordinance Language for:
 - Architectural Board
 - Board of Appeals
 - Joint Bikeway & Pedestrian Way Commission
 - Open Space Preservation Commission
 - Opitz Cemetery Board
 - Milwaukee River Advisory Committee
 - Tree Board

Attachments:

WIRTH MEMORANDUM - 5.11.16(PDF)



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Common Council

TO: Public Welfare Committee

FROM: John Wirth, Alderman, District 4

DATE: May 11, 2016

SUBJECT: Review of Boards, Commissions and Committees

The city has 19 boards, commissions and committees (each a “committee” and collectively the “committees”), excluding the common council’s four standing committees, the committee of the whole, the sewer utility commission, the water utility commission and the appropriations committee.

Last Review

About a decade ago, the Public Welfare Committee (“PWC”) conducted a review of all of the committees. PWC attempted to standardize the language in the ordinances that create the committees (“creating ordinances”); to eliminate unnecessary committees; to right-size committees; and to ensure that the purpose, powers and duties of the committees were appropriate and accurate. PWC reviewed a couple at a time, conferred with each of the committees, and made revisions. Amended ordinances for all or substantially all of the committees were ultimately adopted by the common council.

The goal of standardizing similar language in the creating ordinances was only partially successful. The aldermen on PWC changed part way through the process, making some of the later amendments different than the earlier amendments. Additional inconsistencies were created through the subsequent recodification of the city’s code, the amendment of some of the creating ordinances and the creation of new committees.

Besides inconsistency, there are flaws in the creating ordinances ultimately adopted. For example, a couple of the creating ordinances contain actual misspellings and grammatical errors. More significantly, some of the creating ordinances require the appointment of committee members at the organizational common council meeting but fail to specify how vacancies should be filled; many fail to specify when terms actually terminate (with only an implication that they end at an organizational common council meeting); and some contain ambiguous language.

Attachment: WIRTH MEMORANDUM - 5.11.16 (1876 : Boards Commission Review)

Proposal

I suggest that PWC undertake a similar process. However, I do not think amendments should be sent to the common council until a substantial portion of PWC's work is completed. Otherwise, if PWC determines, as it goes through later ordinances, that improvements should be made, it will not be able to make them to the earlier adopted ordinances.

I have done a substantial amount of work to advance PWC's work. I have pulled together copies of the initial ordinances for all of the committees and prepared initial drafts of amendments for most of them. I am not suggesting that what I have done is necessarily a final product; however, it provides a starting point for PWC's efforts.

I propose that we reorganize these ordinances as follows:

1. Create a General Ordinance. I propose that we create a standard ordinance containing provisions that apply to all of the committees except as varied in the creating ordinance for a committee. That will eliminate unnecessary duplication of the same language in all of the creating ordinances and will prevent unintentional inconsistency among the ordinances. A draft of a proposed general ordinance is attached to this memorandum along with three samples of creating ordinances.

2. Group the Creating Ordinances Together. Chapter 2, Article IX of the Mequon code of ordinances contains creating ordinances for eight of the committees. The creating ordinance for the planning commission is a charter ordinance and, therefore, is grouped with the other charter ordinances. Five of the other committees are sprinkled throughout the code. The final five are not created through an ordinance in the code of ordinance.

I would put all of the creating ordinances in Chapter 2, Article IX. This makes it easier to find them and to determine precisely what committees the city has. The planning commission ordinance, as a charter ordinance, needs to stay with the charter ordinances; however, it can contain a cross-reference to Chapter 2, Article IX.

3. Other Committees. A couple of the committees are created by ordinance or statute. We might codify provisions for those committees or leave them as is.

Process

I propose that we follow the following process:

STEP 1: PWC would review the proposed general ordinance and several of the creating ordinances to determine whether PWC generally agrees with the concept and terms of the general ordinance.

STEP 2: I would finish creating a draft of all of the creating ordinances based on the general ordinance and the existing provisions of the code. I would not make any substantive changes.

STEP 3: After staff review and a cursory review by PWC, these drafts would be sent to each of the committees for their input. NOTE: Changes to three of the committees (Library Board, Milwaukee River Advisory Committee and Joint Mequon-Thiensville Bike and Pedestrian Way Commission) might, depending on the changes, require action by Thiensville. That can only be determined after PWC examines those ordinances.

STEP 4: PWC would review the input from the committees and finalize its work as input is received.

STEP 5: The proposed ordinances would go to the common council when PWC finishes all of its work.

