

**CHAPTER 320  
BOARDS, COMMISSIONS AND COMMITTEES**

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320-16 Public Transportation, Utilities, and Waterways Review Board	<b>2. BY ALL BOARDS, COMMISSIONS, PLURAL BODIES.</b> Plural bodies shall be understood to include all multi-membered bodies appointed by the mayor or the common council, or both, serving to augment the regularly established legislative, executive and judicial branches of the municipal government in the government of city affairs, and usually going under the title of either board, commission, committee or authority.
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**320-3. Residence of Appointees.** Whenever any person shall be appointed to any city board, commission, or committee that has been established by state law, city ordinance or resolution, he shall serve until his successor is appointed and qualified, and he shall be a resident of the city, provided that city residence shall not be required if the applicable state law, city ordinance or resolution specifically states that city residence is not required.

**320-4. Alternates and Designees.** When an authorized board, commission or committee member names an alternate or designee, he or she shall notify the city clerk in writing of the person so named, and may change the named alternate or designee by notifying the city clerk in the same manner. Alternates may represent their respective members and exercise all powers of members when such members are unable to attend meetings. Designees shall represent their respective members and exercise all powers of members at all meetings in the member's stead.

**320-4.5. Expiration of Term.** Unless a specific date is provided by law for the expiration of a term of office, any person appointed to fill a vacancy on a board, commission or committee shall be appointed to a full term of office.

**320-5. Ethics Board Notification.** Upon introduction of a common council file to create a board or commission, the ethics board shall be notified so that it may consider recommending that members of such board or commission be required to file a statement of economic interests.

**320-6. Reimbursement.** Any common council file introduced to create a permanent board, commission or committee shall include a directive as to whether public members of the body are to receive any salary or reimbursement for attendance at meetings of the body and the salary ordinance shall be amended accordingly.

**320-8. Attendance, Participation and Voting Remotely by Member of Governmental Body.** Any member of a city governmental body, as defined in s. 19.82(1), Wis. Stats., may attend, participate and vote in a meeting of that body remotely using any technology that makes it possible for the member to be seen and heard by those attending and observing the meeting.

SUBCHAPTER 2  
BOARDS

**320-11. Administrative Review Board of Appeals.**

1. **DUE PROCESS.** The purpose of this section is to afford a constitutionally sufficient, fair and orderly administrative procedure and review in connection with determinations by municipal authorities which involve constitutionally protected rights of specific persons who are entitled to due process protection under the 14th amendment to the United States constitution. In order to insure that such rights are protected in the administration of the affairs, ordinances, regulations and by-laws of the city it is declared and required that the provisions of ch. 68, Wis. Stats., relating to municipal administrative review procedure shall be in full force and effect in this city, except as provided in subs. 5 and 6.

2. **COMPLIANCE.** All officers, employees, agents, agencies, committees, boards and commissions of this city shall comply with the requirements of ch. 68, Wis. Stats., and shall conduct initial administrative reviews of their own determinations in accordance with s. 68.09, Wis. Stats., upon filing of a proper written request therefor.

3. **BOARD CREATED.** a. There is created an administrative review board of appeals consisting of 5 members which shall have the duty and responsibility of hearing appeals from initial administrative determinations or decisions of officers, employees, agents, agencies, committees, boards and commissions of the city filed in accordance with s. 68.10, Wis. Stats., and making a final determination thereon. In conducting administrative review hearings and making final decisions the board shall be governed by ss. 68.11 and 68.12, Wis. Stats. The board shall consist of a duly licensed attorney member of the State Bar of Wisconsin having practiced law within the state for not less than 7 years, to be appointed by the city attorney, one member of the common council, to be appointed by the president of the common council, and 3 citizens, one to be appointed by the president of the common council and 2 to be

appointed by the mayor. The members of the board shall be subject to confirmation by the common council. The members of the board shall hold office for a 2-year term. The members of the board shall elect one member of the board to serve as chair. The city attorney shall appoint one alternate citizen member who shall act with full power only when another member of the board is absent, refuses or is unable to serve because of interest in the subject matter of the appeal. A member shall serve until his or her successor has qualified. Members shall receive no compensation for their services as board members unless expressly provided for by ordinance or resolution.

b. Members shall be appointed no later than 60 days after the third Tuesday in April in even-numbered years to 2-year terms expiring on the third Tuesday of April 2 years thereafter. When a vacancy occurs in a board position the appointing authority shall make an appointment within 60 days after the vacancy occurs.

4. **RULES.** The board may adopt rules for the conduct of its hearings and for its procedures not in conflict or inconsistent with s. 68.11, Wis. Stats.

5. **CITY LAW.** This section shall not be deemed to repeal or supersede any other ordinance or resolution in conflict herewith which specifically provide other procedures for review of administrative determinations within the city.

6. **STATE LAW.** a. Pursuant to s. 68.16, Wis. Stats., the governing body of the city elects that the city not be governed by that part of s. 68.11(2), Wis. Stats., which reads as follows: who did not participate in making or reviewing the initial determination.

b. For the purposes of s. 68.10(2), Wis. Stats., notice shall mean the date listed on the document provided to the appellant informing him or her of the action subject to appeal, provided that this document is mailed no later than 2 working days after the date of the document.

c. All appeals to the board shall be received by the city clerk no later than 30 days after the date that appears on the face of a written notice of the determination or decision appealed from, provided the written notice is mailed to the

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aggrieved person no later than 2 working days after the date that appears on its face. If the written notice is mailed more than 2 working days after the date that appears on its face, appeals to the board shall be received by the city clerk no later than 30 days after the date it is received by the aggrieved person. Under s. 68.16, Wis. Stats., the city elects not to be governed by any portion of ch. 68, Wis. Stats., that conflicts with this paragraph.

d. After the receipt of a timely appeal, the board shall schedule a hearing on the appeal as soon as is practicable. Under s. 68.16, Wis. Stats., the city elects not to be governed by any portion of ch. 68, Wis. Stats., that conflicts with this paragraph.

7. LOCATION. The office of the administrative review board of appeals shall be in the office of the city clerk, room 205, City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202. The city clerk shall be custodian of all files, records and proceedings of the board and shall provide stenographic service, stationery, postage and such other needs as the board requires. Petitions, notices and all other communications to the board relating to the administrative procedures provided for in this section shall be addressed to the board and mailed or delivered to the board's office. Hearings and meetings of the board shall be held in the city hall at a place designated by the city clerk. Notice of hearings or meetings shall be posted as required by law.

**320-12. Arts Board.** 1. CREATION. There is created an arts board consisting of 17 members appointed by the mayor for 3-year terms and confirmed by the common council. At least one member shall be selected from among the members of the common council, one member shall be selected from the membership of the Cultural, Artistic and Musical Programming Advisory Council and 2 shall represent the Milwaukee board of school directors. All members shall be city residents. No member may participate in any decision that would directly assist any organization to which the member belongs, except as a dues-paying member, or from which the member receives any benefit, except as a dues-paying member.

2. DUTIES AND POWERS. The board shall:

a. Promote the development, support and enjoyment of the arts in this city.

b. Promote cultural diversity in the artistic life of this city.

c. Promote the formation and growth of artistic projects or programs that are administered by and responsive to the needs of the city's communities that have been historically underrepresented or underserved based on race, ethnicity, age, religion, disability, sexual orientation, gender, gender identity, socioeconomic status, geography, or citizenship status.

d. Promote the design, construction and landscaping of public projects and private buildings, including public and private improvements, that enhance the beauty of this city.

e. Determine the amounts to be expended from the Milwaukee arts fund in accordance with the guidelines established under sub. 3 and any additional written guidelines adopted by the board.

f. Review the designs of projects in accordance with the guidelines established under sub. 4.

g. Administer the municipal art fund established by s. 304-27 and seek grant opportunities to supplement the municipal art fund when appropriate.

h. Submit annual reports to the common council and the mayor with respect to the board's activities under s. 304-27 and this section.

3. GUIDELINES. a. Projects or programs funded from the Milwaukee arts fund shall be organized and operated by the city, a nonprofit organization, or an individual artist, and shall be accessible to the public.

b. Funding for projects or programs organized and operated by nonprofit organizations shall be limited to a maximum of 5 years, unless the board, pursuant to its written guidelines, determines that additional funding is justified.

c. The board may accept contributions and donations that will augment the Milwaukee arts fund, or that will assist in the administration of the fund, to the extent permitted and in the manner prescribed by law.

d. Revenue and expenditure information shall be provided to the city comptroller for an annual audit.

**4. DESIGNS TO BE SUBMITTED TO BOARD.** a. Before any municipal bridge or public arts project is constructed, installed or altered by the city, its design shall be submitted to the board for examination before final working drawings have been started or any contract has been let. For the purposes of this sub., a public arts project is defined to include all forms of limited edition or one-of-a-kind original creations of visual art created by an artist and located in a space readily accessible by the general public.

b. If, within 60 days after a design other than a design for a public arts project has been submitted to the board under par. a, the board prepares a written report that objects to the design and transmits the report to the affected city department, the mayor and common council, the affected department may not proceed with the project until 30 days after the transmission of the report.

c. Within 60 days after review of a design for a public arts project that has been submitted to the board under par. a, the board may prepare a written report evaluating the design and transmit the report to the affected city department, the mayor and the common council. The affected department may not proceed with the project until receiving approval from the common council.

**5. PUBLIC ART SUBCOMMITTEE.**

a. The membership of the public art subcommittee shall consist of 5-7 members of the arts board. Nominees for the public art subcommittee shall be named and voted on by the arts board.

b. The public art subcommittee shall:

b-1. Administer the public art new work and conservation funds and provide project recommendations to the arts board.

b-2. Develop strategic partnerships with organizations, neighborhoods and artists to commission public art.

