



11333 N. Cedarburg Road  
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[www.ci.mequon.wi.us](http://www.ci.mequon.wi.us)

Office of the City Administrator

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

**Agenda**

1. Call to Order, Roll Call
2. Approval of Meeting Minutes
  - a. Public Welfare Committee - Regular Meeting - Jul 12, 2016 6:00 PM

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
- 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

4. Discussion Items

- a. Review of City Boards, Commissions and Committees

5. Information Items

- a. Public Welfare Committee FY2016-2017 Work Plan

6. Adjourn

*Dated: August 10, 2016*

*/s/ Dale Mayr, 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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Office of the City Administrator

**PUBLIC WELFARE COMMITTEE**  
**Tuesday, July 12, 2016**  
**6:00 PM**  
**South Conference Room**

**Minutes**

1. Call to Order, Roll Call

**Present:**

Alderman Dale Mayr  
Alderman Mark Gierl  
Alderman John Wirth

**Also Present:** Alderman Pukaite (6:05 pm), Mayor Abendroth, (6:10 pm), City Administrator Jones, Deputy City Clerk Fochs, City Attorney Sajdak, Executive Assistant Prosser

2. Approval of June 14, 2016 Meeting Minutes

**RESULT:** Accepted [Unanimous]  
**MOVED BY:** Alderman Gierl  
**SECONDED BY:** Alderman Mayr

**AYES:** Alderman Mayr, Alderman Gierl  
**NOT PRESENT:** Alderman Wirth

3. Discussion Items

a. Review and Discussion of the City's Current Policy Concerning the Televising of Meetings Involving the Mequon Common Council

City Administrator Jones stated the Committee received a memorandum within their meeting packet to address the issue regarding the review and possible modification of the City's current policy regarding the broadcasting of meetings on channel 25. Mr. Jones stated the current policy with respect to channel 25 includes a stipulation that all meetings of the Common Council, Planning Commission and Appropriations Committee be televised. Mr. Jones pointed out the cost to televise the meetings in 2015 was \$9,000. Mr. Jones went on to say a contract has been renegotiated with the City's videographer, Mike Gross, for 2016 at a fixed cost of \$275 per meeting.

Minutes Acceptance: Minutes of Jul 12, 2016 6:00 PM (Approval of Meeting Minutes)

City Administrator Jones informed the Committee that staff is currently working on converting to a new agenda management system which will allow the taped meetings to be available on the City's website. Mr. Jones pointed out that the system will have the capability of providing meeting videos on demand and will be indexed according to the meeting agenda. Deputy City Clerk Fochs provided a demonstration of the new agenda management system.

The Public Welfare Committee went on to discuss what other meetings should be televised. Alderman Gierl mentioned he would like to see a set of standards with regards to when videos will be uploaded, as well as how to find the meeting videos on YouTube. City Administrator Jones stated staff has recently set a schedule for broadcasting videos on channel 25. Mr. Jones noted in the event additional meetings need to be televised, the schedule will be changed accordingly. Alderman Gierl mentioned he would like to have meetings of the Board of Appeals be televised. The Committee did not reach a consensus with regard to televising meetings of the Board of Appeals.

Alderman Wirth moved to televise all meetings that require the entire Common Council to be present other than closed sessions.

**RESULT:** Approved by Voice Acclamation [Unanimous]  
**MOVED BY:** Alderman Wirth  
**SECONDED BY:** Alderman Gierl

**AYES:** Alderman Mayr, Alderman Gierl, Alderman Wirth

b. Consideration of An Ordinance Amending the City's Ethics Code to Include An Honesty Provision

City Attorney Sajdak stated at the Committee's May meeting, amendments to Sections 2-136(2) and 2-137(b)(9) of the Mequon Municipal Code in connection with establishing an honesty definition and provision with the City's Ethics Code was approved and forward on to the Ethics Board for review. Attorney Sajdak stated the Ethics Board did meet to review the proposed amendments and has provided the Public Welfare Committee with their recommendation. Attorney Sajdak noted he was notified by several members of the Public Welfare Committee that the language submitted to the Ethics Board was different than what was recommended by the Public Welfare Committee. Attorney Sajdak stated the Ethics Board based their decision on three reasons: 1) adding honesty to the Ethics Code would be difficult to administer; 2) changing the Ethics Code would be a departure from the State ethics code; and 3) the proposed changes bring an element of politics to the Ethics Code. Alderman Mayr inquired whether the Ethics Board would have had a different determination if they had received the correct code amendment. City Attorney Sajdak stated the Ethics Board did discuss extensively ways that would solve some of the issues of uncertainty. Attorney Sajdak noted the Ethics Board preferred to keep the language simple.

Alderman Wirth moved to send the original code amendment approved by the Public Welfare Committee to the Common Council and members of the Ethics Board to give them the opportunity to submit written comments to the Common Council.

Alderman Gierl moved to not offer the Ethics Board the opportunity to submit written comments to the Common Council. There was no second to the motion. Alderman Wirth stated the Ethics Board should have the opportunity to comment. Alderman Gierl seconded the original motion moved by Alderman Wirth.

Alderman Wirth requested that the item be placed on the Common Council's August meeting agenda.

**RESULT:** **Approved by Voice Acclamation [Unanimous]**  
**MOVED BY:** Alderman Wirth  
**SECONDED BY:** Alderman Gierl

**AYES:** Alderman Mayr, Alderman Gierl, Alderman Wirth

c. Boards and Commissions Review: 2016-17 Proposed Work Plan (Draft)

Alderman Wirth provided a copy of his memo dated May 11, 2016 to the Committee and staff regarding review of boards, commissions and committee.

City Administrator Jones stated a draft work plan to review the city's boards and commissions has been provided to the Committee. Mr. Jones went on to say review the work plan with the Committee noting the plan is broken into various categories and into various work groups by quarter including a review of the membership and eligibility requirements, a financial review of any budgets or needs of the city's boards and committees, a review of the infrastructure and composition relative to sizing, possible elimination of any committees or boards and legislative considerations. Mr. Jones concluded stating staff is open to the Committee's feedback, any comments, suggestions or additions to the proposed work plan.

Alderman Wirth expressed concern for the overall length of time to complete the project noting the change in standing committee assignments may delay the process. Alderman Wirth requested that the review of the city's boards and commissions be completed by next April. Alderman Mayr suggested the Committee meet twice a month. The Committee agreed to meet at 5:00 p.m. on August 10<sup>th</sup>.

4. Information Items

a. Public Welfare Committee FY2016-2017 Work Plan

City Administrator Jones stated the Committee's work plan will be an item on every Committee's agenda for review. Mr. Jones stated next month's agenda will include discussion of the City's boards and commission, and review of a proposed ordinance regarding short-term rentals.

5. Adjourn

The meeting of the Public Welfare Committee was adjourned at 6:48 PM.

