

COMMON COUNCIL  
OF THE  
CITY OF MEQUON

ORDINANCE 2023-1652

An Ordinance Amending Chapter 2 of the Mequon Municipal Code, Incorporating Various Changes Resulting from the First Amendment to an Intergovernmental Agreement Establishing the Southern Ozaukee Fire & Emergency Medical Services Department

**RECITALS**

A. Following execution of the Intergovernmental Agreement establishing the Southern Ozaukee Fire & Emergency Medical Services Department (the “SOFD Agreement”), the Common Council previously adopted Division 18 and Division 19 of Article IX of Chapter 2 of the Mequon Municipal Code related to the Southern Ozaukee Fire and Emergency Medical Services Department Board of Directors and the Southern Ozaukee Fire and Emergency Medical Services Department Joint Fire Commission.

B. Upon the recommendation of the SOFD Board of Directors, the Common Council has approved a First Amendment to the SOFD Agreement relating to the membership of the Board of Directors and the Joint Fire Commission.

C. The Common Council desires to amend the Mequon Municipal Code to reflect the changes in the First Amendment to the SOFD Agreement.

BASED UPON THE FOREGOING RECITALS, the Common Council of the City of Mequon, Wisconsin, do ordain as follows:

**SECTION I**

Section 2-752(a) of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck through~~; Added text is **bolded & double-underlined**):

Sec. 2-752. - Membership.

(a) The Board shall have ~~five~~**seven** members. The members shall be the Thiensville Village President, a Thiensville Trustee ~~nominated by the Thiensville Village President and confirmed by the Thiensville Village Board~~, **a Thiensville Citizen who may or may not be a second Village Trustee**, the Mequon Mayor, the President of the Mequon Common Council ~~and one other Mequon Resident nominated by the Mequon Mayor and confirmed by the Mequon Common Council~~, **and two Mequon Citizens who may or may not be a Mequon Alderperson**. The Thiensville Trustee and the Thiensville Citizen member shall be nominated by the Thiensville Village President and confirmed by the Thiensville Village Board. The **two** Mequon Citizen members shall be nominated by the Mequon Mayor and confirmed by the Mequon Common Council. The administrators of Mequon and Thiensville shall be ex officio, non-voting

members of the Board.

## SECTION II

Section 2-755 of the Mequon Municipal Code is repealed and recreated to read as follows:

Sec. 2-755. - Deviation from general provisions.

- (a) Section 2-420(b) shall not apply to the board. Appointments of Mequon citizen members shall be staggered together with the term of office of the mayor such that, other than appointments filling vacancies pursuant to Section 2-423, only the mayor or one of the citizen members is appointed in any year.
- (b) Section 2-424(a), (b), and (d) shall not apply to the board. Section 2-753 shall apply.
- (c) Section 2-425 shall not apply to the board. A quorum shall consist of four voting members of the board, including any alternates serving in the stead of other members; however, at least one voting member from each municipality must be present to constitute a quorum.
- (d) Section 2-426 shall not apply to the board. The affirmative vote of a majority of the voting members of the board (including any alternates serving in the stead of other members) at which a quorum is present shall constitute the action of the board provided that at least one member from each municipality has voted in the affirmative.
- (e) Section 2-428 shall not apply to the board.
- (f) Section 2-430 shall not apply to the board. No member may appear at any meeting by telephonic or other electronic means. This rule may be waived in its entirety by the board or the President in the event of any public health emergency or, provided a quorum is present in person, for an individual member or members.

## SECTION III

Section 2-271 of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck through~~; Added text is **bolded & double-underlined**):

Sec. 2-771. - Membership.

The ~~five~~**seven** members of the Southern Ozaukee Fire and Emergency Medical Services Department Board of Directors shall serve as the members of the commission. Vacancies on the commission shall be filled by appointment for any unexpired term by the appointing authority in the same manner as original appointments are made. The administrators of Mequon and Thiensville shall be ex officio, non-voting members of the commission.

## SECTION IV

Section 2-774 of the Mequon Municipal Code is repealed and recreated to read as follows:

Sec. 2-774. - Deviation from general provisions.

- (a) Section 2-420(b) shall not apply to the commission. Appointments of Mequon citizen members shall be staggered together with the term of office of the mayor such that, other than appointments filling vacancies pursuant to Section 2-423, only the mayor or one of the citizen members is appointed in any year.
- (b) Section 2-424(a), (b), and (d) shall not apply to the commission. Section 2-772 shall apply.
- (c) Section 2-425 shall not apply to the commission. A quorum shall consist of four voting members of the commission, including any alternates serving in the stead of other members; however, at least one voting member from each municipality must be present to constitute a quorum.
- (d) Section 2-426 shall not apply to the commission. The affirmative vote of a majority of the voting members of the commission (including any alternates serving in the stead of other members) at which a quorum is present shall constitute the action of the commission provided that at least one member from each municipality has voted in the affirmative.
- (e) Section 2-428 shall not apply to the commission.
- (f) Section 2-430 shall not apply to the commission. No member may appear at any meeting by telephonic or other electronic means. This rule may be waived in its entirety by the commission or the President in the event of any public health emergency or, provided a quorum is present in person, for an individual member or members.

#### **SECTION V**

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 VI**

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

#### **SECTION VII**

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

Approved by: Andrew Nerbun, Mayor

Date Approved: August 8, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on August 8, 2023.

Caroline Fochs, City Clerk

Published: August 15, 2023