List of the Committees

Architectural Board	
Board of Appeals	
Board of Review	
Branding Committee	Not in code of ordinances
Economic Development Board	
Ethics Board	
Festivals Committee	Not in code of ordinances
Hiram Schmitt Fund	Not in code of ordinances
Joint Mequon-Thiensville Bike and Pedestrian Way Commission	Involves Thiensville
Landmarks Commission	
Library Board	Involves Thiensville
Mequon Nature Preserve, Inc.	Not in code of ordinances
Open Space Preservation Committee	
Opitz Cemetery Board	
Park Board	
Planning Commission	
Police and Fire Commission	Not in code of ordinances
Milwaukee River Advisory Committee	Involves Thiensville
Tree Board	

Attachment: WIRTH MEMORANDUM - 5.11.16 (1876 : Boards Commission Review)

Attachments

1. General Ordinance
2. Board of Review – proposed ordinance
3. Board of Review – existing ordinance
4. Economic Development Board – proposed ordinance
5. Economic Development Board – existing ordinance
6. Park Board – proposed ordinance
7. Park Board – existing ordinance

GENERAL ORDINANCE

Attachment: WIRTH MEMORANDUM - 5.11.16 (1876 : Boards Commission Review)

ARTICLE IX. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 1. – GENERALLY

<p>Sec. 2-416. - Generally.</p> <p>As used in this division, “committee” means a board, commission, committee or other body established or maintained pursuant to this article IX. The provisions in this division apply to all committees unless otherwise specified for a particular committee. Appointments made and terms of office established prior to the enactment of this ordinance are not affected by this ordinance.</p>	
<p>Sec. 2-417. - Citizen members.</p> <p>(a) A citizen member is a full participating and voting member of a committee.</p> <p>(b) As specified for a particular committee, citizen members are either appointed by the mayor or a common council member, or are nominated by such an elected official and approved by the common council.</p> <p>(c) Citizen members serve without compensation.</p>	<p>This section is very consistent with provisions in the various creating ordinances.</p>
<p>Sec. 2-418. - Alternate citizen members.</p> <p>(a) An alternate citizen member may participate and vote in the absence or recusal of a citizen member or when a citizen member vacancy occurs until such vacancy is filled.</p> <p>(b) Unless otherwise specified for a particular committee, alternate members are nominated by the mayor and approved by the common council.</p> <p>(c) Unless the number of alternate members is specified for a committee, the mayor may determine from time to time how many alternate members to nominate to the committee. If more than one alternate citizen member is appointed, the mayor shall designate the order in which the alternate citizen members shall have the option to serve.</p>	<p>This section describes alternate citizen members.</p> <p>Current ordinances specify the number of alternate members for particular committees. Adding an additional alternate requires an ordinance change. Paragraph (c) leaves the discretion with the mayor.</p>

GENERAL ORDINANCE

<p>(d) The terms of alternate citizen members terminate as of the organizational common council meeting following appointment.</p> <p>(e) Alternate citizen members serve without compensation.</p>	
<p>Sec. 2.419. - Qualifications: citizen members and alternate citizen members.</p> <p>(a) Citizen members and alternate citizen members shall be adults and live in the city. If a member or alternate member ceases to live in the city on at least a part time basis, he or she shall be deemed to have resigned.</p> <p>(b) No citizen member or alternate citizen member shall be an elected official of the city at the time appointed. If a citizen member or alternate citizen member subsequently becomes an elected official of the city, he or she shall be deemed to have resigned upon being elected and qualified.</p>	<p>Some of the current creating ordinances contain these restrictions, and some do not. PWC should decide whether these should apply to all committees or only to some committees.</p> <p>Note that Paragraph (b) is a requirement for the Board of Review under state law.</p>
<p>Sec. 2.420. - Appointment and commencement of term: citizen members and alternate citizen members.</p> <p>(a) Unless appointment is subject to common council approval, a citizen member or alternate citizen member takes office and his or her term commences when the elected official making the appointment notifies the city clerk of the appointment, the appointee executes his or her oath of office and returns such oath to the city clerk, and the term of any incumbent being replaced terminates.</p> <p>(b) If appointment is subject to common council approval, the elected official nominating the citizen member or alternate citizen member shall notify the city clerk of the nomination and the nominee shall complete a nomination sheet in the form then used by the city. The city clerk shall then place the nomination on the next common council agenda after adequate notice, and the common council shall vote on the proposed appointment. If the common council approves the appointment, the city clerk shall notify the nominee of his or her confirmation, and the nominee shall take office and his or her term commences when he or she executes his or her oath of office and returns such oath to the city clerk, and the term of any incumbent being replaced terminates.</p>	<p>This section clarifies when an appointment begins.</p>