**RESULT:** Approved by Voice Acclamation [Unanimous]  
**MOVED BY:** Alderman Wirth  
**SECONDED BY:** Alderman Gierl

**AYES:** Alderman Mayr, Alderman Gierl, Alderman Wirth

Minutes Acceptance: Minutes of Jul 12, 2016 6:00 PM (Approval of Meeting Minutes)



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Office of Community Development

**TO: Public Welfare Committee**  
**FROM: Kim Tollefson, Director of Community Development**  
**DATE: August 10, 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 the recent Common Council meetings where this item was discussed, 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

### **Analysis**

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 association 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**

If the Public Welfare Committee is supportive of this process and continues to support the operational standards, staff will forward this ordinance to the July Common Council meeting.

Attachments:

OrdDraft06.14.16 (DOCX)

Exhibit B: Home Occupational Permit (PDF)

Exhibit C: City Attorney Short Term Rental Registration (DOCX)

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: August 10, 2016

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on August 10, 2016.

\_\_\_\_\_  
Caroline Fochs, City Clerk

Published: \_\_\_\_\_

**EXHIBIT A***Definitions:*

**Accessory Short-Term Rental of Dwellings.** Accessory Short-Term Rental of Dwellings is an accessory use to a single family detached dwelling principal use in which an owner residing in a dwelling unit rents all or a portion of the dwelling subject to any specific regulations provided for within the applicable zoning district.

**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

## (c)(4) Principal Long-Term Rental of Dwellings

(c)(5) Accessory Short-Term Rental of Dwellings. Accessory Short-Term Rental of Dwellings subject to the following standards:

1. An accessory short-term rental shall be limited to a maximum rental of 29 accumulative days annually.
2. 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.
3. 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.
4. An accessory short-term rental shall be limited to a maximum of six (6) annual rental occurrences.

## Sec. 58-235

## (C)(4) Principal Long-Term Rental of Dwellings

(c)(5) Accessory Short-Term Rental of Dwellings. Accessory Short-Term Rental of Dwellings subject to the following standards:

1. An accessory short-term rental shall be limited to a maximum rental of 29 accumulative days annually.
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3. 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.
4. An accessory short-term rental shall be limited to a maximum of six (6) annual rental occurrences.

## Sec. 58-236

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

(c)(5) Accessory Short-Term Rental of Dwellings. Accessory Short-Term Rental of Dwellings subject to the following standards:

1. An accessory short-term rental shall be limited to a maximum rental of 29 accumulative days annually.
2. 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.
3. 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.
4. An accessory short-term rental shall be limited to a maximum of six (6) annual rental occurrences.

Sec. 58-237

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

(c)(10) Accessory Short-Term Rental of Dwellings. Accessory Short-Term Rental of Dwellings subject to the following standards:

1. An accessory short-term rental shall be limited to a maximum rental of 29 accumulative days annually.
2. 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.
3. 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.
4. An accessory short-term rental shall be limited to a maximum of six (6) annual rental occurrences.

Sec. 58-238

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

(c)(5) Accessory Short-Term Rental of Dwellings. Accessory Short-Term Rental of Dwellings subject to the following standards:

1. An accessory short-term rental shall be limited to a maximum rental of 29 accumulative days annually.
2. 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.
3. 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.
4. An accessory short-term rental shall be limited to a maximum of six (6) annual rental occurrences.

Sec. 58-239

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

(c)(5) Accessory Short-Term Rental of Dwellings. Accessory Short-Term Rental of Dwellings subject to the following standards:

1. An accessory short-term rental shall be limited to a maximum rental of 29 accumulative days annually.
2. 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.
3. 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.
4. An accessory short-term rental shall be limited to a maximum of six (6) annual rental occurrences.

Sec. 58-240

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

(c) (5) Accessory Short-Term Rental of Dwellings. Accessory Short-Term Rental of Dwellings subject to the following standards:

1. An accessory short-term rental shall be limited to a maximum rental of 29 accumulative days annually.
2. 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.
3. 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.
4. An accessory short-term rental shall be limited to a maximum of six (6) annual rental occurrences.



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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 \_\_\_\_\_

**EXHIBIT C**

## Article VII. – Short Term Rentals of Dwellings

Sec. 14-175. With the exception of a Bed and Breakfast Establishment, Community Based Residential Facility or Hotel, any person wishing to rent a residential property for a period of 29 days or less shall register with the City Clerk. Such registration shall include an address of the property and a contact phone number for the owner of such property. Registrations shall be effective for a period of two years and the registrant shall promptly update their registration with any changes.

Sec. 14-176. Violations of this Article VII shall be punishable as a Class 1 offense under § 1-7 of the Municipal Code.



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Office of Administration

**TO: Public Welfare Committee**  
**FROM: Brian Sajdak, City Attorney**  
**DATE: August 10, 2016**  
**SUBJECT: 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**

### **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 performed by the City's Ethics Board. Prior to 1998, the City's "Ethics Code" existed in the form of a policy manual.

The Municipal Code of the City formally codifies both the Ethics Code and the Employee Personnel Code. Those sections include provisions related to ensuring honest conduct:

- Section 2-137(b)(8) of the Ethics Code prohibits an official from obtaining a personal gain through the use of dishonesty.
- Section 2-230 (1) of the Personnel Code specifically includes the term "honesty" within the expectations of conduct.
- Section 2-230 (1)(c) of the Personnel Code specifically includes "dishonesty" as an action that may warrant disciplinary action.

At the request of Alderman Gierl, the Public Welfare Committee considered the apparent lack of express requirement to be honest within the Ethics Code. 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.

Due to a staff oversight, the Ethics Board was provided with the staff's original language drafted by staff instead of the language that was finalized at the Public Welfare Committee. That language created a definition of Honest and Truthful:

Honest and truthful means conduct that is free of deceit and untruthfulness and is in accordance with facts or reality known to the person at the time the conduct is engaged.

The language also incorporated the term honest and truthful into the provisions of the Ethics Code with the following language:

(9) No city official or employee may, in that official's or employee's dealings

with the public and/or other city officials or employees, act in any manner that is not honest and truthful.

On June 21, 2016 the Ethics Board met to consider the proposed changes. At that meeting, the Ethics Board unanimously passed a motion to:

recommend to the Public Welfare Committee and Common Council that the suggested changes not be adopted because they would be difficult to administer and constitute a departure from the State ethics code; however, if compelled to do something to recommend that the definition be eliminated and that Sec. (b)(9) be amended to read “City Officials and employees shall be honest and truthful in their dealings with the public and/or other City Officials or employees.”

The Public Welfare Committee then considered the Ethics Board’s recommendation at its July 2016 meeting. At that meeting, the Committee determined to forward its previously recommended language to the Common Council with direction to staff to request that the Ethics Board provide input on that language before the Common Council meeting. The Ethics Board is meeting on August 4, 2016 to consider this language.