**6. STAFF.** The department of city development shall staff the arts board. Staff provided by the department shall have a basic knowledge of the arts and a demonstrated ability to function effectively in the arts community. Staff shall prepare and submit an annual budget request on behalf of the arts fund.

**320-13. Public Arts Project Committee. 1. CREATION.** There is created a public arts project committee consisting of the following 7 members:

a. The chair of the arts board or designee, who shall serve as chair of the committee.

b. An arts curator appointed by the chair of the arts board or designee with curatorial expertise.

c. The mayor or designee.

d. The common council president or designee.

e. The commissioner of public works or designee.

f. The commissioner of the department of city development or designee.

g. The city attorney or designee.

**2. STAFFING.** The city clerk's office shall provide staffing support.

**3. RULES OF THE COMMITTEE.**

The terms of the members shall expire at the end of the common council term in which those members were appointed.

**4. DUTIES.** The committee shall evaluate each proposed contribution, under s. 304-24, of a public arts project, as defined in s. 320-12-4-a, and its accompanying agreement and make recommendations to the common council concerning acceptance of the public arts project contribution and approval of its accompanying agreement. The committee shall make its recommendations to the common council not more than 30 days after each proposed contribution of a public arts project and accompanying agreement have been introduced to the common council. The common council shall make the final determination regarding the acceptance of a contribution of a public arts project.

**5. AGREEMENT REQUIRED.** Any contribution of a public arts project to the city shall be accompanied by an agreement that includes each of the following:

a. A plan for producing, siting, and installing the public arts project.

b. A plan to fund and deliver ongoing maintenance and restoration or an agreement detailing the city's maintenance duties.

c. A plan for deaccessioning the public arts project.

## **320-15 Boards, Commissions and Committees**

### **320-15. Board of Public Land Commissioners (City Plan Commission).**

1. **CREATED.** There is created, pursuant to s. 27.11, Wis. Stats., a board of public land commissioners, which for convenience of identification, shall be known and referred to as the city plan commission, consisting of 7 citizen members, with the same purposes, powers, functions and terms as boards of public land commissioners created under s. 27.11, Wis. Stats. The board shall exercise all the powers conferred on city plan commissioners under s. 62.33, Wis. Stats.

2. **MEMBERS.** a. Commissioners shall be appointed by the mayor subject to the approval of the common council within 60 days after the creation of the board, and such commissioners are to be persons of general qualifications rather than specialists or technicians in any particular phase of city planning.

b. Each commissioner shall hold his office until his successor is appointed and qualified. In December immediately preceding the expiration of the terms of any members, the mayor shall appoint their successors for a term of 3 years, subject to the approval of the common council. The salaries of said commissioners shall be paid in accordance with ordinances to make uniform the rates of pay and determine the offices and positions in the various departments, bureaus, boards and commissions in the city service under the control of the common council as passed by the said common council from time to time.

3. **NONVOTING MEMBERS.** In addition to the members identified in subs. 1 and 2, the city plan commission shall include, as non-voting members, one representative from each military base or installation in the city which has at least 200 assigned military personnel or contains at least 2,000 acres, if the base's or installation's commanding officer appoints such a representative.

### **320-16. Public Transportation, Utilities, and Waterways Review Board.**

1. **CREATED.** a. There is created a public transportation, utilities, and waterways review board consisting of 11 members. Eight members shall be appointed by the president of the common council and 3 members shall be appointed by the mayor all to serve upon confirmation by the common council.

b. Members appointed by the president of the common council shall include at least 2 persons having experience working with taxicab services, one member representing Milwaukee county transit services, one member representing limousine or shuttle services, one member representing downtown business and transportation interests, one member representing the interests of handicapped passengers, one member who neither owns nor leases a motor vehicle for personal use and who relies on public passenger transportation for personal travel and one member of the common council.

c. Members appointed by the mayor shall include at least one person with experience in city development or public works.

d. The president of the common council shall designate a chair from among the members.

e. The city residency requirements of s. 320-3 shall not apply to any member representing the interests of Milwaukee county transit services or any member representing the interests of handicapped passengers.

f. Each member of the public transportation, utilities, and waterways review board may name an alternate as provided in s. 320-4. A person named as an alternative by a member who is not subject to the city residency requirements of s. 320-3 shall also be exempt from the city residency requirement

2. **MEMBER TERMS.** All members of the public transportation, utilities, and waterways review board shall serve terms of 3 years. Each member shall designate in writing an alternate to act in the absence of the member.

#### **3. DUTIES AND POWERS.**

a. Members shall meet at the call of the chair and shall review and report on the licensing and regulation of public passenger vehicle services provided within the city or to city residents, and shall review and report on other modes of public ground transportation including transportation by buses, para-transit services, trolley and street cars, rail transport and shall review and report any other modes of public passenger transport that are or may become available within the city or to city residents and persons employed within the city.

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b. Activities of the public transportation, utilities, and waterways review board shall include consideration of all modes of transportation, including pedestrian and bicycle transportation, and public utility issues and operations of the city's waterways, and shall include consideration of the manner in which all modes of transportation and transportation facilities, such as transit stops and parking, interrelate to improve the efficiency, accessibility, and safety of transportation systems and promote the welfare of the public.

c. The board may establish subcommittees and working groups to assist in the conduct of its duties. The board is further empowered to hold public hearings and to take testimony and evidence.

d. The public transportation, utilities, and waterways review board shall report its activities and recommendations to the common council.

4. STAFF. The city clerk shall provide staff support to the public transportation, utilities, and waterways review board.

### 320-17. Deferred Compensation Plan Board.

1. CREATION. a. There is created a deferred compensation plan board consisting of 11 members:

a-1. The mayor.

a-2. The chair of the common council's finance and personnel committee.

a-3. The city attorney.

a-4. The city comptroller.

a-5. The city treasurer.

a-6. The director of employee relations.

a-7. The executive director of the employees' retirement system.

a-8. One member receiving a service retirement allowance from the employees' retirement system, appointed by the common council president.

a-9. 2 employees appointed by the mayor for a term of 2 years.

a-10. One city employee appointed by the common council president for a term of 2 years.

b. Members listed under par. a-1 to 7 may name designees.

c. The following members shall be members of the city's deferred compensation plan at the time of appointment:

c-1. Designees of members listed under par. a-1 to 7.

c-2. Members appointed pursuant to par. a-8 to 10.

d. Members appointed pursuant to par. a-8 to 10 shall be confirmed by the common council.

e. Members appointed pursuant to par. a-8 to 10 shall be appointed no later than 60 days after the third Tuesday in April in even-numbered years to 2-year terms expiring on the third Tuesday of April 2 years thereafter. When a vacancy occurs in a board position, the appointing authority shall make an appointment within 60 days after the vacancy occurs.

2. DUTIES. The board shall promulgate such rules as may be necessary to supervise and direct the city's deferred compensation plan, pursuant to s. 5-50, city charter. A copy of such rules shall be filed in the city clerk's office and the legislative reference bureau.

3. STAFFING. The deferred compensation plan unit shall provide assistance to the board.

### 320-20. Milwaukee Symphony Orchestra Board: City Membership.

1. The members representing the city of Milwaukee on the Milwaukee symphony board of directors on February 4, 2006 shall serve until the third Tuesday of April 2008.

2. The mayor shall then appoint 3 persons, subject to confirmation by the common council, as city representatives to the Milwaukee symphony orchestra board of directors. Members shall be appointed no later than 60 days after the third Tuesday in April in even-numbered years to 2-year terms expiring on the third Tuesday of April 2 years thereafter. When a vacancy occurs in a board position the mayor shall make an appointment within 60 days after the vacancy occurs.

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**SUBCHAPTER 3  
COMMISSIONS**

**320-21. Historic Preservation Commission.**

**1. PURPOSE AND INTENT.** Pursuant to s. 62.23(7)(em), Wis. Stats., it is declared a matter of public policy that the protection, enhancement, perpetuation, and use of improvements of special architectural character or special historical interest or value is a public necessity and is required in the interest of health, prosperity, safety, and welfare of the people. The purpose of this section is to:

a. Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history.

b. Safeguard the city's historic and cultural heritage, as embodied and reflected in landmarks and historic districts.

c. Stabilize and improve property values.

d. Foster civic pride in the beauty and noble accomplishments of the past.

e. Protect and enhance the city attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

f. Relate municipal programs in preserving housing and revitalizing commercial areas to the objectives of historic and architectural preservation.

g. Educate the public regarding the desirability of landmark designation and historic preservation as an enhancement of the quality of life.

h. Aid and assist individuals and public entities in the nomination of their properties to the national register of historic places.

**2. EXEMPTION.** a. This section shall not apply to any district specified in s. 200-61, except that the city may, with the concurrence of the architectural review board, designate the district, or any portion thereof, as an historic district, site or structure solely for the regulation of demolition permits in the district.

b. City buildings, facilities or other assets identified by the Milwaukee civic partnership initiative, established under s. 310-21, shall be exempt from this section, if authorized by common council resolution.

**3. DEFINITIONS.** The definitions shall be as follows unless the context requires otherwise:

a. "Arm's length transaction" means an agreement in which the buyer and seller act independently, in their own best interest, without one party influencing the other.

b. "Alteration" means any material change in the external architectural features of any historic structure or structures within a historic site or district.

c. "Commission" means the historic preservation commission created under this section.

d. "Demolition" means the complete or partial removal or destruction of any historic structure or any structure located within a historic district or site.

e. "Demolition by neglect" means the failure of a building owner to maintain a historic structure or a structure or improvements on a historic site or within a historic district in accordance with the standards of s. 275.32.

f. "Historic, architectural and cultural significance" means the attributes of a district, site or structure that possess integrity of location, design, settings, materials, workmanship and association which consider the following:

f-1. Its exemplification and development of the cultural, economic, social or historic heritage of the city, state of Wisconsin or the United States.

f-2. Its location as a site of a significant historic event.

f-3. Its identification with a person or persons who significantly contributed to the culture and development of the city.

f-4. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.

f-5. Its embodiment of distinguishing characteristics of an architectural type or specimen.

f-6. Its identification as the work of an artist, architect, craftsman or master builder whose individual works have influenced the development of the city.

f-7. Its embodiment of innovation in architectural design or engineering, pre- or post-World War II, expressed in design, details, materials, craftsmanship, construction techniques or function of one or more buildings or structures.

f-8. Its relationship to other distinctive areas which are eligible for preservation according to a plan based on a historic, cultural or architectural motif.

f-9. Its unique location as a singular physical characteristic which represents an established and familiar visual feature of a neighborhood, community or the city.