Attachment: WIRTH MEMORANDUM - 5.11.16 (1876 : Boards Commission Review)

GENERAL ORDINANCE

<p>Sec. 2.421. - Aldermanic representatives and alternate aldermanic representatives.</p> <p>(a) This section only applies if an aldermanic representative is specified for a committee.</p> <p>(b) The aldermanic representative shall be nominated by the common council president and confirmed by the common council by a majority vote at the organizational common council meeting.</p> <p>(c) The aldermanic representative shall serve and be a voting member to the same extent as the citizen members.</p> <p>(d) The common council may, at its option, (1) appoint one or more alternate aldermanic representatives who shall serve and vote in place of the aldermanic representative in the absence or recusal of the aldermanic representative; or (2) appoint two aldermen to serve as the aldermanic representative. If two aldermen are appointed as the aldermanic representative, those aldermen shall alternate meetings, but either alderman may substitute for the other in the absence or recusal of the alderman scheduled to appear at a particular meeting.</p> <p>(e) Aldermanic representatives and alternate aldermanic representatives serve one-year terms, each terminating as of the organizational common council meeting following appointment.</p>	<p>This section is very consistent with provisions in the various ordinances that provide for aldermanic representatives.</p> <p>Current ordinances do not provide for multiple alternates; however, over the past couple of years, the common council has adopted this practice. Paragraph (d) provides authority for that practice.</p>
<p>Sec. 2.422. - Removal from committee.</p> <p>Unless prohibited by applicable law, a citizen member or alternate citizen member may be removed from office prior to the expiration of his or her term by a two-thirds vote of the common council. An officer of a committee is automatically removed from that office upon removal from the committee.</p>	<p>Current ordinances do not provide a means for removing a citizen member from a committee. PWC should consider including a provision like this in case a citizen member is charged with a serious crime (do we really want a child molester serving on a committee?).</p>

Attachment: WIRTH MEMORANDUM - 5.11.16 (1876 : Boards Commission Review)

GENERAL ORDINANCE

<p>Sec. 2.423. - Vacancies.</p> <p>Upon the death, resignation or removal of any member or alternate member, a replacement may be appointed to fill the remaining term of such member or alternate member. The replacement shall be nominated and confirmed in the same manner as the member or alternate member being replaced.</p>	<p>Most of the current ordinances do not provide specific authority for filling a vacancy.</p>
<p>Sec. 2-424. - Chair and officers.</p> <p>(a) A chair shall be appointed in the manner specified for the committee. The appointment shall expire as of the organizational common council meeting following appointment. If a vacancy occurs in the chair, the vacancy shall be filled for the balance of the term in the same manner as originally appointed.</p> <p>(b) In the absence or upon recusal of the chair, or until a vacancy in the chair is filled and qualified, the vice-chair, if any, shall serve as acting chair. If there is no vice-chair, the aldermanic representative, if any, shall serve as acting chair. If there is no aldermanic representative, then the committee shall choose the acting chair. In the event that the aldermanic member shall become acting chair, and the alternate aldermanic member shall be in attendance, he or she may assume the aldermanic seat for the period that the aldermanic representative serves as chair.</p> <p>(c) The chair shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert’s Rules of Order Revised, unless otherwise provided by state law or this Code. Any member shall have the right of appeal from a decision of the chair. The appeal may be sustained by a majority of the members present, exclusive of the chair.</p> <p>(d) The committee may appoint subcommittees and such other officers as it deems necessary. No appointment of a subcommittee or an officer shall extend beyond the next organizational common council meeting.</p>	<p>Some of the current ordinances provide some of these provisions.</p> <p>Paragraph (a) adds a term for chairs and a provision allowing for their replacement if there is a vacancy.</p> <p>Paragraph (b) specifies the manner for selecting a chair to run a meeting if the chair is absent or has to recuse himself or herself. Some creating ordinances have provisions, but most do not.</p> <p>Paragraphs (c) and (d) are contained in some creating ordinances.</p>

Attachment: WIRTH MEMORANDUM - 5.11.16 (1876 : Boards Commission Review)