### Analysis

The Public Welfare Committee voted to forward its original language to the Common Council. This action was taken following the recommendation from the Ethics Board that no changes be made. That Ethic’s Board recommendation was based upon three primary reasons:

1. Adding honesty to the ethics code would be difficult to administer.  
As the Board considered the changes, it determined that honesty is a difficult concept to administer because there are often more questions than answers. Some of the questions the Board considered: At what point does dishonesty become actionable under the code? Any single lie, or is there some arbitrary number of lies that need to be reached first? Only a lie that results in some harm to another person? If so, how much (or what kind of) harm qualifies? Does it matter if the lie was an intentional or an honest mistake? Board members noted that these provisions apply to all officials, including those that are elected officials. Does it matter that politicians routinely “color” the facts to support their position? Is it a “lie” for an alderperson in debate at the Council to represent only those facts that support their position even if there are known facts to the contrary?
2. Changing the ethics code would be a departure from the State ethics code.  
The Board also considered the language of the State Ethics Code for local officials and noted that there are no honesty provisions in the State Code. The State Code has substantial history behind it - not only in terms of drafting history that can be reviewed, but also a body of applications, interpretations and case law from across the State that can help a local ethics board interpret and apply their local codes. Deviations from the State code mean that there is no similar assistance available.
3. The proposed changes bring an element of politics to the ethics code.  
While not specified in the motion itself, most of the Board members expressed concern at some point during the discussion that the changes bring an element of politics to ethics code. Their concern is that, unlike the other provisions of the ethics code, the proposed

changes are more subjective in nature. This subjective nature could result in opponents of a particular elected official filing complaints with the Ethics board for the purposes of achieving political gain themselves.

Despite their recommendation to not adopt any changes, the Ethics Board also recognized that because this recommendation came from the Public Welfare Committee it was likely that the Committee may reject a “do nothing” recommendation. Accordingly, the Board also recommended changes to the proposed rules in the event that the Committee wishes to “do something.” That recommendation was to eliminate the definition and to amend the proposed language to:

(9) City Officials and employees shall be honest and truthful in their dealings with the public and/or other City Officials or employees.

In light of the error in the transfer between the Committee and the Ethics Board, and because the Ethics Board will be meeting to discuss the correct language, the reasons behind this recommendation may be of limited value and will not be described here. Accordingly, Staff will provide an additional update to the Council following the Ethics Board meeting on August 4.

### **Fiscal Impact**

There is no applicable fiscal impact.

### **Recommendation**

As discussed above, and assuming there are no changes at their meeting on the 4<sup>th</sup>, the recommendation of the Ethics Board to the Committee is to not adopt any changes to the Ethics code at this time. The Public Welfare Committee has approved a recommendation regarding its proposed language for consideration, and that language is reflected in the attached proposed ordinance. Any amended recommendation from the Ethics Board will be forwarded following its meeting.

COMMON COUNCIL  
OF THE  
CITY OF MEQUON

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

WHEREAS, the Common Council of the City of Mequon previously adopted an Ethics Code for City Officials and employees which is presently codified in Sections 2-135 through 2-148 of the Mequon Municipal Code; and

WHEREAS, the Ethics Code is designed to ensure high moral and ethical standards of conduct for City Officials and employees; and

WHEREAS, while implied within the provisions of the Ethics Code and in the practices of good governance, there is no affirmative duty to act with honesty in an official's dealings with other officials and/or the public; and

WHEREAS, the Common Council desires to include such affirmative duty within the Ethics Code;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, DO ORDAIN AS FOLLOWS:

**SECTION I**

Section 2-137(b) is hereby amended to read as follows (NOTE: Added text is underlined; Deleted text is ~~struck through~~):

- (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.

## **SECTION II**

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

## **SECTION III**

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

## **SECTION IV**

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: August 10, 2016

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on August 10, 2016.

\_\_\_\_\_  
Caroline Fochs, City Clerk

Published: \_\_\_\_\_



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Office of Administration

**TO: Public Welfare Committee**  
**FROM: William Jones, City Administrator**  
**DATE: August 10, 2016**  
**SUBJECT: Review of City Boards, Commissions and Committees**

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**Background**

In July, the Public Welfare Committee reviewed draft work plans developed by City staff and Alderman Wirth which were intended to guide a review of the City’s Boards and Committees during the second half of 2016. Following discussion, staff was directed to consolidate the work plans, in advance of the Committee’s review of draft ordinance language previously prepared by Alderman Wirth at its next meeting in August.

**Analysis**

It is anticipated that the Committee will devote the majority of its time at the August 10 meeting to reviewing and developing consensus on the 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.

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

**Fiscal Impact**

None.

### **Recommendation**

Substantial time has been set aside at the Committee's meeting on August 10 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:

EXISTING BOARDS - ENABLING ORDINANCES (DOCX)

WIRTH MEMORANDUM - 5.11.16(PDF)

- **Sec. 58-40. - Architectural board.**

(a) *Purpose.* In order to promote the general welfare, good order and prosperity of the city and to ensure that the physical environment of the city be developed in such a manner as will provide for the maximum degree of aesthetic satisfaction through the preservation and enhancement of the natural and architectural beauty of the city, the city has deemed it necessary to exercise regulation over the architecture and appearance of buildings or structures which are constructed, altered, relocated, added to, remodeled or placed within the City of Mequon. The architectural board, (hereinafter referred to as the board) has been created for the purposes of exercising its powers and to perform its duties in conformance with and consistent with the dictates of this section. The creation of the board is not intended to impose a pattern of regimented style or to promote a given architectural style; but is intended to provide for the harmonious and aesthetically pleasing development of the city in such a way as will promote and enhance the value of existing single family and plex residential structures and buildings and to prevent the construction, alteration or remodeling of single family and plex residential structures or buildings which would be inconsistent in terms of style, design, size, location, orientation and/or materials presently existing within close proximity to the proposed building or structure.

(b) *Covenants and restrictions.* The City of Mequon recognizes the existence of private covenants and restrictions which may govern the building, construction or alteration of buildings and structures located within the city. The city further recognizes that such private covenants and restrictions may run with the land and be binding upon all owners of property subjected to said covenants and restrictions. While the city recognizes the existence of such covenants and restrictions, the city has deemed it improper and imprudent to assume the responsibility for the enforcement of the said covenants and restrictions, deeming the same to be matters which should be properly determined between private property owners.

(1) Notwithstanding the foregoing, the city has deemed it appropriate to adopt procedures which provide for the recognition of such covenants and restrictions.

(2) Where lands within a development and/or subdivision in the city shall be subject to private covenants and restrictions governing the use and/or development of the said lands, it shall be the responsibility of the developer and/or the architectural committee of the said development and/or subdivision to register with the architectural board of the City of Mequon. Such registration shall require that the board be provided with a true and correct copy of the covenants and restrictions bearing evidence that the same has been properly and duly recorded in the office of the Register of Deeds for Ozaukee County. Such registration shall include a plat of the development and/or subdivision. Such registration shall further require that the developer and/or architectural committee of the subdivision shall provide the board with current and accurate mailing address and telephone number through which all notices relating to this division shall be given. Said information shall be periodically updated such that the board shall at all times have current information related to the developer and/or architectural committee.