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f-10. Its association with pre-European settlement.

g. "Historic district" means a district which contains improvements which:

g-1. Have historical, architectural or cultural significance.

g-2. Represent one or more periods or styles of architecture typical of one or more eras in the history of the city.

g-3. Cause such area, by reason of such factors, to constitute a distinct section of the city.

g-4. Has been designated as a historic district by the common council.

h. "Historic site" means one of the following:

h-1. A real property on which a structure having historical significance is located.

h-2. A real property on which there is no structure, but which itself is of historical significance that has substantial value in tracing the history of aboriginal man, or upon which a historic event has occurred.

h-3. A real property that has been designated a historic site by the common council.

i. "Historic structure" means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation and which has been designated as a historic structure by the common council.

j. "Improvements" means any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

k. "Masonry Building Cleaning" means any cleaning procedure that uses any of the following materials, methods, or tools:

k-1. Sandblasting.

k-2. Abrasive materials, including sand, glass beads, ground slag, volcanic ash, crushed nutshells, rice husks, ground corncobs or crushed eggshells, carried in high-pressure or low-pressure air or water.

k-3. High-pressure water over 800 pounds per square inch.

k-4. Chemical materials, including detergents, chemicals, and acids.

L. "Rehabilitation" means improving property through repair or alteration, making possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

4. MEMBERS. a. Composition. The commission shall be composed of 7 members. One shall be a registered architect; one shall be either an historian or an architectural historian, either interested in the field of historic preservation; one shall be a person experienced in either real estate development or real estate financing; one shall be a member of the common council and 3 shall be citizen members. Each member shall have, to the highest extent practicable, known interest in preservation. Members shall be appointed by the mayor subject to confirmation by the common council. The mayor shall provide the common council with a nominee within 90 days of receiving written notification from the city clerk of a vacancy due to resignation, death, removal or otherwise. If the mayor fails to make such nomination within 90 days of notification by the city clerk, the common council president shall make a nomination within 90 days subject to confirmation by the common council.

b. Terms. Members shall be appointed for terms of 3 years. Members may be reappointed for succeeding terms. Any member may be removed for just cause by the mayor upon notice and public hearing. When any member is removed or resigns, or when a vacancy occurs, the mayor shall appoint a new member in the same manner as prescribed in par. a.

5. RULES OF THE COMMISSION. The commission shall elect from its membership a chair and a vice-chair whose terms of office shall be fixed by the commission. The commission shall adopt rules of procedure for the transaction of its business.

6. STAFF. The city clerk's office shall provide administrative and professional support to the commission.

7. FINANCIAL SUPPORT. The commission shall act as a policymaking body when administering donations, grants, and other financial assistance from any public body or agency including but not limited to the city of Milwaukee, the county of Milwaukee, the state of Wisconsin, and the government of the United States and any of its agencies, and from any private individual or group, for the purpose of carrying out the functions, powers, and duties of the commission. The commission may, in accordance with s.16.05, city charter, obtain agreements and contracts with public or private agencies or individuals, for assisting the commission in carrying out its functions, powers, and duties.

8. FUNCTIONS, POWERS, AND DUTIES. In addition to such other powers, duties and authority as are set forth in this section, the commission shall:

a. Maintain or cause to be maintained a comprehensive survey of sites, structures, and districts in the city identifying its historic, cultural, and architectural resources.

b. Prepare or cause to be prepared a current list of potential sites, structures, and districts as determined by the survey to be designated as historical, cultural or architectural sites, structures or districts.

c. Prepare or cause to be prepared a master plan based on the survey that will delineate a proper course of action for historic preservation planning in the city. Any amendments to the master plan shall be made only after consideration of the criteria set forth in this section.

d. Prepare or cause to be prepared when necessary measured drawings, photographs and appropriate documentation for sites and structures that are clearly endangered.

e. Recommend to the common council the designation of sites, structures, and districts as local historic sites, historic structures and historic districts. Once designated by the common council, such historic sites, structures and districts shall be subject to all provisions of this section, and the city clerk shall file that designation in recordable form with the Milwaukee county register of deeds.

f. Issue certificates of appropriateness under sub. 11.

g. Issue mothballing certificates under sub. 15.

h. Issue certificates of repose, under sub. 11.5.

i. Collaborate with the state of Wisconsin historic preservation officer to promote the inclusion of properties designated as historic sites, structures or districts in the national register of historic places.

j. Educate the citizens of Milwaukee about the historic heritage of this city and the historic sites, structures and districts designated under this section.

k. Receive and solicit funds for historic preservation in the city. The funds shall be placed in a special city account for this purpose.

**9. NOMINATION AND DESIGNATION OF HISTORIC SITES, STRUCTURES AND DISTRICTS.**

a. Any resident of the city, the local common council member or the owner of the subject property may nominate a structure, site or geographic area for designation as a historic structure, historic site or historic district. A nomination shall be filed with the city clerk's office

on forms made available for this purpose and shall be accompanied by the historic preservation nomination fee specified in ch. 81, except that no fee shall be required for nomination filed by a common council member. The city clerk shall immediately forward the nomination to the staff of the commission. The commission staff shall review the nomination and shall, within 10 days of the filing of the application, determine whether the nomination is complete as to form. Once the commission staff determines that the nomination is complete as to form, the staff shall refer the nomination to the commission for further proceedings in accordance with this subsection. In addition, the commission staff shall notify, by first-class mail, the owner of record of each real estate parcel or structure that is the subject of the nomination to inform the owner of the nomination, the reasons for and effects of designation, that staff is available to discuss the nomination process and that the owner may submit a written statement indicating his or her position on the proposed designation.

b. The commission shall hold a public hearing on a nomination within 45 days of the date on which commission staff deems the nomination complete as to form. Notice as to the time, place and purpose of the hearing shall be sent at least 25 days prior to the hearing to the following parties:

b-1. The owner of the subject property. This notice shall be by certified letter.

b-2. The common council members of the aldermanic districts in which the proposed designation is located.

b-3. All persons or corporations who own property that is within 200 feet of the proposed designation. This notice shall be by first class mail.

c. Upon conclusion of the public hearing and after consideration of the criteria for determining historic, architectural and cultural significance provided in sub. 3-e, the commission shall decide whether to deny the request for historic designation or recommend historic designation of the nominated structure, site or district to the common council. The commission shall set forth written findings which constitute the basis for its decision. In the case of a recommendation for historic designation, the commission shall also recommend preservation guidelines for the site, structure or district. If the recommendation is to designate a district, the commission shall consider and report in its findings the impact of the designation on low-and-moderate income housing within the district.

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d. The commission shall, by first-class mail, notify the owner of the subject property, the person who made the nomination and the local common council member of its decision. This notice shall include the findings which constitute the basis for the commission's decision and, in the case of a recommendation for historic designation, any preservation guidelines for the site, structure or district recommended by the commission. A denial of a request for designation may be appealed to the common council in accordance with par. j.

e. Upon receipt of a favorable recommendation from the commission, the commission's findings and the recommended preservation guidelines, the common council shall introduce a file to approve the designation and schedule that file for a public hearing, with notice to the parties identified in par. b, before the appropriate committee of the common council at the next regularly-scheduled committee meeting. The common council shall balance the public interest in the preservation of the structure, site or district that is the subject of the recommendation and the interest of the owner or owners in using the property for his, her or their purposes. If the common council adopts the commission's recommendation, the common council shall by reference approve the study report for the proposed historic site, structure or district prepared by the commission, including the recommended preservation guidelines for the site, structure or district subject to any modifications made to the report by the common council.

f. After the designation decision is final, the commission shall notify the owner of the subject property, the person who nominated the subject property for historic designation, the affected council member, the commissioner of city development, the commissioner of public works, and the commissioner of neighborhood services. The city clerk shall file, in recordable form, notice of the designation with the Milwaukee county register of deeds and shall cause the designation to be recorded.

g. If the commission has recommended a site, structure or area for historic designation, final action, in accordance with this subsection, shall be taken by the common council within 2 years of the date of the commission's recommendation.

h. If a nomination for historic designation is denied by the commission and not appealed to the common council pursuant to par. j,

or denied by the common council, the commission shall not consider a renomination of the same structure, site or geographic area unless one of the following conditions is met:

h-1. Two years have passed since the nomination was denied by the commission or the common council, whichever is later. In such cases, the renomination shall be considered a new nomination for the purposes of this section.

h-2. The commission is presented with substantial new evidence that could not reasonable have been presented at the previous hearing. In such cases, this evidence, including photographs, application shall be accompanied by an application form. No hearing on a renomination based on new evidence shall be scheduled until after an affirmative vote of a majority of the members of the commission.

i. All renominations shall be subject to the same notice requirements as the original public hearings.

j. If, upon conclusion of its public hearing on a nomination for historic designation, the commission denies the request for historic designation, the applicant or local common council member may appeal the commission's decision to the common council by filing a written request with the city clerk within 20 days after the mailing of the notice of the commission's decision. The city clerk shall file the appeal with the common council. After a public hearing at the next regularly-scheduled meeting of the appropriate common council committee, the council may, by majority vote of the common council, reverse the decision of the commission after weighing the findings of the commission, the criteria for determining historic, architectural or cultural significance provided in sub. 3-e, and the interest of the public in preserving the subject structure, site or district.

