

# INSTRUCTION SHEET ADDITIONS TO MILWAUKEE CITY CHARTER

## SUMMARY

This supplement incorporates changes to the Milwaukee City Charter enacted by the following Common Council file:

131162            A charter ordinance relating to the administration of the employees' retirement system.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
<b>Remove <u>old</u> MEMO (Suppl. #168)</b>				i-ii v-vi	i-ii v-vi
36-15-2-a-3	cr	131162	3/10/2014	361-366	361-366
36-15-2-c-0	am	131162	3/10/2014	"	"
36-15-2-c-1	cr	131162	3/10/2014	"	"
36-15-2-c-2	cr	131162	3/10/2014	"	"
36-15-2-c-3	cr	131162	3/10/2014	"	"
36-15-7-a	am	131162	3/10/2014	"	"
36-15-15-b	am	131162	3/10/2014	"	"

For subscription, distribution or insertion questions contact the Legislative Reference Bureau, Code Section, (414) 286-3905.

For questions concerning the content of the Milwaukee Code or Ordinances contact the Legislative Reference Bureau, Research Section, (414) 286-2297.

**Abbreviations:**

am=amended  
cr=created

ra=renumbered and amended  
rc=recreated

rn=renumbered  
rp=repealed



**CITY OFFICIALS**

**2012 to 2016**

**Mayor**  
Tom Barrett

**Council President**  
Michael J. Murphy

**The Common Council**  
(By Aldermanic District)

1. Ashanti Hamilton
2. Joe Davis, Sr.
3. Nik Kovac
4. Robert J. Bauman
5. James A. Bohl, Jr.
6. Milele A. Coggs
7. Willie C. Wade
8. Robert G. Donovan

9. Robert W. Puente
10. Michael Murphy
11. Joe Dudzik
12. Jose G. Perez
13. Terry L. Witkowski
14. Tony Zielinski
15. Vacant

**City Clerk:** Jim Owczarski  
**Deputy:** Rebecca N. Grill

**City Attorney**  
Grant F. Langley

**City Comptroller**  
Martin Matson

**City Treasurer**  
Spencer Coggs

**Municipal Judges**

Branch 1  
Valarie Hill

Branch 2  
Derek Mosley

Branch 3  
Phil Chavez

## FORWARD

The Milwaukee City Charter is a compilation of laws affecting the City of Milwaukee adopted by the Wisconsin Legislature and the Milwaukee Common Council. It contains the original 1874 charter and all amendments to it subsequently adopted. It also contains session laws adopted by the Legislature which affect the city but are not printed in the Wisconsin Statutes.

In 1984, the Charter was printed in its current format of an updatable looseleaf. A number of session laws contained in the previous (1977) edition of the Charter were removed because of actions by the State Legislative either repealing them or incorporating them into the printed Wisconsin Statutes. A list of those removed and where they are located in the statutes is contained in Appendix I.

As changes are made to this Charter by the Common Council, replacement pages will be issued, along with specific instructions regarding pages to be removed or inserted.

Richard G. Pfaff, Manager  
Legislative Reference Bureau  
March, 2014

The numbering system for the Milwaukee City Charter and Code of Ordinances is patterned on that used for the Wisconsin Statutes (except for the use of dashes in place of parentheses) and is as follows:

Chapter	Section	Subsection	Paragraph	Subdivision	Subparagraph					
70	-	10	-	3	-	a	-	4	-	b

If there are questions regarding the numbering system, or the correct method of citation, please contact the Legislative Reference Bureau.

## **MEMO**

If all supplements have been properly inserted, this book contains all actions of the Common Council through December 17, 2013.

Revised 12/17/2013  
Suppl. #169



i. Applicability. The board shall adopt rules for the application of par. g respecting treatment of interrupted service, computation of offset and service credit not in excess of creditable service in this system. (*Par. h cr. Ch. Ord. 361, File #69-990, Nov. 11, 1969. Par. h rn. to i, File #911897, Feb. 11, 1992; eff. Apr. 13, 1992.*)

6. GUARDIAN FOR MEMBER. Whenever a guardian has been appointed for a member by a court of record and a certified copy of the order appointing the guardian has been filed with the secretary of the board, such guardian may file an application for retirement and also elect the option and may designate the beneficiary when authorized by such court so to do.