(3) Where the developer and/or architectural committee have properly registered with the board as aforesaid, the board shall provide written notification to the developer and/or architectural committee that a building permit has been applied for on lands which are subject to the private covenants and restrictions. Within 14-day of the mailing of such notice by the board, the developer and/or architectural committee shall provide written notice to the board that the proposed plan has either been approved or disapproved by the developer and/or architectural committee. The board shall not rule upon any plan for construction and/or alteration of any building or structure until the expiration of said 14 days period.

(4) Where disapproval of the plan by the developer and/or architectural committee is noted, the developer and/or architectural committee shall provide the board, in writing and with specificity, the reason(s) for the disapproval and the manner in which the developer and/or architectural committee has deemed that the proposed building, structure and/or alteration fails to conform with the private covenants and restrictions. It is specifically understood that neither the approval nor disapproval of any building, structure and/or alteration by the developer and/or architectural committee arising from private covenants and restrictions shall in any manner bind the board, but shall only be advisory in nature. Irrespective of the approval or disapproval of the developer and/or architectural committee, the board shall approve or disapprove the proposed building, structure or alteration in conformance with its charge and with this section.

(c) *Standards.* In determining and assessing the appropriateness of any building or structure, the architectural board shall be guided by the standards set forth in [section 58-566](#) of this chapter, as well as the following standards, and in order to inform and educate the public in their application, shall promulgate interpretive guidelines, which shall be reviewed and approved by the common council, to assist in their implementation:

(1) No building, structure or alteration shall be permitted the exterior design, style, size or materials of which shall be inconsistent in relation to the surroundings (both in terms of natural surroundings and existing building or structures), such that the building and/or structure would result in an inharmonious and/or haphazard development of the area;

(2) No building, structure or alteration shall be permitted the design, materials, style or exterior appearance of which is so identical with those adjoining as to create excessive monotony and drabness;

(3) No building, structure or alteration shall be permitted where any proposed facade or roof is constructed or faced with a finished material which is aesthetically incompatible with other facades or roofs of surrounding properties, such that the unattractive appearance is presented to the public and surrounding properties;

(4) The board recognizes the value of natural beauty, including but not limited to trees, plants, and other natural features of the landscape. No building shall be permitted to be sited on a property in a manner which would unnecessarily destroy or damage or impair the natural beauty of the area, such that the same would adversely affect or impact values incident to ownership of that in that area of which would unreasonably affect or adversely impact the beauty and general enjoyment of existing residences or adjoining properties;

(5) The approval or disapproval of the developer and/or architectural committee or a development or subdivision may be considered by the board, along with the foregoing factors, in assessing the appropriateness of a proposed building, structure or alteration;

(6) Architectural board approval expires after one year. No single-family or plex residential building or structure, or alteration to such building or structure, shall be permitted in a PUD (planned unit development) zoning district, if the proposed design, style, size, building materials, or coloration of building materials, to be incorporated into the exterior of such building or structure have materially changed from the design, style, size, building materials or coloration of building materials, previously approved and adopted as part of the PUD (planned unit development) zoning ordinance, unless such proposed changes are first reviewed and approved by the planning

commission and common council as part of the process of amending the PUD ordinance governing the development.

(7) The board shall follow the design standards identified in the city publication entitled "Mequon Architectural Guidelines for Residential Structures," available from the Mequon Building Inspector.

(d) *Review board.*

(1) *Responsibilities.* A review board to be known as the architectural board shall be appointed by the mayor subject to confirmation by the common council. The architectural board shall meet on call and be responsible for review and final approval of all residential plans. The planning commission shall be responsible for review and final approval of all commercial and industrial plans.

(2) *Membership.* The membership of this board shall consist of five regular members at large and one alternate member at large, as follows:

- a. One registered architect.
- b. Four lay members.
- c. One alternate lay member.

(3) *Alternate.* The mayor shall appoint an alternate registered architect member. The alternates shall act with full power only when the regular member refuses to vote because of interest or is absent. There shall be a reserve panel consisting of two residents from each aldermanic district. Reserve panel members shall vote only on items which are located within their aldermanic district.

(4) *Quorum.* A quorum shall consist of any combination of at-large members and reserve panel members as follows:

- a. Two at-large members and two reserve panel members.
- b. Three at-large members and one reserve panel member.
- c. Four at-large members.

(5) *Members at large.* The members at large shall be appointed to serve rotating terms of two years each so that at least one new member may be appointed each year. The members of the reserve panel shall be appointed for rotating terms of two years each so that a new member may be appointed in each ward each year. The chairman of the board shall be designated by the mayor and the board will elect a secretary from its membership. All members, including alternates, who are in attendance at a meeting shall be entitled to one vote.

(6) *Records.* The board shall keep records of all its proceedings and its decisions shall be stated in writing including the specific reasons for refusing a permit or for any conditions of approval.

(e) *Enforcement.* In order to insure that no proposed single family or plex residential building would be in conflict with the provisions of this section the building inspector shall submit to the architectural board the plans for such building, including adequate elevations or perspective sketches to enable the board to judge the building appearance, and shall not issue a building permit until the architectural board has approved such plans.

(f) *Appeal.* Any person aggrieved by a decision of the architectural board shall have the right to appeal such decision to the board of appeals provided such appeal is filed with the city clerk within seven working days after an architectural board decision.

(g) *Rehearing.* No rehearing shall be held except:

(1) By the affirmative vote of four or more members of the architectural board upon its finding that substantial new, relevant evidence has been submitted which could not reasonably have been presented at the previous hearing; or

(2) The matter has been remanded by the board of appeals because the board of appeals has found that an aggrieved party has offered or requested leave to offer substantial new, relevant evidence which could not reasonably have been presented at the previous hearing before the architectural board.

A request for rehearing under subsection (g)(1) above shall be in writing and shall recite the reasons for the request, including the substantial new, relevant evidence being offered, and the reasons for which it could not have reasonably been presented to the architectural board at the first hearing.

(Code 1957, § 3.19(4); Ord. No. 87-624, 4-14-1987; Ord. No. 96-490, 6-25-1996; Ord. No. 96-890, 6-25-1996; Ord. No. 97-934, 1-13-1998; Ord. No. 2001-1015, §§ I, II, 6-12-2001; Ord. No. 2003-1063, § I, 4-8-2003; Ord. No. 2003-1067, § I, 7-18-2003; Ord. No. 2003-1070, § I, 7-8-2003; Ord. No. 2008-1238, § I, 4-8-2008)