GENERAL ORDINANCE

<p>Sec. 2-425. - Quorum.</p> <p>The number of members specified as a quorum for a committee is the number of members, including any alternates serving in the stead of other members, required to be present in order to transact business.</p>	<p>This clarifies and standardizes the quorum provisions of the creating ordinances.</p>
<p>Sec. 2-426. - Action of the committee.</p> <p>Unless otherwise required by law, an affirmative vote of a majority of the members present at a meeting (including any alternates serving in the stead of other members) at which a quorum is present shall constitute the action of the committee.</p>	<p>This clarifies and standardizes the voting provisions for committees.</p>
<p>Sec. 2-427. - Meetings, agenda, minutes and recommendations.</p> <p>(a) The committee shall conduct its first meeting following the organizational common council meeting at a time and place scheduled by, and pursuant to an agenda established by:</p> <ul style="list-style-type: none"> (1) The staff liaison to the committee if the chair is selected by the committee. The first item of business shall be the selection of the chair. (2) The chair if he or she is selected by the mayor. <p>(b) The committee shall conduct all other meetings at scheduled times and places as called by the chair or as determined by the committee at a prior meeting. The chair shall establish the agendas for all such meetings after consultation with city staff.</p> <p>(c) Any member or aldermanic representative may request in writing, at least five business days prior to a meeting, that an item germane to the committee’s purpose, duties or powers be placed on an agenda. If the chair fails to place such item on the agenda for a meeting, the proposing member may, at any meeting, move the committee to have the item placed on the next agenda.</p>	<p>Some of the creating ordinances contain some of these provisions.</p> <p>Paragraph (a) clarifies how the initial meeting is called after the creation of the committee. Often there is no chair to call a meeting.</p> <p>Paragraph (b) standardizes the scheduling of meetings and the creation of agendas.</p> <p>Paragraph (c) provides specific authority for members to have relevant items placed on a committee’s agenda. Arguably, members currently have this right, but most members do not know it.</p>

Attachment: WIRTH MEMORANDUM - 5.11.16 (1876 : Boards Commission Review)

GENERAL ORDINANCE

<p>(d) Written notice of a meeting and the agenda for such meeting shall be delivered to each committee member at least 48 hours in advance of the meeting, in such form as will reasonably apprise the committee members, the public and the press of the date, time and subject matter that is intended for consideration and action at the meeting.</p> <p>(e) Minutes of the meetings and recommendations of the committee shall be submitted to the common council. The minutes shall show the vote of each member upon each question. The minutes shall also show if a member is absent or fails to vote on any question. The city clerk shall retain all such minutes.</p>	<p>Paragraphs (d) and (e) are already contained in some, but not all, of the creating ordinances. They are consistent with current practices.</p>
<p>Sec. 2-428. - Appearances by members of the common council.</p> <p>All members of the common council may be present during any meeting of the committee, including any closed session, and upon being recognized by the chair, may participate in its discussions; however, no member of the common council, other than any aldermanic representative or the alternate aldermanic representative, may bring or second a motion or vote.</p>	<p>This section clarifies the role of common council members at committee meetings.</p>

Attachment: WIRTH MEMORANDUM - 5.11.16 (1876 : Boards Commission Review)

SAMPLE Proposed Ordinance
Board of Review

DIVISION 2. – BOARD OF REVIEW

State Law reference - Board of review, Wis. Stats. § 70.46.

Sec. 2-444. - Creation.

The city shall have a board of review known as the “City of Mequon Board of Review.”

Sec. 2-445. - Purpose.

The board shall receive the annual assessment roll and hear objections by property owners to the assessment valuations of their property.

Sec. 2-446. - Membership, appointment and term of office.

(a) The board shall consist of five citizen members.

(b) The mayor shall nominate the five citizen members, with the appointments being subject to confirmation by the common council. Appointments shall be staggered and for three-year terms, each terminating as of the third organizational common council meeting following appointment.

State Law reference - Board of review membership, Wis. Stats. § 70.46.

Sec. 2-447. - Chair.

The board shall elect a chair from among its members at its first meeting each year following the organizational common council meeting.

Sec. 2-448. - Quorum.

A quorum shall consist of three members.

Sec. 2-449. - Mandatory Meeting.

The board shall meet at least once per year during the 30-day period beginning on the second Monday in May.

State Law reference - Board of review meetings, Wis. Stats. § 70.47(1).

Sec. 2-450. - Powers and duties.

The board shall have the powers and duties prescribed in Wis. Stats. § 70.47.

Secs. 2-451 - 2-468. - Reserved.

DIVISION 2. - BOARD OF REVIEW⁽¹¹⁾

State Law reference— Board of review, Wis. Stats. § 70.46.

Sec. 2-444. - Creation.