7. DEATH BENEFIT PAYMENTS TO BENEFICIARIES RESIDING IN FOREIGN COUNTRIES. In the event that a member designates a beneficiary who is both a resident and a citizen of a foreign country to receive a death benefit and contributions made by such member, the board shall determine whether such benefit shall be paid to the beneficiary or instead be made payable to the estate of such deceased member. No death benefit shall be payable on account of the death of such member and only the member's contributions shall be paid to the beneficiary or the estate of the member, unless the board shall determine otherwise. (*am. Ch. Ord. 332, File #67-355-a, July 25, 1967.*)

**36-14. Home Rule.** For the purpose of giving to cities of the first class the largest measure of self-government with respect to pension, annuity and retirement systems compatible with the constitution and general law, it is hereby declared to be the legislative policy that all future amendments and alterations to this act are matters of local affair and government and shall not be construed as an enactment of statewide concern. Cities of the first class are hereby empowered to amend or alter the provisions of this act in the manner prescribed by s. 66.0101, Wis. Stats., provided that no such amendment or alteration shall modify the annuities, benefits or other rights of any persons who are members of the system prior to the effective date of such amendment or alteration. (*am. Ch. Ord. 332, File #67-355-a, July 25, 1967.*)

**36-15. Administration.** 1. ANNUITY AND PENSION BOARD. a. Retirement System and Group Life Insurance. The general

administration and responsibility for the proper operation of the retirement system and for making effective the provisions of this act are hereby vested in an annuity and pension board which shall be organized immediately after the first 4 members provided for in this section have qualified and taken the oath of office. In addition to all other duties and responsibilities assigned to the board by the provisions of the employees' retirement act, the board shall be responsible for administering the city's group life insurance program, retiree health benefits and retiree dental COBRA benefits as provided for in ordinance adopted by the common council. (*Par. a am. File #990253, June 2, 1999; eff. Aug. 18, 1999.*)

b. Emergency Powers. It is expressly provided that in the event of a national emergency declared by the president of the United States or a national emergency resulting from aerial attack on the area surrounding or on the city of Milwaukee, and a quorum of the board is not available to direct activities of the board, or no member of the board is available or present to authorize continuation of the board's operations, including maintaining and safeguarding of records, receipts and disbursements, expenditure of funds, and safeguarding of investments and securities, then in such event the secretary of the board shall have full authority to discharge the duties and responsibilities of such board, as is provided for in this act, and shall be further empowered to bind the board; provided further, that in the event the secretary of the board is incapacitated, then the assistant secretary shall function in his stead and in the manner hereinbefore provided. However, any vacancies on the board shall be filled as soon as possible.

c. Firemen's Pension Fund of the Former Town of Lake. At any time after May 12, 1964, when the board of trustees of the city of Milwaukee firemen's pension fund of the former Town of Lake certifies to the city clerk of Milwaukee that less than 3 active members remain in such fund, all of the duties and responsibilities devolving upon the board of trustees of the city of Milwaukee firemen's pension fund of the former Town of Lake shall be transferred to and assumed by the annuity and pension board of the employees' retirement system. In the event that such transfer occurs as herein provided for all funds of the city of Milwaukee firemen pension fund of the former Town of Lake shall at the effective date of transfer be turned over to the annuity and

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pension board of the employees' retirement system. Such funds so transferred shall be maintained separately and apart from any other funds under the direction, supervision and control of the annuity and pension board of the employees' retirement system and shall be used solely for the purposes of administering the city of Milwaukee firemen's pension fund of the former Town of Lake as provided for by law. Payments out of such fund shall be made upon direction of the annuity and pension board of the employees' retirement system. All receipts of such fund shall be under the supervision, direction and control of the annuity and pension board of the employees' retirement system, it being the intent of this subsection that whatever duties and responsibilities relating to the administration of the fund of the city of Milwaukee firemen's pension fund of the former Town of Lake are to be assumed and performed by the annuity and pension board of the employees' retirement system from and after the transfer of such fund.

d. The annuity and pension board is authorized to perform administrative work necessary to implement the provisions of s. 34-06, provided it is compensated by the city for the actual cost of the work performed. *(Par. d cr. File #041513, March 16, 2005; eff. May 31, 2005.)*

e. Policemen's Annuity and Benefit Fund.

e-1. The annuity and pension board is authorized to exercise all powers and duties vested in the policemen's annuity and benefit fund board of trustees by ch. 35.