**Sec. 58-41. - Board of appeals.**

- (a) *Creation.* There is hereby recreated a board of appeals of the City of Mequon.
- (b) *Purpose.* The purpose of the board of appeals shall be to hear appeals taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer or body; and to hear applications for variance from the terms of the zoning ordinances.
- (c) *Membership and term of office.* The board of appeals shall consist of five regular members and two alternate members, appointed by the mayor, and subject to confirmation by the common council for staggered terms of three years, or until a successor is duly appointed and confirmed. An alternate member shall act with full power in the absence of a regular member of the board.
- (d) *Chairman.* The mayor shall designate one of the regular members of the board of appeals to serve as chairman. The board may designate such other officers as it shall deem necessary or advisable.
- (e) *Quorum.* Four members shall constitute a quorum for transaction of business of the board of appeals.
- (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. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official action, all of which shall be filed in the office of the board and shall be a public record.
- (g) *Powers and duties.*
- (1) The board of appeals shall have the following powers as provided in Wis. Stats. § 62.23(7)(e):
- a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or body in the administration or enforcement of this chapter. Except in the case of a hearing de novo in a contested case, if a party in a hearing before the board of appeals shall offer or request leave to offer evidence or information which was not or could not reasonably have been presented to the administrative official from whose order, requirement, decision, or determination the appeal is taken, the board of appeals shall remand the matter to the administrative official to consider such new facts or material and make a redetermination in the matter.
  - b. To authorize upon appeal in specific cases such variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in practical difficulty or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done.
  - c. In exercising the above-mentioned powers, such board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order,

requirements, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit provided that no such action shall have the effect of permitting in any district a use prohibited in that district, of rezoning, or of permitting, without the approval of the planning commission, any building within the base setback area as established by section 58-406 of this chapter.

(2) The board of appeals shall have the following additional duties:

a. The board shall adopt rules governing its procedure consistent with the terms of Wisconsin Statutes and this chapter.

b. In making its determination the board shall consider whether the proposed variance or use would be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of physical, social or economic effects; and may impose such requirements and conditions with respect to locations, construction, maintenance and operation, in addition to any which may be stipulated in this chapter, as the board may deem necessary for the protection of adjacent properties and the public interest and welfare.

c. In order to reach a fair and objective decision the board may, in its discretion, utilize and give recognition to appropriate performance standards which are available in model codes or ordinances or which have been developed by planning, manufacturing, health, architectural and engineering research organizations.

(h) *Required vote.* If a quorum is present, the board of appeals may take action under this section by a majority vote of the members present, to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this section or to effect any variation from the terms of zoning ordinances. The grounds of every such determination shall be stated.

(i) *Appeals.*

(1) Except as to appeals from the architectural board, which shall be brought within seven working days from the date of the architectural board determination appealed from, appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of an administrative officer or body within 30 days of the decision of such officer or body, by filing with the city clerk a notice of appeal on the prescribed form specifying the grounds thereof, and by paying the prescribed fee. The officer from whom the appeal is taken shall transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(2) Any person or persons aggrieved by a decision of the board of appeals, or any taxpayer, or any officer, department, board or bureau of the municipality may appeal a decision of the board of appeals within 30 days after the filing of the decision in the office of the city clerk in the manner provided in Wis. Stats. § 62.23(7)(e).

(j) *Filing.* A notice of appeal shall be filed with the officer from whom the appeal is taken and with the board of appeals, specifying the grounds thereof. The offices from whom the appeal is taken shall

forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken.

(k) *Stay.* An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the officer from whom the appeal is taken on due cause shown.

(l) *Hearing.* Each appeal shall be heard within 40 days from the time of filing and public notice of such hearing shall be given as provided by [section 58-43](#) as well as to the parties in interest. Such notice however shall require only one publication which shall be not less than ten days prior to the date of the hearing and one posting on a public bulletin board in the city hall. Any party may appear in person, or by agent or by attorney representing them.

(m) *Decision.* The board of appeals shall render its decision in writing within 15 days after completion of the hearing thereon, and shall forthwith file the same with the designee of the city clerk who shall act as secretary to the board.

(Code 1957, § 3.19(5); Ord. No. 2003-1064, 4-17-2003; Ord. No. 2004-1098, § I, 5-11-2004; Ord. No. 2006-1181, 5-9-2006; Ord. No. 2008-1238, § I, 4-8-2008; Ord. No. 2010-1330, § I, 10-12-2010)

**State Law reference**— Board of appeals, Wis. Stats. § 62.75(7)(3).

## **DIVISION 8. - JOINT MEQUON-THIENSVILLE BIKE AND PEDESTRIAN WAY COMMISSION**

### **Sec. 2-617. - Creation.**

Subject to adoption by the Village of Thiensville of an ordinance or resolution authorizing creation of a joint bike and pedestrian way commission, there is hereby authorized to be created a Joint Mequon-Thiensville Bike and Pedestrian Way Commission.

(Ord. No. 2009-1267, § I, 2-10-2009)

### **Sec. 2-618. - Purpose.**

The mission of the Joint Mequon-Thiensville Bike and Pedestrian Way Commission shall be to advise the Mequon Common Council and Thiensville Village Board regarding creation, revisions to and implementation of a city- and village-wide master plan for bike and pedestrian ways and trails accessible to bicyclists, pedestrians and participants in other silent sports.

(Ord. No. 2009-1267, § I, 2-10-2009)

### **Sec. 2-619. - Membership and term of office.**

(a) The Joint Mequon-Thiensville Bikeway Commission shall consist of seven voting members, four of whom shall be residents of and represent the City of Mequon and three of whom shall be residents of and represent the Village of Thiensville. In addition to the voting members, each community may appoint additional non-voting members. The mayor shall appoint the Mequon members, subject to common council confirmation. An aldermanic liaison may be assigned to the commission in a non-voting capacity at the annual organizational meeting if desired by the aldermen.

(b) At the next meeting following enactment of this division, one voting member shall be appointed to a term which shall expire April 30, 2010, one voting member shall be appointed to a term which shall expire April 30, 2011 and two voting members shall be appointed to terms which shall expire April 30, 2012. At the annual organizational meetings preceding the expiration of these initial appointment terms, all subsequent appointments of voting members shall be made for terms of three years. Mequon non-voting members shall serve at the pleasure of the mayor.

(Ord. No. 2009-1267, § I, 2-10-2009)

### **Sec. 2-620. - Chairman.**

The Joint Mequon-Thiensville Bike and Pedestrian Way Commission shall elect annually one member to serve as chairman to preside over meetings. The commission may elect other officers, as it deems necessary.

(Ord. No. 2009-1267, § I, 2-10-2009)

### **Sec. 2-621. - Quorum.**

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

(Ord. No. 2009-1267, § I, 2-10-2009)

### **Sec. 2-622. - Meetings.**

- (a) The commission shall hold regular meetings as determined by the commission.
- (b) Written notice of all meetings shall be delivered to each commission member at least 48 hours in advance of said meeting and shall inform of the time, place and purpose of the meeting. Due notice of each meeting and agenda shall also be published in accordance with Wis. Stats. § 19.83 et seq. (Ord. No. 2009-1267, § I, 2-10-2009)

**Sec. 2-623. - Duties.**

The commission shall have the following powers and duties:

- (1) Advise the Mequon Common Council and Thiensville Village Board regarding creation, revisions to and implementation of a city- and village-wide master plan for bike and pedestrian ways and ancillary services throughout the City of Mequon and the Village of Thiensville;
- (2) Set priorities for new bike and pedestrian ways or enhancements of existing routes in the master plan;
- (3) Identify and prioritize critical gaps in bike and pedestrian ways;
- (4) Develop and encourage education programs for bicyclists and walkers/runners;
- (5) Assist and encourage enforcement of safety measures for users of bike and pedestrian ways, and for shared use with other silent sports such as roller-blading and roller-skiing;
- (6) Develop and distribute information about bicycling, walking and running-related activities and bikeways;
- (7) Identify and recommend the availability of development grants;
- (8) Submit an annual report concerning commission activities to the Mequon Common Council and Thiensville Village Board.