There is hereby recreated a board of review.

Sec. 2-445. - Purpose.

The purpose of the board of review is to receive the annual assessment roll, and to hear objections by property owners to the assessment valuations of their property.

Sec. 2-446. - Membership and term of office.

- (a) The board of review shall consist of five citizen members and three alternate citizen members who shall be residents of the City of Mequon, and none of whom shall occupy any public office or be publicly employed.
- (b) At the next organizational meeting following enactment of this division, two members shall be appointed to a one year terms, two members shall be appointed to two-year terms and one member shall be appointed to a three-year term. At the expiration of these initial appointment terms, all subsequent appointments shall be for three years.
- (c) The alternate citizen members shall be appointed to one-year terms.
- (d) All appointments of citizen members and alternate citizen members shall be made by the mayor at the annual organizational meeting and shall be subject to confirmation by the common council. The term of office for all members of the board of review shall commence the day after confirmation.

State Law reference— Board of review membership, Wis. Stats. § 70.46.

Sec. 2-447. - Chairman.

The board shall elect annually one member to serve as chairman to preside over meetings. The board may elect other officers, as it deems necessary.

Sec. 2-448. - Quorum.

Three members shall constitute a quorum for the transaction of business.

Sec. 2-449. - Meetings.

The board shall meet at least once per year during the 30-day period beginning with the second Monday in May. All other meetings shall be at the call of the chairman.

State Law reference— Board of review meetings, Wis. Stats. § 70.47(1).

Existing Ordinance
Board of Review

Sec. 2-450. - Duties.

The board shall have the powers and duties prescribed in Wis. Stats. § 70.47.

Secs. 2-451—2-468. - Reserved.

SAMPLE Proposed Ordinance
Economic Development Board

DIVISION 7. – ECONOMIC DEVELOPMENT BOARD

Sec. 2-593. - Creation.

The city shall have an economic development board known as the “City of Mequon Economic Development Board.”

Sec. 2-594. - Purpose.

The board shall stimulate and encourage economic development.

Sec. 2-595. – Membership, appointment and term of office.

(a) The board shall consist of the following nine voting members:

- (1) Eight citizen members; and
- (2) One aldermanic representative.

(b) The mayor shall nominate the eight citizen members, with the appointments being subject to confirmation by the common council. Appointments shall be staggered and for three-year terms, each terminating as of the third organizational common council meeting following appointment.

(c) The citizen members should have recognized experience and qualifications in business, development, finance, marketing or other professional fields which will be an asset to the administration of the city's economic development program.

Sec. 2-596. – Chair.

The mayor shall appoint the chair from among the members of the board.

Sec. 2-597. – Quorum.

A quorum shall consist of five members.

Sec. 2-598. – Powers and duties.

Serving in an advisory role to the planning commission and common council, the board shall have the following powers and duties:

- (1) Manage and administer the city's economic development program.
- (2) Recommend action on long and short range elements of the economic development program.
- (3) Recommend an annual work program.
- (4) Recommend an annual budget for its activities and programs.
- (5) Make recommendations regarding the revolving loan fund.

SAMPLE Proposed Ordinance
Economic Development Board

- (6) Make recommendations regarding the city's economic development projects (business park development, town center plan, etc.).

Secs. 2-599 - 2-616. - Reserved.

Attachment: WIRTH MEMORANDUM - 5.11.16 (1876 : Boards Commission Review)

DIVISION 7. - ECONOMIC DEVELOPMENT BOARD

Sec. 2-593. - Creation.

There is hereby created an economic development board.

Sec. 2-594. - Purpose.

The economic development board shall stimulate and encourage economic development.

Sec. 2-595. - Membership and term of office.

The board shall consist of nine voting members. The common council shall appoint one aldermanic representative for a one-year term by a majority vote at the organizational common council meeting in April. The mayor shall appoint eight members for three-year staggered terms subject to confirmation by the common council. The eight appointees shall not be elected officials but shall have recognized experience and qualifications in the field of business, development, finance, marketing or other field which will be an asset to the administration of the city's economic development program.

Sec. 2-596. - Chairman.

The mayor shall appoint the chairman.

Sec. 2-597. - Quorum.

Five members shall constitute a quorum for the transaction of business of the committee.

Sec. 2-598. - Meetings.

The committee shall conduct its meetings at scheduled times and places as shall be determined by the call of the chairman. Written notice of all meetings and agendas shall be delivered to each committee member at least 48 hours in advance of said meeting, in such form as will reasonably apprise the committee members, the public and the press of the date, time and subject matter that is intended for consideration and action at the meeting. Minutes and recommendations of the meetings shall be submitted to the common council.