e-2. The annuity and pension board is authorized to invest the assets of the policemen's annuity and benefit fund provided it accounts for the assets separately from the assets of the combined fund.

e-3. All cost and expenses incurred by the annuity and pension board to manage, administer, or operate the policemen's annuity and benefit fund shall be paid by the city of Milwaukee.

e-4. The city of Milwaukee shall indemnify and hold harmless the board members, officers, directors and employees of the annuity and pension board and the employees' retirement system from any liability, damages, or injury arising out of the management, administration, investment or operation of the policemen's annuity and benefit fund.

e-5. The annuity and pension board annually shall obtain a report from the policemen's annuity and benefit fund's actuary on the funded status of the fund. If the fund achieves an actuarially funded status of 105%, then any funds in excess of those required to maintain the 105% actuarially funded status shall be paid to the remaining beneficiaries in equal amounts, as determined by the policemen's annuity and benefit fund's actuary, in the form of increased annuity payments.

e-6. The annuity and pension board annually shall conduct a meeting, or direct its staff to conduct a meeting, to report on the status of the fund and answer any inquiries of retirees or widows. The annuity and pension board shall give all retirees and widows at least 30 days' notice of the time and location of the meeting. *(Par. e cr. File #050744, Oct. 18, 2005; eff. Jan. 3, 2006.)*

2. MEMBERSHIP. The membership of the board shall consist of the following:

a-1. Three members to be appointed by the president of the common council subject to the confirmation of such common council for a term of 4 years.

a-2. Commencing in 1997, when terms expire for members appointed by the common council president, members shall be appointed for terms expiring the 3rd Tuesday of April 2000. Thereafter the common council president shall appoint members for a term of 2 years within 60 days of the commencement of a new common council term, and then within 60 days following 2 years of the commencement of a common council term. If a vacancy occurs in a board position, the president shall appoint within 60 days after the vacancy occurs.

a-3. Three members to be appointed by the mayor subject to the confirmation of the common council. For members appointed by the mayor in 2014, they shall be appointed for terms expiring on the 3rd Tuesday of April, 2016. Thereafter, the mayor shall appoint, within 60 days of the commencement of the mayor's regular term of office, members for a term of 2 years to the board. If a vacancy occurs in a board position, the mayor shall appoint a member within 60 days after the vacancy occurs.

b. The city comptroller ex-officio.

c. Three employee members who shall be members of the retirement system and who shall be elected by the members of the

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retirement system for a term of 4 years according to such rules and regulations as the board shall adopt to govern such election. Notwithstanding the foregoing, the employe members shall consist of one policeman in active service, one fireman in active service, and one general city employe in active service, which shall be determined in the following manner:

c-1. For the member term that expires on December 31, 2014, or at the date the position is vacated, if earlier, a fireman in active service shall be elected to the member position and only a member who is a fireman in active service shall be allowed to vote for this member position.

c-2. For the member term that expires on December 31, 2016, or at the date the position is vacated, if earlier, a general city employe in active service shall be elected to the member position and only a member who is a general city employe in active service shall be allowed to vote for this member position.

c-3. For the member term that expires on December 31, 2017, or at the date the position is vacated, if earlier, a policeman in active service shall be elected to the member position and only a member who is a policeman in active service shall be allowed to vote for this member position.

d. One member to be elected by the vote of persons who had been members but who have retired from the retirement system and receive a retirement allowance, to serve for a term of 4 years. The election of such person shall be conducted in the same manner as is the election of an employe member under par. c except, however, that only retirees as herein described shall be allowed to vote in such election. Nothing herein contained shall preclude any member elected to the board from succeeding himself or herself. (*Sub. 2 am. Ch. Ord. 486, File #79-869-a, Mar. 13, 1980. Sub. 2-a ra. to 2-a-1 File #960237, June 4, 1996; eff. Aug. 20, 1996. Sub. 2-a-2 cr. File #960237, June 4, 1996; eff. Aug. 20, 1996. Sub. 2-c am. File #960237, June 4, 1996; eff. Aug. 20, 1996. Sub. 2-d am. File #960237, June 4, 1996; eff. Aug. 20, 1996. Sub 2-a-3 cr. File #131162, Dec. 17, 2013; eff. March 10, 2014. Sub 2-c-0 am. File #131162, Dec. 17, 2013; eff. March 10, 2014. Sub 2-c-1 to 3 cr. File #131162, Dec. 17, 2013; eff. March 10, 2014.*)

3. VACANCY. If a vacancy occurs in the office of a board member, the vacancy shall

be filled for the unexpired term in the same manner as the office was previously filled.