**10. AMENDMENTS TO ADOPTED GUIDELINES.** For any designated historic site, structure or district, the common council may amend the preservation guidelines that it adopted at the time of designation of the site, structure or district pursuant to sub. 9-e. The procedure for amending the preservation guidelines shall be the same as the procedure for nomination and designation of historic sites, structures and districts, as set forth in sub. 9. The common council may amend preservation guidelines only after receiving a recommendation from the historic preservation commission.

**11. REGULATION OF ALTERATION, RECONSTRUCTION, REHABILITATION, CONSTRUCTION AND DEMOLITION.**

a. Certificate Required. No person or entity shall alter, reconstruct or rehabilitate any part of the exterior of a historic structure or structure or improvement on a historic site or within a historic district, construct any improvement on a historic site, on a parcel that contains a historic structure or on a parcel within a historic district, including a parcel which is to be rendered vacant or partially vacant by reason of partial or complete demolition of a structure within a historic site or district, or partially or wholly demolish any historic structure or structure or improvement on a historic site or within a historic district, or permit any of these activities to occur unless a certificate of appropriateness has been granted by the commission. The commissioner of city development or neighborhood services shall not issue a permit for any such work or demolition unless a certificate of appropriateness has been issued by the commission as provided in this subsection. The commissioner of neighborhood services shall not issue a permit for masonry building cleaning of an historic property unless a certificate of appropriateness has been issued by the commission as provided in this subsection. In addition, any permit application or proposed or preliminary plans for exterior alteration, new construction or demolition within a historic district, on a historic site or involving a historic structure received by a city department or agency or a city-affiliated department or agency shall be forwarded to the staff of the commission by the receiving department or agency within 5 days of receipt of the permit application plans.

b. Application. An application for a certificate of appropriateness, or to amend a certificate previously issued, shall be filed by the property owner with the city clerk's office on forms made available for this purpose. The city clerk shall immediately forward the application to the staff of the commission. The commission staff shall immediately provide notice of receipt of the application to the parties identified in sub. 9-b-2 and 3, review the application and, within 10 days of the filing of the application, determine whether the application is complete as to form and, if not complete, notify the applicant of all steps necessary to make the application complete. Once the staff determines that the application is complete as to form, the staff shall refer the application to the commission for further proceedings in accordance with this subsection.

c. Commission Review. c-1. Certificate to Allow Alteration, Reconstruction, Rehabilitation or New Construction. The commission shall consider the application for the certificate of appropriateness at its next regularly-scheduled meeting that is at least 10 days after notification by staff that the application is complete as to form. Within 30 days of the conclusion of the meeting, the commission shall render a decision that grants, grants with conditions or denies action on the certificate of appropriateness. The staff of the commission shall notify the applicant of the commission's action by certified mail within 15 days of the commission's action. No public hearing shall be held in conjunction with the commission's consideration of an application for a certificate of appropriateness to allow alteration, reconstruction, rehabilitation or new construction unless an objection to issuance of the certificate is filed in writing with the city clerk within 20 days of the date on which the city clerk sent notice of receipt of an application under par. b, in which case a public hearing shall be conducted in accordance with the procedures of subd. 2

c-2. Certificate to Allow Demolition. The commission shall hold a public hearing on an application for a certificate of appropriateness within 45 days after commission staff determines the application to be complete as to form. Notice of the hearing shall be as provided in par. d. At the public hearing, the commission shall accept written and oral testimony, including petitions and electronic communications, from the applicant, any agents or representatives of the applicant, common council members, city departments and any members of the public. The commission chair may set reasonable time limits for the presentation of oral testimony, except that the applicant shall be given a full and complete opportunity to present any facts and argument in favor of his or her application, including rebuttal testimony. Within 30 days of the conclusion of the public hearing, the commission shall render a decision that grants, grants with conditions, denies or, in the case of a certificate application relating to demolition and pursuant to par. f, defers action on, the certificate of appropriateness. If the commission grants or conditionally grants a certificate of appropriateness for demolition to allow for new construction, the commission may, in its decision, stipulate that no permit for demolition shall be issued by the commissioner of city development or the commissioner of neighborhood services until the commission determines that the applicant has provided the commission with evidence, satisfactory

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to the commission in consultation with the comptroller and the commissioner of city development, that all debt and equity financing necessary for the new construction project has been obtained and all related conditions have been satisfied. The staff of the commission shall notify the applicant of the commission's action by certified mail within 15 days of the commission's decision.

d. Notice of Hearing. Notice of hearing for any certificate of appropriateness shall be by certified letter addressed to the applicant at his or her residence or place of business, or if the applicant is a corporation, at the address provided in the application. There shall also be public notice given by the commission, as well as notice to the parties specified in sub. 9-b. The letter to the applicant may contain requirements of supplemental information, including but not limited to, any photographs, plans, floor plans, elevations and detail drawings of any structure or portion thereof to be subject to change. The commission may grant the applicant a request for a delay of hearing.

e. Appeal of Commission Decision. An applicant for a certificate of appropriateness may appeal the commission's decision to deny the certificate of appropriateness or grant it with conditions to the common council pursuant to par. L.

f. Deferral. f-1. The commission may defer a decision on an application for a certificate of appropriateness for demolition for up to 8 months from the date of application for the demolition permit. The commission shall, within 10 days of its decision to defer, provide the applicant with a written report setting forth the reason or reasons for deferral. During the period of deferral, the commission and the applicant shall seek a mutually-agreeable method of saving the subject structure or improvement. During this time, the owner shall take whatever steps necessary to prevent further deterioration of the structure or improvement. By the end of the deferral period, the commission shall grant, grant with conditions or deny the certificate of appropriateness. If the commission fails to take action by the end of the deferral period, the certificate of appropriateness shall be deemed granted.

f-2. If the commission defers its decision, the applicant may appeal the deferral action to the common council by filing a written request for an appeal with the city clerk within 20 days after the mailing of the notice of the commission's decision to defer action. The appropriate common council committee shall conduct a public hearing on the

appeal no later than its next regularly-scheduled meeting. Following the public hearing, the council shall, by resolution, sustain or reverse the commission's deferral action. If the council reverses the commission's deferral action, the commission shall grant, grant with conditions or deny the certificate of appropriateness at its next regularly-scheduled meeting.

g. Criteria; Certificates to Allow Alteration, Reconstruction, Rehabilitation or New Construction. In determining whether to grant, grant with conditions or deny a certificate of appropriateness to allow alteration, reconstruction, rehabilitation or new construction, the commission shall consider any applicable factors listed in sub. 12 and any of the following:

g-1. Whether the proposed work would destroy or adversely affect any exterior architectural feature of the improvement upon which the work is to be done or adversely affect the external appearance of other improvements on the site or within the district.

g-2. Whether, in the case of construction of a new improvement on a historic site or within a historic district, and with consideration of design review recommendations issued by the department of city development, the new improvement, other than an accessory structure, an addition thereto or reconstructed features thereof, is all of the following:

g-2-a. Architecture sensitive to the mass and proportions of existing structures on the site or within the district in which the subject property is located.

g-2-b. Appropriately-scaled architecture that is clearly differentiated from nearby historic structures, while taking cues from them.

g-2-c. Not an attempt to re-create a historic structure.

g-3. Whether, in the case of any property located in a historic district, the proposed alteration, reconstruction, rehabilitation or new construction conforms to the objectives of the historic preservation plan for the district as duly adopted by the common council.

h. Criteria; Certificates to Allow Demolition. In determining whether to grant, grant with conditions, deny or defer action on a certificate of appropriateness to allow partial or complete demolition, the commission shall consider any of the following:

h-1. Whether the structure is of such architectural or historic significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city.

h-2. Whether the structure, although not itself an individually-designed historic structure, contributes to the distinctive architectural or historic character of the district as a whole and should be preserved for the benefit of the people of the city.

h-3. Whether demolition of the structure on a historic site or within a historic district would be contrary to the purpose and intent of this section and to the objectives of the historic preservation plan for the applicable district as duly adopted by the common council.

h-4. Whether the structure is of such old and unusual or uncommon design, texture or material that it could not be reproduced without great difficulty or expense.

h-5. Whether retention of the structure would promote the general welfare of the people of the city and state by encouraging the study of American history, architecture and design, or by developing an understanding of American culture and heritage.

h-6. Whether the structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve, restore or use it, provided that any hardship or difficulty claimed by the owner which is self-created or a result of demolition by neglect cannot qualify as a basis for the issuance of a certificate of appropriateness.

h-7. If the structure is located on a historic site or within a historic district, whether, and with consideration of design review recommendations issued by the department of city development, any new structure, other than an accessory structure, addition thereto or reconstructed features thereof, proposed to be constructed, or change in character proposed to be made, is all of the following:

h-7-a. Architecture sensitive to the mass and proportions of existing structures on the site or within the district in which the subject properly is located.

h-7-b. Appropriately-scaled architecture that is clearly differentiated from nearby historic structures, while taking subtle cues from them.

h-7-c. Not an attempt to re-create a historic structure.

i. **Additional Provisions; Certificate to Allow New Construction.** In the case of an application for a certificate of appropriateness for new construction that also involves an application for a zoning change to a planned development district pursuant to s. 295-907-2, the commission shall confer with the commissioner of city

development and shall coordinate the review of the application for a certificate of appropriateness for new construction with the review of the application for creation of the planned development district. This review and coordination may include holding a joint meeting of the historic preservation commission and the plan commission to consider both applications. To the extent practicable, the historic preservation commission and plan commission shall strive for concurrent consideration of the application for a certificate of appropriateness for new construction and the application for creation of the planned development district, and shall endeavor to provide a joint report to the common council. In the event that concurrent consideration cannot be achieved, the historic preservation commission and plan commission do not agree on a joint report or the historic preservation commission fails to act within a reasonable time on the application for a certificate of appropriateness for new construction, the appropriate common council committee shall hold a hearing on both the application for a certificate of appropriateness for new construction and the application for creation of a planned development district. In that case, the common council's action with respect to the approval, denial or modification of the application for creation of a planned development district shall also constitute action on the application for a certificate of appropriateness for new construction.

j. **Additional Provisions; No Action Taken By Commission.** Notwithstanding anything to the contrary herein, if the commission does not grant, grant with conditions, deny or, in the case of a request to demolish a structure, defer action on a certificate of appropriateness within 75 days of the date that the staff of the commission determined that the application was complete as to form, the application for a certificate of appropriateness shall be deemed deferred and the procedures set forth in par. f-2 shall govern further proceedings.

k. **Issuance of Certificate.** Upon the granting or conditional granting of a certificate of appropriateness by the commission, the commission's staff shall issue a certificate of appropriateness to the applicant. In the case of conditional granting of a certificate, the certificate shall only be issued upon the applicant's acceptance of the conditions placed on issuance of the certificate by the commission.