(Ord. No. 2009-1267, § I, 2-10-2009)

**Secs. 2-624—2-800. - Reserved.**

## **DIVISION 4. - OPEN SPACE PRESERVATION COMMITTEE**

### **Sec. 2-497. - Creation.**

There is hereby created an open space preservation commission.

(Code 1957, § 2.28(1))

### **Sec. 2-498. - Purpose.**

The commission shall stimulate and encourage land preservation throughout the city. Serving an advisory role to the common council, it shall manage and administer the city's land preservation program, recommend long and short range elements of the program, recommend an annual work program, prepare an annual report, and recommend an annual budget for its activities and preservation transactions.

(Code 1957, § 2.28(2))

### **Sec. 2-499. - Membership and term of office.**

The commission shall consist of nine voting members; each alderman shall appoint one voting member from his/her aldermanic district, and the mayor shall appoint one member. Such appointments shall be coterminous with the terms of the respective appointing aldermen and the mayor.

(Code 1957, § 2.28(3))

### **Sec. 2-500. - Chairman.**

The mayor, from the nine voting members, shall appoint the chairman.

(Code 1957, § 2.28(4))

### **Sec. 2-501. - Quorum.**

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

(Code 1957, § 2.28(5))

### **Sec. 2-502. - Meetings.**

The open space preservation commission shall conduct its meetings at scheduled times and places as shall be determined by the commission. Written notice of all meetings and agendas shall be delivered to each commission member at least 48 hours in advance of said meeting, and shall inform of the time and purpose of the meeting.

(Code 1957, § 2.28(6))

### **Sec. 2-503. - Duties.**

The open space preservation commission shall have the following powers and duties:

- (1) Recommend appropriations and grants for preservation efforts to the common council.
- (2) Educate the public, promote, and market the preservation program.

- (3) Solicit, negotiate, and administer land preservation transactions (e.g., title in fee simple, development rights, remainder interests, options, right of first refusals, and donations).
- (4) Negotiate and recommend to the common council for approval contracts for appraisals, surveys, environmental assessments, site inspections, real estate assistance, and legal assistance as necessary to administer the preservation program.
- (5) Solicit preservation grants and aids from non-local sources.
- (6) Work with land trusts the City of Mequon park board and other appropriate agencies to coordinate preservation efforts.
- (7) Submit a semi-annual report concerning communication activities to the common council.

(Code 1957, § 2.28(7); Ord. No. 2001-1021, § I, 5-8-2001)

**Secs. 2-504—2-529. - Reserved.**

**Sec. 18-21. - G. Opitz Mequon Cemetery Board.**

- (a) *Creation.* There is hereby created a G. Opitz Mequon Cemetery Board.
- (b) *Purpose.* The board shall take charge and have general supervision of the G. Opitz Mequon Cemetery.
- (c) *Membership and term of office.* The board shall consist of the city clerk, city treasurer and one elector who shall be appointed by the mayor and confirmed by the council. The elector shall be appointed for a three-year term.
- (d) *Chairman.* At its annual spring meeting, the board shall choose a chairman.
- (e) *Quorum.* Two members shall constitute a quorum.
- (f) *Meetings.* The board shall conduct an annual spring meeting. All other meetings shall be at the call of the chairman.
- (g) *Powers and duties.* The board shall:
  - (1) Take and have general supervision and charge of the G. Opitz Mequon Cemetery.
  - (2) Approve payment of claims on the cemetery fund, which when certified approved by the clerk's designee, shall be paid out of the fund by the city treasurer.
  - (3) Make an annual report to the common council, which shall recapitulate all work done by the board.
  - (4) Have the authority to make purchases of materials, supplies and equipment for use at the G. Opitz Mequon cemetery up to \$500.00 in amount without previous specific authorization therefor by the common council, provided the money for such purchases has been made available by tax levy or through revenues.
  - (5) Perform such other duties as are assigned to them by the laws of Wisconsin and the ordinances of the city.

(Ord. No. 2004-1125, § I(15.02)(1)—(7), 1-11-2005; Ord. No. 2008-1248, § III, 5-13-2008)

**Sec. 18-22. - Superintendent.**

- (a) *How appointed.* The board of cemetery commissioners shall appoint a superintendent of the cemetery.
- (b) *Powers and duties.* The superintendent of the cemetery shall receive a salary which shall be set by the board and he shall:
  - (1) Perform such duties as are prescribed by the board.
  - (2) Subject to the direction of the board and the common council, have general supervision and control of the cemetery grounds, including all private lots.
  - (3) Have charge and care of the cemetery equipment, secure employment of necessary help through the board, keep records in interment and orders for work on private lots, and have charge of all funerals entering the cemetery.
  - (4) Collect all accounts and shall issue a receipt for all payments made to him, keep an approved system of books showing the receipts and disbursements of the department and remit to the city treasurer at least monthly all cash received.
  - (5) Perform such duties and exercise such powers as are assigned to him by the laws of the State, the ordinances of the City of Mequon and the rules and regulations of the cemetery.

(Ord. No. 2004-1125, § I(15.03)(1), (2), 1-11-2005)

• **Sec. 18-23. - Right of burial, after death of original purchaser.**

(a) The original purchaser may execute under his hand and seal an instrument duly acknowledged before any officer authorized to take acknowledgements of deeds, directing who shall be interred upon said lot and deposit said instrument with the board, except that if said purchaser shall designate any person or persons other than his immediate family or kindred, he shall first obtain the written permission of the board and the approval thereof may be withheld for any cause which the board in its discretion deems proper, and in the event such approval is withheld, such designation by the purchaser shall be inoperative.

(b) Should the original purchaser fail to designate the persons to be buried in such lot then a majority of the living lineal descendants of nearest and equal degree of consanguinity may, by an agreement in writing duly signed and acknowledged before an officer authorized to take acknowledgments of deeds and deposited with the board, determine by such writing who, among themselves, shall be buried in said lot and in such case no burial space therein shall be sold and no burial permitted therein for a consideration, and such agreement must be approved in writing by the board, which approval may be withheld by the board for any cause which in its discretion it may deem proper. In the event such designation is made and approved, the person or persons so designated shall not have the right to transfer their right to burial. The agreement shall be accompanied by satisfactory evidence in writing that the persons signing the same constitute at least a majority of all the then living lineal descendants of the next in equal degree of consanguinity to the original purchaser.

(c) Should the original purchaser fail to designate the persons to be buried and the heirs shall not have consummated an agreement as to whom shall be buried, then interments on said lot shall be made in the following order.