4. OATH OF OFFICE. Each member of the board shall, within 10 days after his appointment or election, take an oath of office that, so far as it devolves upon him, he will diligently and honestly administer the affairs of the board and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the retirement system.

5. DECISION VOTE. Each member of the board shall be entitled to one vote in the board. A majority of members present shall be necessary for a decision by the members of the board at any meeting of the board. (Sub. 5, am. Ch. Ord. 544, File #84-1168, Dec. 11, 1984.)

6. RULES AND REGULATIONS. Subject to the limitations of this act and with the advice of the city attorney the board shall, from time to time, establish rules and regulations for the administration of the funds created by this act, for the transaction of its business and in order to carry out the provisions of this act. All rules and regulations promulgated by the board shall be filed with the city clerk within 30 days after they have been approved by the board and revocation of such rules or amendments thereto shall be filed in the same manner.

7. OFFICERS AND EMPLOYEES; EXPENSES. The board shall elect from its membership a chairman and vice chairman and shall by a majority vote of all its members appoint a secretary, who may be, but need not be, one of its members. It shall appoint an executive director and shall engage such actuarial and other service as shall be required to transact the business of the retirement system. The compensation of all persons engaged by the board and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board shall approve. (*Sub. 7 m. to 7-0, File #950077, July 14, 1995; eff. Sept. 27, 1995.*)

a. It shall be the duty of the secretary and executive director of the retirement system to maintain records respecting the amount of system funds invested in common stocks and preferred stocks and such secretary and executive director shall function under direction of the annuity and pension board and shall be appointed by such board under civil service procedure with civil service status; the incumbent secretary and executive director shall have civil service status with the enactment of

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this section. In the event of a vacancy in the office of secretary and executive director, such office shall be filled by the board under civil service procedures and thereafter such secretary and executive director shall have civil service status, subject to the rules and regulations thereof. An executive director hired pursuant to an exemption granted by the board of city service commissioners shall continue to serve unless dismissal is approved by 8 board members voting in open session. (*Par. a cr. File #950077, July 14, 1995; eff. Sept. 27, 1995. Par. a am. File #131162, Dec. 17, 2013; eff. March 10, 2014.*)

b. The assistant secretary and executive director shall fulfill the duties of the secretary and executive director in his or her absence for any reason, and in the event a vacancy shall occur in the office of assistant secretary and executive director the position shall be filled by the board under civil service procedures, and he or she shall have civil service status under the rules and regulations applicable thereto. (*Par. b cr. File #950077, July 14, 1995; eff. Sept. 27, 1995.*)

**8. DATA REQUIRED.** The board shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the retirement system, and for checking the experience of the system.

**9. RECORDS.** The board shall keep a record of all its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding year, the amount of the assets of the system and the financial condition of the system as disclosed by an actuarial valuation of the retirement system. The board shall by resolution determine which of its records are obsolete or no longer required and direct the secretary of such board to destroy those records; provided, however, that no records shall be destroyed unless the secretary shall certify that it is no longer required in the conduct of the board's business or essential to the safeguarding of records with respect to members' or retired members' rights or benefits, and provided further that in no event shall any record be destroyed until it has been in existence for more than 7 years.

**10. LEGAL ADVISOR.** The city attorney shall be the legal advisor of the board.

**11. CUSTODIAN OF FUNDS.** The city treasurer shall be the custodian of the several funds of the retirement system and shall give up such bond for the proper performance of his

duties as is required by the board. All payments from said funds shall be made by him only upon vouchers signed by 2 persons designated by the board. A duly attested copy of a resolution of the board designating such persons and bearing on its face specimen signatures of such person shall be filed with the treasurer as his authority for making payments upon such vouchers. No payment shall be made unless it has been authorized by the board. Nothing contained herein shall preclude the board from providing for custody by an appropriate entity of its funds and securities in the manner in which it deems prudent. (*Sub. 11 am. Ch. Ord. 375, File #71-1754, Dec. 7, 1971.*)

**12. MEDICAL COUNCIL.** The board shall designate a medical council to be composed of 3 physicians. If required, other physicians may be employed to report on special cases. The medical council shall arrange for and pass upon all medical examinations required by the retirement system, shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement, and shall report in writing to the board its conclusion and recommendations upon all the matters referred to it. Nothing contained in this subsection shall prevent the making of a certification by the medical panel of physicians of either the fire department or police department with respect to the operation of s. 36-05-3-c.