Sec. 2-599. - Duties.

Serving in an advisory role to the planning commission and common council, the economic development board shall have the following powers and duties:

- (1) Shall manage and administer the city's economic development program,
- (2) Recommend action on long and short range elements of the economic development program,
- (3) Recommend an annual work program,
- (4) Recommend an annual budget for its activities and programs,
- (5) Make recommendations relative to the revolving loan fund,

Existing Ordinance
Economic Development Board

- (6) Engage in policy deliberations relative to economic development activities (business park development, town center plan, etc.).

Secs. 2-600—2-616. - Reserved.

SAMPLE Proposed Ordinance
Park Board

DIVISION 3. – PARK BOARD

Sec. 2-469. - Creation.

The city shall have a board known as the “City of Mequon Park Board.”

Sec. 2-470. - Purpose.

The board shall promote and provide active and passive recreational activities, land and water preservation and restoration, and environmental education for the city’s residents.

Sec. 2-471. - Membership, appointment and term of office.

(a) The board shall consist of the following nine voting members:

- (1) Eight citizen members; and
- (2) One aldermanic representative.

(b) The mayor shall nominate the eight citizen members, with the appointments being subject to confirmation by the common council. Appointments shall be staggered and for two-year terms, each terminating as of the second organizational common council meeting following appointment.

(c) One citizen member shall reside in each of the city's aldermanic districts.

Sec. 2-473. - Chair and officers.

The board shall elect a chair and vice-chair from among its members at its first meeting each year following the organizational common council meeting.

Sec. 2-474. - Quorum.

A quorum shall consist of five members.

Sec. 2-475. - Powers and duties.

Subject to approval of the common council, the board shall perform and exercise the following duties:

- (1) Oversee the planning, development, acquisition, expansion, disposition, maintenance, use and application of all city-owned parks, open spaces and natural areas, existing park buildings and facilities, playgrounds, swimming pools, ice rinks and similar city-owned public property in the city, for the broadest community benefit in keeping with sound environmental and ecological goals, in keeping with the goals consistent with current park and open space plan.
- (2) Act to sustain, enhance, and preserve the natural resources in the city for the benefit of current and future residents.
- (3) Govern, control, improve and care for all city-owned public parks, parkways located within and partly without, the corporate limits of the city, and secure the quiet, orderly and suitable

SAMPLE Proposed Ordinance
Park Board

- use and enjoyment thereof by the people; also to adopt rules and regulations to promote those purposes.
- (4) Recommend new park buildings and structures. All development plans and proposed conditional uses will be subject to review and approval of the planning commission.
 - (5) Approve park landscaping, lighting and signage in all city-owned public parks, parkways and nature preserves.
 - (6) Acquire in the name of the city for park, parkway, nature preserve or open space purposes by gift, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property or any incorporeal right or privilege; provided however that such acquisitions shall be accepted only after they shall have been recommended by the board to the common council and approved by the common council through resolution. The board may execute every trust imposed upon the use of property or property rights by the deed, testament or other conveyance transferring title of such property to the city for park, parkway, nature preserve or open space purposes.
 - (7) Buy or lease lands in the name of the city for park, parkway, nature preserve or open space purposes, and sell or exchange property no longer required for its purposes.
 - (8) Acquire by condemnation in the name of the city such lands within its corporate boundaries as may be needed for public parks, parkways, nature preserves and open space.
 - (9) Change or improve all parks, parkways, boulevards, nature preserves, and open space controlled by the board, at the expense of the real estate to be benefited thereby, in accordance with Wis. Stats. § 27.10(4).
 - (10) Submit an annual report to the common council.

Sec. 2-476. - Administration.

(a) The director of parks and operations will act as staff liaison to the board. The director is responsible for implementing the comprehensive park, recreation and open space plan, policy development, planning and park development, land acquisition, scheduling and permitting, preparing the annual budget and forecasting long-range goals and budget needs. In addition, the director will maintain an ongoing public relations program, serve as spokesperson for parks to community services organizations and the general public, inform the public regarding the rules and regulations governing the use of park facilities, work with individual park stewardship and special interest community groups and maintain public relations and outreach programs.

(b) The director shall submit to the board, for its review, fee schedules and permit regulations as deemed necessary to defray/offset the cost of providing recreational activities and other use opportunities within the city's parks and open spaces.

Sec. 2-477. - Board contracts.