(1) Space shall be reserved for the spouse of the original purchaser, whether marrying again or not, and such spouse shall have first right to interment thereon to the exclusion of all other persons.

(2) The direct lineal descendants of such purchase in nearest and equal degree of consanguinity shall have next right of burial in the order of their death provided that grandchildren of the purchaser and of more remote degree shall not be buried on said lot without the written consent of a majority of all the then living lineal descendants of nearer degree of consanguinity to the purchaser.

(3) If there remain unoccupied spaces after providing for interments as hereinabove provided, or if there be no lineal descendants, then collateral kindred in the nearest and equal degree of consanguinity to said purchaser in order of their death shall be entitled to interment thereon.

(4) Notwithstanding anything hereinabove provided in these rules, the board, in the exercise of its sole discretion and without being in anywise answerable to any person, may permit the burial on said lot of any person, whether or not belonging to any of the classes above mentioned, who, by reason of blood kindred or other family relationship to, or by reason of close association with the deceased lot owner, or any person buried or presumptively entitled to be buried on said lot, is deemed by the board to be justly and equitably entitled to burial thereon, unless there shall be on file a written objection to the burial of such person, duly signed and acknowledged by some person or persons of the class of nearest kindred then presumptively entitled to burial, in which latter case no burial outside the specified class of descendants or collateral kindred shall be made.

(d) In case burial rights in the same lot shall have been granted to more than one person, such rights shall be held by them as tenants in common, and in case of disagreement between them, or between the persons entitled after the decease of either or both, the board shall partition such lot in severalty, as in its discretion it may deem most equitable and just.

(e) In determining the ownership of burial rights, the board shall not at any time be bound to recognize any person as grantee or owner of any rights except the grantee named in the original conveyance by the cemetery, and his successors as herein specified, nor shall it at any time be bound to recognize any agreement or understanding affecting such rights not filed and approved in accordance herewith.

(Ord. No. 2004-1125, § I(15.04), 1-11-2005)

- **Sec. 18-24. - Inheritance.**

To establish the inherited rights of burial upon the death of the owner, one of the heirs shall file an affidavit at the office of the board, setting forth a complete list of the heirs and the adult heirs shall in writing designate one of their number as a representative to sign orders relating to the lot.

(Ord. No. 2004-1125, § I(15.05), 1-11-2005)

- **Secs. 18-25—18-35. - Reserved.**

**DIVISION 6. - MILWAUKEE RIVER ADVISORY COMMITTEE****Sec. 2-566. - Creation.**

There is hereby created, in cooperation with the Village of Thiensville, a Milwaukee River advisory committee.

(Ord. No. 2003-1085, § I, 11-11-2003)

**Sec. 2-567. - Purpose.**

The Milwaukee River advisory committee shall identify, study and advise the City of Mequon and the Village of Thiensville on matters of mutual importance concerning the Milwaukee River, its tributaries, and adjacent riparian lands, including recommending conservation and regulation policies and enforcement, to ensure the continued health of the river system and the reasonable use and enjoyment of the river by recreational users and riverfront property owners.

(Ord. No. 2003-1085, § I, 11-11-2003)

**Sec. 2-568. - Membership and term of office.**

The committee shall consist of seven citizen members, serving three year staggered terms, five of whom shall be appointed by the mayor of the City of Mequon and confirmed by the common council and two by the Village of Thiensville.

(Ord. No. 2003-1085, § I, 11-11-2003)

**Sec. 2-569. - Chairman.**

From among its members, the committee shall annually select its chairman.

(Ord. No. 2003-1085, § I, 11-11-2003)

**Sec. 2-570. - Quorum.**

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

(Ord. No. 2003-1085, § I, 11-11-2003)

**Sec. 2-571. - Meetings.**

The committee shall conduct its meetings at scheduled times and places as shall be determined by the committee or at 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.

(Ord. No. 2003-1085, § I, 11-11-2003)

**Sec. 2-572. - Duties.**

The Milwaukee River advisory committee shall have the following powers and duties:

- (1) Recommend conservation policies and efforts.
- (2) Educate the public about the resource and its protection and enhancement.
- (3) Study and recommend regulations to preserve and protect the river and riparian lands.
- (4) Solicit conservation and restoration aids and grants.
- (5) Organize and sponsor clean-up activities.
- (6) Submit an annual report to the governing bodies of the City of Mequon and the Village of Thiensville.

(Ord. No. 2003-1085, § I, 11-11-2003)

**Secs. 2-573—2-592. - Reserved.**

#### **DIVISION 5. - TREE BOARD**

##### **Sec. 2-530. - Creation.**

There is hereby created a tree board.

(Ord. No. 2001-1025, § I, 1-8-2002)

**Sec. 2-531. - Purpose.**

The mission of the tree board is to advise the common council about creating an urban forest of high quality mature trees and assuring tree protection and preservation in the City of Mequon.

(Ord. No. 2001-1025, § I, 1-8-2002)

**Sec. 2-532. - Membership.**

(a) The tree board shall consist of five citizen members. One member should be a certified landscape architect, arborist, or professional in a related field.

(b) Beginning May 1, 2002 one member shall be appointed for a one-year term, two members shall be appointed for a two-year term and two members shall be appointed for a three-year term. Thereafter, appointments shall be for three-year terms. Appointments shall be made by the mayor and confirmed by the common council. All vacancies on the tree board shall be filled by appointment of the mayor and confirmed by the common council and the appointee shall serve the balance of the three-year term.

(Ord. No. 2001-1025, § I, 1-8-2002)

**Sec. 2-533. - Chairman.**

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

(Ord. No. 2001-1025, § I, 1-8-2002)

**Sec. 2-534. - Quorum.**

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

(Ord. No. 2001-1025, § I, 1-8-2002)

**Sec. 2-535. - Meetings.**

(a) The board shall hold regular meetings not less frequently than once every three months at a regularly scheduled time and place as determined by the committee.

(b) Written notice of all meetings shall be delivered to each board member at least 48 hours in advance of said meeting, and shall inform of the time and purpose of the meeting.

(Ord. No. 2001-1025, § I, 1-8-2002)

**Sec. 2-536. - Duties.**

The tree board shall have the following powers and duties:

- (1) Assist in evaluating needs, in setting goals and in determining the achievement of the policies and goals of the tree preservation ordinance;

- (2) Provide leadership in the development of the understanding of the objectives and methods of tree protection and preservation, and in the planting of trees in the city;
- (3) Promote public education and awareness;
- (4) Assist and confer with the city forester on the implementation of the tree preservation ordinance;
- (5) Assist city staff in the development and maintenance of the tree preservation guidelines and administrative standards to be promulgated and published as part of the tree preservation ordinance.
- (6) Review and recommend to the planning commission developers' tree planting plans.
- (7) Identify and recommend the availability of grants.
- (8) Submit an annual report to the common council.