L. **Appeal.** If, upon a hearing by the commission, the application for a certificate is denied or the certificate is granted conditionally and

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the applicant refuses to accept the conditions placed on the granting of the certificate, the applicant may appeal the denial or conditional granting of the certificate to the common council by filing a written request with the city clerk within 20 days after the mailing of the certified letter to the applicant of the commission's decision. The city clerk shall file the request to appeal with the common council. After a public hearing at the next regularly-scheduled meeting of the appropriate common council committee, the council may, by majority vote of the common council, reverse or modify the decision of the commission if, after balancing the interest of the public in preserving the subject property and the interest of the owner in using it for his or her own purposes, the council finds that, owing to special conditions concerning to the specific piece of property, failure to grant the certificate of appropriateness will preclude any and all reasonable use of the property or will cause unreasonable economic hardship for the owner, provided that any self-created hardship or failure to maintain the property in good repair shall not be a basis for reversal or modification of the commission's decision. If claiming that denial of the certificate or the conditional approval of the certificate causes unreasonable economic hardship for the owner, the applicant shall provide clear and convincing evidence that any hardship is not self-created or the result of failure to maintain the property in good repair, that there is no reasonable use for the property, that there is no reasonable way to adapt the property for alternative use, and that there has been no reasonable offer to purchase the property despite at least 2 years of ongoing substantial effort to sell the property other than an owner-occupied one- or 2-unit residential property, the applicant shall provide the following information to the city clerk not less than 5 days prior to the public hearing:

L-1. Property purchase information, including the purchase price the owner paid for the property, the name and legal status of the owner, the date of purchase and the name of the party from whom the property was purchased, including a description of the relationship, if any, between the owner of the property and the person from whom the property was purchased.

L-2. Property value information, including the most recent assessed value of the land and improvements thereon and any appraisals in the owner's possession or control prepared within the previous 2 years in

connection with any purchase, financing, ownership change or attempt to sell the property, and the current and past uses, for at least the last 5 years, of the property.

L-3. For an income-producing property, financial documentation for the property during the past 2 years, including tax returns showing annual gross income from the property, itemized operating and maintenance expenses for the property, real estate tax statements, proof of annual debt service, including mortgage balance and terms, annual cash flow and any federal income tax deductions or depreciation claimed for the property. For an owner-occupied residential property, income tax returns for the last 2 years.

L-4. All information within the owner's possession or control about attempts to sell the property, including all listings of the property for sale or rent, the price asked and any offers received.

L-5. All information within the owner's possession or control, such as plans, site assessments and other information, regarding any attempt to develop profitable, adaptive uses of the property.

L-6. Any other information that is relevant to the issue of whether denial of the certificate or the conditions placed on the certificate creates an unreasonable economic hardship for the owner, such as reports of licensed engineers or architects familiar with the property or cost estimates for work necessary to satisfy conditions on the certificate or the regulations contained herein, including any additional information requested by the common council or common council committee.

m. Location of Utility Meter. New installation of a natural gas meter or a utility meter on a historic structure, or on a structure on a historic site or within a historic district, shall not be permitted on a street-facing elevation of the structure.

n. Building Code Compliance. Insofar as it is applicable to a historic structure, historic site or structure within a historic district designated under this section, any provision of the building code shall apply, unless waived by the appropriate state or city officials as permitted by law. The commission may support or propose such waivers before the appropriate state or city appeals bodies.

**11.5 CERTIFICATE OF REPOSE FOR VIOLATIONS BY PRIOR OWNER.** Whenever a property is in violation of any provision of this section, and the violation occurred before the current owner obtained ownership of the property, the commission shall grant the current

owner a certificate of repose, exempting the current owner from remediating the violation, for the lifespan of any materials used as part of the violation, provided each of the following criteria is met:

a. A minimum of one deed of transfer as an arm's length transaction shall have occurred prior to service of an order to correct the violation under ch. 200.

b. The current owner provides proof that a minimum of 3 years has elapsed since the work that violated this section was performed.

c. The violation of this section does not violate ch. 200 or 275 of the code and presents no safety hazards as determined by the department of neighborhood services.

d. The current owner is able to demonstrate that the cost to remedy the violation exceeds \$1,000, provided the remedy requires materials beyond paint.

e. No citation relating to the work performed without a certificate of appropriateness under sub. 11 and in violation of this section has been issued against the prior owner.

f. Unresolved, previous violations of this section brought against the previous owner shall be eligible for consideration under sub. 15.

**12. GUIDELINES FOR REHABILITATION.** In determining whether to issue a certificate of appropriateness for rehabilitation, the commission shall consider and may give decisive weight to any or all of the following:

a. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the exterior of a building, structure or site and its environment.

b. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal of alteration of any historic material or distinctive architectural features should be avoided when possible.

c. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier or later appearance shall be discouraged.

d. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

e. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

f. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. If replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different elements from other buildings or structures.

g. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken without a certificate of appropriateness.

h. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

i. Contemporary design for alterations and additions to existing properties shall not be discouraged when the alterations and additions do not destroy significant historical, architectural or cultural material, and the design is compatible with the size, scale, color, material and character of the property, neighborhood, or environment.

j. Wherever possible, new additions or alterations to structures shall be done in such a manner that if the additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

**13. TEMPORARY DESIGNATION.**

a. Application. Any resident of the city seeking to nominate a structure, site or geographic area for designation as a historic structure, historic site or historic district may also seek temporary designation of that structure, site or geographic area pending a decision by the commission on the application for permanent designation. An application for temporary designation shall be filed with the city clerk's office, on forms made available for this purpose, either at the time of filing the application for permanent designation or at anytime prior to the final decision by the commission on the application for permanent designation. The city clerk shall immediately forward the application for temporary designation to the staff of the commission for further proceedings in accordance with this subsection. In addition, the commission

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staff shall notify, by first-class mail, the owner of record of each real estate parcel and structure that is the subject of the nomination to inform the owner of the nomination and that the staff is available to discuss the nomination process and the effects of temporary designation.

b. Notice of Hearing. The commission shall schedule a public hearing the application for temporary designation within 20 days of the date the application for temporary designation was filed. Notice as to the time, place and purpose of the hearing shall be sent at least 7 days prior to the hearing to the following parties:

b-1. The applicant. This notice shall be by certified letter.

b-2. The owner of the subject property. This notice shall be by certified letter

b-3. The common council member of the aldermanic district in which the proposed designation is located.

b-4. All persons or corporations who own property that is within 200 feet of the proposed designation. This notice shall be by first class mail.

c. Demolition Permits Withheld. Upon filing of an application for temporary designation, neither the commissioner of city development nor the commissioner of neighborhood services shall issue a permit for the partial or complete demolition of any structure that is the subject of the application for temporary designation or any structure that is located upon a historic site or is in a geographic area that is the subject of an application for temporary designation until the conclusion of the hearing and the entry of the temporary designation decision provided for herein and the exhaustion of either the appeal to the common council described in par. g or the expiration of the time for filing an appeal. The issuance of a permit for demolition of the structure may be further delayed or otherwise affected by the decisions of the commission and the common council concerning temporary and permanent historic designation.

d. Review of Temporary Designation. Upon conclusion of the public hearing and after consideration of the criteria for determining "historic, architectural and cultural significance" provided in sub. 3-e, the commission shall grant temporary designation if the commission finds that there is a substantial likelihood that the commission will recommend historic designation of the nominated structure, site or district to the common council following full consideration of the application for permanent designation. The decision on temporary designation shall be made within 10 days of close of

the public hearing. The commission shall set forth written findings which constitute the basis for its determination. Temporary designation shall be effective until the commission either recommends or denies permanent designation and the period for appeals of that decision to the common council has expired, but in no event more than 180 days from the day of the commission's decision granting temporary designation.

e. Notice of Findings. If the commission grants temporary designation, the commission shall, by first-class mail, notify the owner of the subject property, the person who made the nomination and the local common council member. The notice shall include written findings of the commission that form the basis for its determination.

f. Effects of Temporary Designation. During the period of temporary designation, no person or entity shall alter, reconstruct or rehabilitate any part of the exterior of the subject historic structure, historic site, or structure or improvement within a historic district, construct any improvement on a historic site, on a parcel that contains a historic structure or improvement, or on a parcel within a historic district, including a parcel which is to be rendered vacant or partially vacant by reason of partial or complete demolition of a structure within a historic site or district, or partially or wholly demolish the subject historic structure or improvement on a historic site or within a historic district, or permit any of these activities to occur, unless a certificate of appropriateness has been granted by the commission under sub. 11. Neither the commissioner of city development nor the commissioner of neighborhood services shall grant any permits for any such activity unless a certificate of appropriateness therefor has been granted by the commission.