Except upon approval of the common council, the board shall not enter into any contract that would create any liability on the part of the city in excess of any such liability authorized in the city budget.

SAMPLE Proposed Ordinance
Park Board

Sec. 2-478. - Programming.

The board shall hear and decide upon requests from residents, groups of residents, community groups, athletic associations and other such parties as may request approval to use the city's public parks, nature preserves and open space for organized or other recreational pursuits where such use, by its character, may require regulation and limitation as determined by the board. The board shall offer leadership in coordinating and correlating all recreational pursuits in the city's parks, nature preserves and open space to the maximum benefit of the citizens of the city and cooperate and coordinate the building of the total community park, recreation and open space system into and around other public and private organizations concerned with public welfare, education and family relations. The board shall not discriminate in its policies, recommendations, regulations and decisions on the basis of race, color, sex, religion, handicap, age or national origin.

Secs. 2-479 - 2-496. - Reserved.

DIVISION 3. - PARK BOARD

Sec. 2-469. - Purpose.

The mission of the park board is to acquire, improve, and maintain the City of Mequon's park and open spaces for the purpose of providing active and passive recreational activities, land and water preservation and restoration, and environmental education for its residents.

Sec. 2-470. - Membership.

- (a) The City of Mequon shall have a park board know as the "City of Mequon park board." The board shall consist of the following nine voting members:
- (1) One aldermanic member; and
 - (2) Eight citizen members.
- (b) The common council shall appoint the aldermanic member at the common council's April organizational meeting. At that meeting, the common council shall also appoint one alternate aldermanic member who shall, in the regular member's absence, act for the regular aldermanic member and exercise the aldermanic member's voting rights. The regular and alternate aldermanic members shall serve for one-year terms.
- (c) The mayor shall appoint, and the common council shall confirm, the citizen members. One citizen member shall reside in each of the city's aldermanic districts. Each citizen member shall be appointed to a two-year term with one-half of the citizen members appointed each year.

Sec. 2-471. - Notice of appointment.

The city clerk shall notify each appointee of his/her appointment and confirmation and name the time and place for the first meeting to be held by the board subsequent to the appointment.

Sec. 2-472. - Officers.

The officers of the board shall be the chair and vice-chair. The officers shall be elected annually at the first regular meeting in May from among the eight citizen members by a majority of those present and voting. The chair shall preside at meetings of the board; in the absence of the chair, the vice-chair shall preside. The board may appoint such other officers as it deems necessary.

Sec. 2-473. - Quorum.

Five voting members shall constitute a quorum for the transaction of business.

Sec. 2-474. - Vacancies.

All vacancies on the board shall be filled by appointment of the mayor and confirmed by the common council and the appointee shall serve the balance of the term of the member the appointee replaces.

Sec. 2-475. - Meetings.

- (a) The board shall hold regular meetings not less frequently than once a month at a regularly scheduled place as determined by the board.
- (b) Written notice of all meetings shall be provided to each board member at least 48 hours in advance of said meeting, and shall inform of the time and purpose for the meeting.

Existing Ordinance
Park Board

Sec. 2-476. - General duties.

Subject to the approval of the common council the park board shall perform and exercise the following duties.

- (1) Oversee the planning, development, acquisition, expansion, disposition, maintenance and use and application of all city owned parks, open spaces and natural areas, existing park buildings and facilities, playgrounds, swimming pools, ice rinks and similar city owned public property in the City of Mequon, for the broadest community benefit in keeping with sound environmental and ecological goals, in keeping with the goals consistent with current park and open space plan;
- (2) Act to sustain, enhance, and preserve the natural resources in the City of Mequon for the benefit of current and future residents.
- (3) Govern, control, improve and care for all city owned public parks, parkways located within and partly without, the corporate limits of the city, and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote those purposes.
- (4) Recommend new park buildings and structures. All development plans and proposed conditional uses will be subject to review and approval of the planning commission.
- (5) Approve park landscaping, lighting and signage in all city owned public parks, parkways and nature preserves.
- (6) Acquire in the name of the city for park, parkway, nature preserve or open space purposes by gift, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property or any incorporeal right or privilege provided however that such acquisitions shall be accepted only after they shall have been recommended by the board to the common council and approved by said council through resolution. The board may execute every trust imposed upon the use of property or property rights by the deed, testament or other conveyance transferring title of such property to the city for park, parkway, nature preserve or open space purposes.
- (7) Buy or lease lands in the name of the city for park, parkway, nature preserve or open space purposes and sell or exchange property no longer required for its purposes.
- (8) Acquire by condemnation in the name of the city such lands within its corporate boundaries as may be needed for public parks, parkways, nature preserves and open space.
- (9) Change or improve all parks, parkways, boulevards, nature preserves, and open space controlled by the board, at the expense of the real estate to be benefited thereby, in accordance with Wis. Stats. § 27.10(4).
- (10) Submit an annual report to the common council.