**13. ACTUARY.** The board shall designate an actuary who shall be the technical advisor of the board on matters regarding the operation of the funds created by the provisions of this act, and shall perform such other duties as are required in connection therewith.

**14. PERIODIC VALUATIONS; TABLES AND RATES THEREON.** At least once in each 5-year period the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system, and shall make a valuation of the assets and liabilities of the funds of the system, and taking into account the results of such investigation and valuation, the board shall adopt for the retirement system such mortality, service and other tables as shall be deemed necessary. (*Sub. 14 rc. Ch. Ord. 375, File #71-1754, Dec. 7, 1971.*)

**15. ANNUAL VALUATIONS.** a. On the basis of such tables as the board shall adopt, the actuary shall make an annual

valuation of the assets and liabilities of the funds of the retirement system. This annual valuation shall comply with Actuarial Standards of Practice and shall contain a certification from the board's actuary to that effect. For the purposes of the annual valuation, the actuary shall employ the projected unit credit actuarial cost method. (*Par. a ra. File #091274, Mar. 2, 2010; eff. May 18, 2010.*)

b. Beginning with the valuation that determines employer contributions due and payable January 31, 2011, the actuary shall employ a 5-year asset smoothing period and an asset valuation corridor that allows for a variation between the market value and actuarial value of assets of 20%. The actuary shall calculate amortization of unfunded liability based on a level percentage of payroll amortization. The actuary shall apply a closed amortization method to a 24-year amortization period, until the amortization period is reduced to the expected future working lifetime of the active population, calculated separately for police, fire and general city members. Beginning with the valuation that determines employer contributions due and payable January 31, 2011, the board shall provide a copy of the final annual valuation, as certified by the board, to the mayor and the common council no later than August 15. No changes shall be made to this paragraph without an affirmative vote of the board of at least 6 of its members, and written certification from the board's actuary that such changes comply with Actuarial Standards of Practice. (*Par. b cr. File #091274, Mar. 2, 2010; eff. May 18, 2010. Par. b am. File #131162 Dec. 17, 2013; eff. March 10, 2014.*)

**16. EXECUTION OF DOCUMENTS.** Whenever any document, record or paper requires the signatures of either the chairman of the board or the secretary or both, or the vice chairman in the absence of the chairman, such officers may execute the aforesaid documents on behalf of the board and the employees' retirement system by identifying themselves in the case of the chairman or vice chairman of the board as president or vice president of the employees' retirement system and in the instance of the secretary of the board as secretary of the employees' retirement system, and the executions made with that identification shall in all respects be deemed the execution for and on behalf of the board and of the employees' retirement system.

**17. CONTRACT FOR FUND ADMINISTRATION.** The board is authorized notwithstanding any other provision to the contrary, to enter into contracts with established trust companies who have been engaged in such trust business extensively for at least 25 years continuously or other similar established companies able to demonstrate sufficient fiscal experience and expertise and administrative capacity to undertake operations, investments and custody of pension and retirement funds and to exercise a trustee relationship over the fund so as to accept total responsibility, obligation, administration, investment and custodial services and serve as trustee of this fund. When such services are contracted for as provided for herein, members of the board shall be thereupon released from their obligations or liability under this act with respect to all functions, duties, responsibilities and obligations which are undertaken by contract by such trust entity. The provisions of this subsection are vested and contractual as to members and beneficiaries of this fund. Contracts entered into pursuant to this subsection shall neither be impaired, abrogated or suspended during their duration by any collateral, indirect or direct procedures or actions and the rights herein provided for which are designated to protect the members and the beneficiaries of the fund and the integrity of such fund are in all respects vested, contractual and binding and shall not be altered, modified or impaired by subsequent action. (*Sub. 17 cr. Ch. Ord. 375, File #71-1754, Dec. 7, 1971.*)

**18. REVIEW.** Any person, aggrieved within the meaning of ch. 68, Wis. Stats., by a determination of the board reviewable under ch. 68, Wis. Stats., may have such determination reviewed in accordance with the procedures established under ss. 68.08 to 68.13, Wis. Stats. (*Sub. 18 cr. Ch. Ord. 478, File #78-2302, Oct. 23, 1979.*)

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