g. Appeal of Denial. g-1. If the commission denies an application for temporary designation, the applicant or any other interested party may, within 5 days of the commission's decision, file a duly-signed and acknowledged appeal petition with the city clerk for review of the commission's decision by the common council.

g-2. The city clerk shall immediately notify the commissioners of city development and neighborhood services of the appeal petition. Upon receiving notice of the filing of the appeal, neither the commissioner of city development nor the commissioner of neighborhood services shall issue any permits for any of the activities described in par. f for the subject property.

g-3. The common council shall review the commission's decision within 45 days after receipt by the city clerk of the appeal petition. The common council shall consider the application for temporary designation in light of the criteria for determining "historic, architectural and cultural significance" provided in sub. 3-e and shall grant temporary designation if it finds that there is a substantial likelihood the common council will grant historic designation of the nominated structure, site or district following full consideration of the application for permanent designation. The common council shall set forth written findings which constitute the basis for its determination. If the common council grants temporary designation, the subject structure, site or district shall be deemed designated as a historic structure, site or district on a temporary basis for a period not exceeding 180 days.

g-4. The city clerk shall immediately notify the commissioners of city development and neighborhood services of the common council's appeal decision. If the common council affirms the commission's decision, the commissioners may issue any permits duly applied for authorizing work on the subject property. If the common council reverses the commission's decision, the commissioners shall not issue permits for any of the activities described par. f for the subject property for the duration of the temporary designation period.

**14. SUPERVISION OF CERTIFICATE.**

The commissioner of neighborhood services shall periodically inspect any undertaking authorized by a certificate of appropriateness. If the commissioner detects any deviation from the conditions or standards prescribed in the certificate, the commissioner shall report such violations to the commission and take appropriate action under ss. 200-11-3, 200-12-1 and 200-19.

**15. MOTHBALLING CERTIFICATE.**

To preserve historic structures and sites, the historic preservation commission may grant the mothballing certificate required by s. 200-11.5 to allow the commissioner of neighborhood services to stay enforcement of property maintenance and condemnation code provisions against structures which have been designated local or national historic structures or which are part of local or national historic sites or districts.

a. Application. The owner of any structure with local or national historic designation may file an application for a mothballing certificate with the city clerk, who shall immediately forward the application to the commission for

recommendation and report at its next regularly-scheduled meeting that is at least 10 days after the application is determined by staff to be complete as to form. Application for a mothballing certificate may not be made for any structure which the commissioner of neighborhood services has determined poses an immediate threat to public health and safety.

b. Hearing. The commission shall schedule a public hearing on the request for a mothballing certificate at the meeting described in par. a. Notice of the time, place and purpose of the hearing shall be sent by regular mail to the applicant at the address stated on the application and to all owners of property within 200 feet of the property containing the structure to which the mothballing certificate would apply. The notice shall be given at least 10 days prior to the hearing. The notice to the applicant shall also specify that the applicant is required to furnish a rehabilitation plan to the commission on or before the date of the hearing. The notice may require that the plan include one or more of the following: floor plans, detail drawings, elevations, photographs, and information on sources of financing and contractors and materials to be used. The plan shall specify a tentative time line for completion of the project or its various phases.

c. Commission Findings. After conducting the public hearing, the commission shall grant a mothballing certificate if it finds that the applicant has developed a plan for the rehabilitation of the structure which is consistent with the rehabilitation guidelines of sub. 12, which is within the financial means of the applicant, and which will be carried out within a reasonable period of time. The commission shall also determine that issuance of a mothballing certificate will not have a detrimental impact on nearby properties and the surrounding neighborhood. As a condition for granting a certificate, the commission may set any requirements which it deems appropriate. The commission shall notify the applicant of its decision within 15 days of the hearing.

d. Upkeep of Premises. The premises upon which a structure with a valid mothballing certificate is located shall be maintained in such a manner that adjacent sidewalks are kept clean of dirt and snow, lawns, trees and shrubs are suitably mowed and trimmed, and the grounds are free of litter, debris, junk cars and outdoor storage and nuisances of all types. The interior of the building shall be protected from the elements.

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e. **Periodic Review.** A mothballing certificate shall be valid for the period of time deemed appropriate by the commission. The certificate shall be reviewed by the commission within 6 months of the date of original issuance and every 6 months thereafter. Notice of the review shall be given to the certificate holder and area property owners using the procedure described in par. b. At least 10 days prior to each review date, the certificate holder shall provide the commission with a written report on progress that has been made in implementing the rehabilitation plan during the past 6 months. When reviewing a mothballing certificate, the commission shall evaluate the progress the certificate holder has made towards implementing or completing the rehabilitation project, or the progress that the certificate holder has made in obtaining the necessary financing for the project. The commission shall also consider the extent to which the certificate holder has complied with the provisions of this subsection and with any special conditions the commission placed on the certificate at the time it was issued. The commission may add conditions to a certificate, remove conditions from the certificate, or revoke the certificate after any periodic review of the certificate.

f. **Appeal.** If, upon a hearing by the commission, the application for a mothballing certificate is denied, the conditions attached to an approved mothballing certificate are unacceptable to the applicant, or a mothballing certificate is revoked by the commission, the applicant may appeal the commission's decision to the common council. Appeals shall be by written request filed with the city clerk within 20 days after the mailing of the certified letter to the applicant of the commission's decision. The city clerk shall file the appeal request with the common council. After a public hearing, the council may, by majority vote of the common council, reverse or modify the decision of the commission if it finds that doing so would:

f-1. Serve the interest of the public by preserving an historic structure.

f-2. Not negatively impact the surrounding neighborhood.

f-3. Relieve the property owner of unreasonable conditions placed on the issuance of the mothballing certificate or hardships relating to implementation of the rehabilitation plan which are not self-created.

g. If the department of neighborhood services or any owner or owners of property within 200 feet of a property with a currently valid mothballing certificate files a written petition with the commission requesting revocation of the certificate and stating the reasons for the request, the commission shall consider revocation of the certificate at its next regularly scheduled meeting which is at least 15 days from the date of receipt of the petition. Notice of the request for certificate revocation, along with the time and place of the commission meeting at which revocation will be considered, shall be sent to the certificate holder by certified mail at least 10 days prior to the meeting.

**16. EMERGENCY RAZING NOT PROHIBITED.** Nothing contained in this section shall prohibit the demolition of a structure for which a court order has been issued or for which the commissioner of neighborhood services has issued an emergency raze order under s. 218-4.5.

**17. TERMINATION OF DESIGNATION OF HISTORIC STRUCTURE.** a. **Petition.** Whenever a historic structure not located in a historic district is damaged beyond repair by fire, explosion or natural disaster, the owner of the structure, the local common council member or staff of the commissioner may file a petition with the city clerk requesting that the historic designation of the damaged structure be terminated. The city clerk shall immediately forward the petition to the commissioner of neighborhood services for a report, to the commission for a recommendation to the common council, and to the appropriate common council committee for review and recommendation to the full council. The committee and the council shall base their decisions on a report from the commissioner of neighborhood services that describe the extent of the damage to the structure and includes a determination of the commissioner as to whether the structure is damaged beyond repair.

b. **Notification and Recording.** If the common council grants a petition to terminate designation of a historic structure, the city clerk shall notify the owner of the subject property, the local common council member, and the commissioners of city development, neighborhood services and public works. The city clerk shall also file, in recordable form, notice of termination of the historic designation with the Milwaukee county register of deeds and cause the notice to be recorded.

**18.** PLAQUES. The commission shall establish a plaque program to identify and provide information on local historic structures, sites and districts.

**18.5.** HISTORIC DISTRICT IDENTIFICATION SIGNS. As provided in s. 116-5, the city engineer shall administer a program to permit the installation of special historic district identification signs above street name signs in any locally or nationally designated historic district in the city.

**19.** ENFORCEMENT. a. Any violation of this section shall be subject to the enforcement provisions of ss. 200-11-3 and 200-12-1. The commissioner of neighborhood services shall be responsible for enforcement of this section.

b. The city clerk shall also have the authority to enforce the provisions of sub. 11.

**20.** PENALTIES. Any violation of this section shall be subject to the penalty provisions of s. 200-19.

**320-22. Milwaukee Commission on Domestic Violence and Sexual Assault.**

**1.** ESTABLISHMENT. The Milwaukee commission on domestic violence and sexual assault is established as provided in this section.

**2.** PURPOSE. The purpose of the Milwaukee commission on domestic violence and sexual assault is to increase safety for victims of domestic violence and their children and for victims of sexual assault, and to hold abusers accountable for their violent behavior.

**3.** COMPOSITION. a. A majority of commission members shall be city residents. The commission shall be composed of the following 33 members, each of whom shall be subject to confirmation by the common council:

a-1. One member appointed by the mayor.

a-2. One member appointed by the common council president.

a-3. One member appointed by the Milwaukee county executive.

a-4. Two representatives with expertise in the areas of domestic violence and sexual assault from the police department, appointed by the chief of police.

a-5. One member appointed by the Milwaukee public schools superintendent.

a-6. One representative of child welfare agencies, appointed by the director of the bureau of Milwaukee child welfare, division of children and families, Wisconsin department of health and family services.

a-7. Three representatives from the office of the district attorney, including one who works with the area of sexual assault, one who works with the area of domestic violence and one who works with matters in children's court, appointed by the district attorney.

a-8. One representative of the state legislature, appointed by the mayor.

a-9. One representative of health care service providers, appointed by the common council president.

a-10. One representative of the Wisconsin department of corrections, division of community corrections, appointed by the mayor.

a-11. One representative of victim advocates, appointed by the common council president.

a-12. Four representatives of underserved communities, including one representative each of the African-American, Hispanic, Native American and Southeast Asian communities, 2 appointed by the president of the common council and 2 appointed by the mayor.

a-13. Six representatives of sexual assault and sexual abuse service providers, 3 appointed by the common council president and 3 appointed by the mayor.

a-14. Seven representatives of domestic violence service providers, 4 appointed by the common council president and 3 appointed by the mayor.

a-15. One representative of the LGBT community, appointed by the common council president.

a-16. One representative of the Milwaukee judicial sector, appointed by the common council president.

b. The president of the common council and the mayor shall appoint commission members listed in par. a-8 to 16 from names recommended by the executive committee of the commission. The executive committee may recommend one or more names for each vacancy. Whenever the executive committee recommends one name for a vacancy, the appointing authority may request that the executive committee recommend additional names for that vacancy.

c. Any member of the commission may name an alternate.