Sec. 2-477. - Administration.

- (a) The parks director will act as staff liaison to the park board. The director is responsible for implementing the comprehensive park, recreation and open space plan, policy development, planning and park development, land acquisition, scheduling and permitting, preparing the annual budget and forecasting long-range goals and budget needs. In addition, the park director will maintain an ongoing public relations program serve as spokesperson for parks to community services organizations and the general public, inform the public regarding the rules and regulations governing the use of park facilities, work with individual park stewardship and special interest community groups and maintain public relations and outreach programs.

Existing Ordinance
Park Board

- (b) The park director shall submit to the park board, for its review, fee schedules and permit regulations as deemed necessary to defray/offset the cost of providing recreational activities and other use opportunities within the city's parks and open spaces.

Sec. 2-478. - Board contracts.

The park board shall not contract any liability on the part of the city in excess of the budget authorized except upon approval by the common council.

Sec. 2-479. - Programming.

The board shall hear and decide upon requests from residents, groups of residents, community groups, athletic associations and other such parties as may request approval to use the city's public parks, nature preserves and open space for organized or other recreational pursuits where such use, by its character, may require regulation and limitation as determined by the board. The board shall offer leadership in coordinating and correlating all recreational pursuits in the city's parks, nature preserves and open space to the maximum benefit of the citizens of the city and cooperation and coordinate the building of the total community park, recreation and open space system into and around other public and private organizations concerned with public welfare, education and family relations. The board shall not discriminate in its policies, recommendations, regulations and decisions on the basis of race, color, sex, religion, handicap, age or national origin.

Secs. 2-480—2-496. - Reserved.



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Office of Administration

TO: Public Welfare Committee
FROM: William Jones, City Administrator
DATE: September 13, 2016
SUBJECT: 2016-2017 Work Plan

Attached for the Committee's review is an updated version of the 2016-17 Working Calendar (Exhibit A).

Attachments:

FY2016-17 WORKING CALENDAR 9132016 (DOCX)

**Public Welfare Committee
2016-17 Working Calendar (Updated September 7, 2016)**

Month	Agenda Topics	Completed Items
June	<ul style="list-style-type: none"> ▪ Short-Term Rental Ordinance ▪ Review/Discuss Proposed Work Calendar 	<ul style="list-style-type: none"> ▪ HOME Investment Partnership Renewal ▪ 2016-17 Work Calendar Established
July	<ul style="list-style-type: none"> ▪ Televising Common Council Meetings ▪ City Ethics Ordinance Amendments ▪ Boards & Commissions Work Plan 	<ul style="list-style-type: none"> ▪ Televising Common Council Meetings
August	<ul style="list-style-type: none"> ▪ Boards & Commissions Review (Start) ▪ Short-Term Rental Ordinance ▪ City Ethics Ordinance Amendments 	<ul style="list-style-type: none"> ▪ Boards & Commissions Work Plan
September	<ul style="list-style-type: none"> ▪ Short-Term Rental Ordinance ▪ City Ethics Amendments ▪ Boards & Commissions Review (Continued) 	
October	<ul style="list-style-type: none"> ▪ Boards & Commissions Review (Continued) ▪ Public Notice Procedures Review ▪ City Website Update - Vendor Selection ▪ Branding Committee Update 	
November	<ul style="list-style-type: none"> ▪ Boards & Commissions Review (Continued) ▪ City Website - Demonstrations ▪ City Inspections Division Review 	
December	<ul style="list-style-type: none"> ▪ Boards & Commissions Review (Completed) ▪ Board of Appeals Review ▪ City Website - Contract Award 	
January	<ul style="list-style-type: none"> ▪ Electronic Communications Policy Review ▪ Public/Private Landscaping Program 	
February	<ul style="list-style-type: none"> ▪ Architectural Board Review 	

Attachment: FY2016-17 WORKING CALENDAR 9/13/2016 (1869 : 2016-2017 Work Plan)

	<ul style="list-style-type: none">▪ Online Availability of City Policies	
March	<ul style="list-style-type: none">▪ City Records Retention Policy Review▪ Pending/Outstanding Items Wrap-Up	