(Ord. No. 2001-1025, § I, 1-8-2002)

**Secs. 2-537—2-565. - Reserved.**



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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**

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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 (1812 : Boards and Commissions)

## 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 (1812 : Boards and Commissions)

**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 (1812 : Boards and Commissions)

ARTICLE IX. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 1. – GENERALLY

<p><b>Sec. 2-416. - Generally.</b></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><b>Sec. 2-417. - Citizen members.</b></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><b>Sec. 2-418. - Alternate citizen members.</b></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><b>Sec. 2.419. - Qualifications: citizen members and alternate citizen members.</b></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><b>Sec. 2.420. - Appointment and commencement of term: citizen members and alternate citizen members.</b></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 (1812 : Boards and Commissions)

GENERAL ORDINANCE

<p><b>Sec. 2.421. - Aldermanic representatives and alternate aldermanic representatives.</b></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><b>Sec. 2.422. - Removal from committee.</b></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 (1812 : Boards and Commissions)

GENERAL ORDINANCE

<p><b>Sec. 2.423. - Vacancies.</b></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><b>Sec. 2-424. - Chair and officers.</b></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 (1812 : Boards and Commissions)

GENERAL ORDINANCE

<p><b>Sec. 2-425. - Quorum.</b></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><b>Sec. 2-426. - Action of the committee.</b></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><b>Sec. 2-427. - Meetings, agenda, minutes and recommendations.</b></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"> <li>(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.</li> <li>(2) The chair if he or she is selected by the mayor.</li> </ul> <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 (1812 : Boards and Commissions)

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><b>Sec. 2-428. - Appearances by members of the common council.</b></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 (1812 : Boards and Commissions)

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.**

Existing Ordinance  
Board of Review

DIVISION 2. - BOARD OF REVIEW<sup>(11)</sup>

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.

Attachment: WIRTH MEMORANDUM - 5.11.16 (1812 : Boards and Commissions)

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 (1812 : Boards and Commissions)

## 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.

Attachment: WIRTH MEMORANDUM - 5.11.16 (1812 : Boards and Commissions)

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.**

Existing Ordinance  
Park Board

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: August 10, 2016**  
**SUBJECT: Public Welfare Committee FY2016-2017 Work Plan**

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

Attachments:

FY2016-17 ITEMS FOR CONSIDERATION Exhibit A (DOCX)

FY2016-17 WORKING CALENDAR Exhibit B (DOCX)

Updated: 8/4/2016

**EXHIBIT A**

**Public Welfare Committee  
FY2016-17 Items for Consideration**

<b>Proposal</b>	<b>Summary</b>
<b>Televising of Public Meetings</b>	<p>Consideration of a policy to have all meetings of the Common Council, in whatever form, televised on Channel 25</p> <ul style="list-style-type: none"> <li>▪ Committee of the Whole meetings</li> <li>▪ Sewer &amp; Water Utility Board meetings</li> <li>▪ Appropriations Committee meetings</li> <li>▪ Any other meeting that includes all members of the Common Council</li> </ul>
<b>Ethics Code Updates</b>	<p>Ethics Board meeting was held on June 21, 2016 to review the proposed “honesty provisions” as recommended by the Public Welfare Committee.</p> <ul style="list-style-type: none"> <li>▪ Consideration of adding the following additional provisions to the Ethics Code: <ul style="list-style-type: none"> <li>▪ Impartiality Clause</li> <li>▪ Non-Retaliation Clause</li> </ul> </li> </ul>
<b>Review of Boards, Commissions &amp; Committees</b>	<p>Review ordinances establishing various committees:</p> <ul style="list-style-type: none"> <li>▪ Standardize ordinance language</li> <li>▪ Eliminate unnecessary committees</li> <li>▪ Ensure accurate purpose/power/duties</li> <li>▪ Right-size committees, as appropriate</li> </ul>
<b>Short Term Rentals</b>	<p>This item was scheduled for further consideration in June 2016 and subsequently tabled, pending the receipt of additional information.</p>
<b>Public Meeting Notice Procedures (General)</b>	<p>Consideration of a policy to:</p> <ul style="list-style-type: none"> <li>▪ Post a list of items that could be on an upcoming agenda 1-week in advance of the meeting</li> <li>▪ Posting the actions taken by the Common Council following the meeting</li> </ul>
<b>Public Notice Procedures (Development)</b>	<p>Review of current notification practices:</p> <ul style="list-style-type: none"> <li>▪ The area to which the City sends postcards. Is it adequate?</li> <li>▪ Can people understand what is being proposed by the wording on the postcards?</li> </ul>

Attachment: FY2016-17 ITEMS FOR CONSIDERATION Exhibit A (1804 : 2016-17 Committee Topics)

Updated: 8/4/2016

Proposal	Summary
	<ul style="list-style-type: none"> <li>▪ When should public meetings be held? Should there be a public meeting earlier in the consideration of significant developments? Or, are people satisfied with public input and education only on the night of final deliberation?</li> <li>▪ How else can we inform interested parties?</li> </ul>
<b>Online Availability of City Policies</b>	Consideration that all adopted City policies be posted on the City's website
<b>Branding Committee</b>	<ul style="list-style-type: none"> <li>▪ Status update</li> <li>▪ Plans moving forward</li> </ul>
<b>Public-Private Partnership Program to Landscape Public Property/Spaces</b>	Some communities have "sponsors" for public spaces (usually businesses and service clubs, but in some cases individuals). A program like this could bridge a funding gap, while improving the appearance of Mequon's medians and public spaces. Alderman Wirth to provide previously compiled research materials.
<b>Prohibited Landscaping Materials</b>	This topic was introduced/discussed at the 10/14/14 Public Welfare Committee meeting. Staff was given direction to research whether or not there is a list of hazardous landscape materials the City prohibits, and if so, the Committee directed Staff to make the list available to residents. No such list exists. Moreover, the City does not regulate single-family residential landscaping. No further action was requested.
<b>Review of City Inspections Division</b>	Discussion to be scheduled for latter part of 2016.
<b>Review of Matters Submitted to Board of Appeals</b>	Committee review to determine if any ordinances need to be revisited or amended. Review to also consider the basis of appeals, to determine if there are common/repeated matters being appealed.
<b>Electronic Communications Policy</b>	<p>Review existing policy for updates, including:</p> <ul style="list-style-type: none"> <li>▪ Portions of the electronic policy that should apply to employees</li> <li>▪ General updates as technology has changed</li> </ul>
<b>Review of Matters Requiring</b>	Committee review to determine if any ordinances need to be revisited or amended.

Updated: 8/4/2016

Proposal	Summary
<b>Resubmission to Architectural Board</b>	
<b>Review of City Records Retention Policy</b>	Review and discussion of City's current policy, and consideration of any proposed amendments. To be scheduled for late 2016/early 2017.
<b>Adding Specific Definitions</b>	Consideration of establishing a definition for "promptly". The example provided was that "Staff is supposed to address issues promptly" - what does that mean from a timing perspective?

**EXHIBIT B**

**Public Welfare Committee  
2016-17 Working Calendar (Updated August 4, 2016)**

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

Attachment: FY2016-17 WORKING CALENDAR Exhibit B (1804 : 2016-17 Committee Topics)

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