**4.** TERMS. a. Members shall be appointed no later than 60 days after the third Tuesday in April in even-numbered years to 2-year terms expiring on the third Tuesday of April 2 years thereafter. When a vacancy occurs in a board

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position the appointing authority shall make an appointment within 60 days after the vacancy occurs.

b. Members of the commission may be reappointed.

#### 5. RESPONSIBILITIES AND DUTIES.

a. The commission is charged with the responsibility of coordinating the community's response to domestic violence and sexual assault by promoting communication and collaboration among members of law enforcement, victims' advocates, court staff, school personnel, health care providers, abuser programs, corrections officials, policy makers, children's service providers and prosecutors.

b. The duties of the commission include, but are not limited to the following:

b-1. Identify and define the issues related to domestic violence and sexual assault.

b-2. Design and provide special training in the areas of domestic violence and sexual assault for all current officers and recruits of the Milwaukee police department.

b-3. Review relevant policies and procedures of appropriate public and private agencies with the goal of improving response to victims of domestic violence and sexual assault.

b-4. Monitor and promote legislation designed to provide victim safety and abuser accountability.

b-5. Design and implement programs and community awareness efforts aimed at intervention and prevention of domestic violence and sexual assault and at mitigation of other issues related to domestic violence and sexual assault under subd. 1.

b-6. Evaluate the effectiveness of all training, programs and community awareness efforts provided under this section in achieving the purposes of the commission under sub. 2.

6. STAFFING. The department of administration shall provide staff assistance to the commission. All city departments are directed to cooperate with the commission and provide assistance whenever the commission so requests.

7. REPORTS. The commission shall submit annual written reports of its activities and trends to the common council.

### 320-23. Community Relations - Social Development Commission.

1. ESTABLISHMENT. a. Pursuant to 66.0125, Wis. Stats., as amended, the city elects to participate in the establishment of an intergovernmental community relations-social

development commission in cooperation with Milwaukee county, low income representatives and private sector agencies. It shall be named the community relations-social development commission in Milwaukee county, and is hereinafter referred to as the commission.

#### 2. PURPOSE: MISSION AND POLICY.

In compliance with s. 66.0125, Wis. Stats., as amended, the purpose and function of the community relations - social development commission shall be as specified in s. 66.0125, Wis. Stats., as amended. In further compliance with s. 66.0125, Wis. Stats., as amended, the mission of the commission is to study the causes and effects of poverty and to develop and implement strategies, programs and services to meet the unmet needs of the community.

a. The commission shall accomplish its mission by:

a-1. Analyzing and studying the factors that prevent residents of the county from participating fully in area social and economic institutions and from promoting healthy and safe communities.

a-2. Working in partnership with public and private institutions, community groups and low income people to effectively fulfill community needs and minimize duplication of services.

a-3. Recommending solutions for the county's social problems, plan for their implementation, coordinate efforts and provide technical assistance to community groups to solve these problems.

a-4. Advocating greater participation in community affairs and creating ways to help the economically or otherwise disadvantaged achieve self sufficiency and independence.

a-5. In cooperation with other governmental and non-governmental organizations, piloting, launching and operating services intended to achieve its mission.

a-6. Analyzing, evaluating and monitoring the effectiveness of programs designed to accomplish its mission.

a-7. Actively working to fight racism and build an inclusive society.

b. The commission may:

b-1. Recommend to the county and city of Milwaukee the enactment of such ordinances or other actions as it deems necessary to achieve its mission.

b-2. Cooperate with state and federal agencies and non-governmental organizations having similar or related functions.

b-3. Employ such staff as is necessary to implement the duties assigned to it.

b-4. Have the authority to determine program policy and approve program plans.

**3. COMPOSITION.** The commission shall be comprised of 18 citizens residing in the county, each of whom shall hold the title of commissioner. The commission shall be nonpartisan and shall include representatives of the clergy and minority groups. One-third of the commissioners shall be representatives of low income residents of the county; one-third of the commissioners shall be representatives of public officials; and one-third of the commissioners shall be representatives of private agencies and organizations in the county. In selecting individuals other than low income representatives to serve as commissioners, consideration shall be given to persons having expertise in legal, financial and management services needed to oversee and direct the business of the commission. No person may serve as an appointed or elected commissioner while that person is an employee of the commission.

a. The 6 commissioners representing low income residents shall be democratically selected as follows:

a-1. The county shall be divided into 6 districts, each containing approximately equal numbers of low income residents based on the data of the most recent federal census. "Low income resident" means a resident who is a member of a household in which the annual household income is less than 125% of the poverty line as determined by the U.S. department of health and human services.

a-2. A commissioner shall be elected in each district by the residents of the district through popular election. Any resident of the district who is at least 18 years old and who presents verified nomination papers signed by at least 50 other adult residents of the district may be a candidate in the election. An individual may be elected to represent a particular district by write-in ballots if satisfactory evidence is provided to establish the individual is a resident of the district and at least 18 years old.

a-3. The election shall be conducted under the supervision of the staff of the commission who shall follow procedures reasonably designed to:

a-3-a. Assure a fair and orderly election process.

a-3-b. Create public awareness that the election is for a commissioner who will represent low income people in the community served by the commission.

b. The 6 commissioners representing public officials and agencies shall be appointed as follows:

b-1. One commissioner appointed by the mayor and confirmed by the common council.

b-2. One commissioner appointed by the county executive and confirmed by the county board of supervisors

b-3. One commissioner appointed by the governor of the state of Wisconsin.

b-4. One commissioner appointed by the superintendent of Milwaukee public schools and confirmed by the board of school directors of the Milwaukee public schools.

b-5. One commissioner appointed by the president of Milwaukee area technical college.

b-6. One commissioner appointed by the chancellor of the university of Wisconsin-Milwaukee.

c. The 6 commissioners representing private sector agencies and organizations in the county shall be appointed as follows:

c-1. One commissioner appointed by united way of greater Milwaukee, Inc.

c-2. One commissioner appointed by the interfaith conference of greater Milwaukee.

c-3. One commissioner appointed by the Hispanic chamber of commerce.

c-4. One commissioner appointed by the African-American chamber of commerce.

c-5. One commissioner appointed by the Milwaukee county labor council, AFL-CIO.

c-6. One commissioner appointed by the greater Milwaukee committee.

**4. TERM OF OFFICE.** a. The following commissioners initially appointed or elected, shall serve terms of one year:

a-1. The commissioner appointed by the superintendent of the Milwaukee public schools.

a-2. The commissioner appointed by the governor of the state of Wisconsin.

a-3. The commissioner appointed by the Milwaukee area technical college.

a-4. The commissioner appointed by united way of greater Milwaukee, Inc.

a-5. The commissioner appointed by the Hispanic chamber of commerce.

a-6. The commissioner appointed by Milwaukee county labor council, AFL-CIO.

b. The following commissioners initially appointed or elected shall serve terms of 2 years:

b-1. The commissioner appointed by the mayor of the city of Milwaukee.

b-2. The commissioner appointed by the county executive of Milwaukee county.

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b-3. The commissioner appointed by the university of Wisconsin-Milwaukee.

b-4. The commissioner appointed by the interfaith conference of greater Milwaukee.

b-5. The commissioner appointed by the African-American chamber of commerce.

b-6. The commissioner appointed by the greater Milwaukee committee.

c. Low income representatives shall serve terms of 3 years.

d. The term of each commissioner elected or appointed after initial election or appointment shall be 3 years, with the exception of the 2019 election of 6 low-income representatives.

d-1. The following terms apply to the 6 low-income representatives elected in 2019:

d-1-a. The commissioners elected to represent districts 1 and 2 shall serve a one-year term.

d-1-b. The commissioners elected to represent districts 3 and 4 shall serve a 2-year term.

d-1-c. The commissioners elected to represent districts 5 and 6 shall serve a 3-year term.

d-2. Any vacancy in the position of an appointed commissioner shall be filled for the unexpired term in the manner as the original appointment. Any vacancy in the position of an elected commissioner with at least 24 months left to serve shall be filled for the unexpired term in the same manner as the original election. Any vacancy in the position of an elected commissioner with fewer than 24 months left to serve may be filled by a process whereby an ad hoc nomination committee of the board presents a candidate or candidates to the board for election by the full board of commissioners to serve out the unexpired term.

e. Every person appointed or elected as commissioner shall take and file the official oath with the county clerk of Milwaukee county.

f. No person may serve more than 2 consecutive terms as a commissioner, excluding service as a member of any predecessor of the commission. If a commissioner fills a vacancy for an un-expired term with 12 months or fewer left to serve, the un-expired term shall not count as a term with regard to the prohibition against serving more than 2 terms.

g. A commissioner may be removed from office for such cause and in such manner as is provided in the bylaws of the commission.

5. ORGANIZATION. The commission shall meet at least monthly and may meet at such additional times as the commission determines or

its chair directs. The commission shall elect from the commissioners a chair, vice chair, a treasurer and secretary. A majority of all the commissioners shall constitute a quorum for meetings of the commission. Commissioners shall receive no compensation, but each commissioner shall be entitled to actual and necessary expenses incurred in the performance of commission duties. The commission may appoint consulting committees consisting of either commissioners or non-commissioners or both, the appointees of which shall not receive compensation, but shall be reimbursed their actual and necessary expenses to be paid by the commission on certification by the chair or acting chair.

6. OPEN MEETINGS. All meetings of the commission and its consulting committees shall be publicly held and open to all citizens at all times in accordance with subch. V of ch. 19, Wis. Stats.

**320-25. Fourth of July Commission.** There is created a Fourth of July commission consisting of 11 members appointed by the mayor. Nine members on the commission shall serve staggered 3-year terms. Two seats on the commission shall be reserved for active members of 2 park associations. On a rotating basis, a representative from 2 different park associations shall be selected to sit on the commission for a term of one year. These association representatives shall serve as liaisons to the associations and shall have full voting rights on the commission, but shall not be eligible for election as commission officers. No park association representative may serve more than one consecutive term. The department of city development shall provide staff support to the commission. The commission shall provide suitable activities for the celebration of the Fourth of July in the city.

### 320-27. Safety and Civic Commission.

1. CREATION. There is created a safety and civic commission comprised of the following:

a. Three members appointed by the mayor, subject to confirmation by the common council. These members shall be appointed to a three-year term.

b. Fifteen members, one appointed by the alderman or alderwoman of each aldermanic district who is a resident of that aldermanic district, subject to confirmation by the common council. Initially, members from districts 1 through 3 shall be

appointed to a three-year term; members from districts 4 through 9 shall be appointed to a two-year term; and members from districts 10 through 15 shall be appointed to a one-year term. Subsequent appointments and reappointments shall be for three-year terms.

**2. OFFICERS.** The safety and civic commission shall annually select from among its members a chair, vice-chair, and secretary. It shall be the duty of the secretary to call meetings of the commission, to keep minutes of its meetings and accounts, and to advise city officials as to the work and recommendations of the commission.

**3. POWERS AND DUTIES.**

a. General. a-1. It shall be the duty of the safety and civic commission to investigate, advise, and report to the mayor, common council, police department, commissioner of public works, and other city officials concerning the best methods of providing for the safety of the public and addressing civic matters of city-wide concern and to give the greatest possible publicity to these matters to educate the public. The goal of the safety and civic commission shall be to improve the quality of life in Milwaukee by improving safety and addressing citywide problems through effective, targeted public education and public information efforts to achieve behavior modification to lift the community as a whole. The matters under the purview of the commission shall include, but not be limited to, traffic safety for motor vehicles, pedestrians, and bicycles, reducing the demand for drugs, raising educational achievement, raising school attendance and graduation rates, addressing parenting, reducing littering, water safety, fire safety and firearm safety, accidental poisoning, and other such topics that affect the health of the city.

a-2. The commission is authorized to establish advisory committees to assist the commission in carrying out its duties.

b. Crossing Guards. The commission shall establish standards for and hold public hearings on the placement of school crossing guards.

c. Coordination. The commission shall be responsible for the coordination of citywide cooperative public safety and civic actions involving public and private agencies and organizations.

d. Report. Each year, and with the assistance of the police department and department of public works, the commission shall prepare and submit to the common council 3 reports:

d-1. A report on motor vehicle traffic accident trends. This report shall include, but not be limited to, comprehensive accident data, a narrative interpreting the data and a listing of the locations of all traffic fatalities.

d-2. A report containing data, including tables, charts or maps, highlighting locations with high accident frequencies in the previous calendar year.

d-3. A report summarizing the status of the matters the safety and civic commission has the responsibility under par. a to review. The reports shall include, but not be limited to, recommendations on appropriate actions necessary or advisable to be taken by the various departments, boards, commissions or agencies or by the mayor and common council on issues or to reduce the rates of accident occurrences, and comparisons and analyses of citywide public actions over time to determine the extent of progress being made to alleviate all matters considered.

**4. ADVISORS.** The safety and civic commission may appoint up to 10 advisors to the safety and civic commission who may speak at meetings but shall not be voting members. Advisors shall represent agencies with input valuable to the work of the safety and civic commission, such as police, fire, traffic engineering, public schools, pupil transportation, bicycle and pedestrian coordinator, or other related agencies.

**5. SUPPORT STAFF.** The safety division of the Milwaukee police department shall provide administrative and professional support to the commission. The commission shall provide guidance and direction to the staff.

**6. OPERATIONS.** a. Bylaws. The commission shall establish bylaws and shall convene meetings at city hall.

**7. HIGHWAY SAFETY COORDINATOR.** The highway safety coordinator appointed by the mayor pursuant to s. 62.135, Wis. Stats., shall attend all meetings of the safety and civic commission.

**320-28. Transit Stop Technical Advisory Committee.** There is created a transit stop technical advisory committee consisting of 3 members: the city engineer or his or her designee, a representative from Milwaukee Transport Services, Inc., and a citizen member appointed by the public works committee chair. The committee

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shall, in accordance with s. 101-44-1, make recommendations to the common council regarding proposed locations for the receiving and discharging of passengers of common carriers. The citizen member shall be appointed no later than 60 days after the third Tuesday in April in even-numbered years to a 2-year term expiring on the third Tuesday of April 2 years thereafter. When a vacancy occurs in the citizen member position the appointing authority shall make an appointment within 60 days after the vacancy occurs.

### 320-29. Black Male Achievement Advisory Council.

1. ESTABLISHMENT. There is created a black male achievement advisory council.

2. PURPOSE. a. The purpose of the black male achievement advisory council is to make recommendations to the common council on the issue of African American male achievement. The black male achievement advisory council shall also oversee the City Leadership Grant to Promote Black Male Achievement from the National League of Cities' Institute for Youth, Education and Families.

b. The City Leadership Grant to Promote Black Male Achievement technical assistance project work's in each of the following 4 areas, which the National League of Cities' Institute for Youth, Education and Families believes are key to sustained progress at the community level in improving life outcomes of black men and boys:

b-1. Development of Strong Partnerships. Create or utilize an existing partnership structure that engages other local government officials, community and faith-based leaders, families, youth, funders, and other stakeholders within the city who are dedicated to improving outcomes for black men and boys.

b-2. Effective Utilization of Data. Strengthen data capacity that supports the city's efforts to use data to document needs, target resources, assess the effectiveness of strategies and programs, and measure progress in improving life outcomes of black men and boys.

b-3. Implementation of Comprehensive Strategies. Develop and advance new policies and practices that are of sufficient scale to generate significant improvements in outcomes for black men and boys in areas such as educational attainment, employment opportunities, family strengthening, and the prevention of violence and violence-related deaths.

b-4. Civic Engagement of Young Black Men and Boys. Promote an authentic youth civic engagement structure that allows young black men and boys to be involved in meaningful ways in local planning, policy, and decision-making processes.

c. The black male achievement advisory council shall also make recommendations related to the My Brother's Keeper presidential initiative. This initiative is an interagency effort to measurably improve the expected educational and life outcomes for and address the persistent opportunity gaps faced by boys and young men of color. The My Brother's Keeper initiative encourages communities to implement a coherent cradle-to-college-and-career strategy for improving the life outcomes of all young people to ensure that they can reach their full potential, regardless of who they are, where they come from, or the circumstances into which they are born.

3. COMPOSITION. a. The advisory council shall be composed of the following 16 members, each of whom shall be subject to confirmation by the common council:

a-1. The common council president, or his or her designee.

a-2. The city treasurer, or his or her designee.

a-3. The commissioner of health, or his or her designee.

a-4. A representative of the Milwaukee police department, the Milwaukee fire department or the fire and police commission, appointed by the common council president.

a-5. The Milwaukee county executive, or his or her designee.

a-6. A representative of the Milwaukee board of school directors, appointed by the common council president.

a-7. A representative of a faith-based organization, appointed by the common council president.

a-8. A representative of the business community, appointed by the mayor.

a-9. 2 representatives of the philanthropic community, one of whom shall be appointed by the mayor and one shall be appointed by the common council president.

a-10. 6 other persons, 4 of whom shall be appointed by the mayor, and 2 shall be appointed by the common council president.

b. The city residency requirements of s. 320-3 shall not apply to any member of the black male achievement advisory council.

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**4. TERM OF OFFICE.** a. Term. Advisory council members shall serve terms of 3 years, with the first terms beginning July 1, 2013, and expiring June 30, 2016.

b. Reappointment. Members of the advisory council may be reappointed.

c. Vacancy. When a vacancy occurs in the advisory council, the appointing authority shall make an appointment within 60 days after the vacancy occurs. A vacancy shall be filled for the unexpired term in the same manner as the original appointment.

**5. ORGANIZATION.** The advisory council shall meet every other month and may meet at such additional times as the advisory council determines or the chair directs. The mayor shall be honorary co-chair of the advisory council; his or her attendance at meetings shall not be required. The common council president shall be co-chair of the advisory council. The common council president shall designate a vice-chair. Advisory council members shall receive no compensation.

**6. OPEN MEETINGS.** All meetings of the advisory council shall be publicly held and open to all citizens at all times in accordance with subch. V of ch. 19, Wis. Stats.

**7. STAFFING.** The department of administration and the city clerk's office shall provide staff assistance to the advisory council. All city departments shall cooperate with the advisory council and provide assistance whenever the advisory council so requests.

**8. ANNUAL REPORTS.** The advisory council shall submit a written annual report of its activities under this section to the common council and the mayor.

**320-30. Residents Preference Program Review Commission.** **1. CREATION.** There is created a residents preference program review commission to review residents preference program compliance, performance and other program matters.

**2. PURPOSE.** The purpose of the commission is to review progress in implementing the goals of the residents preference program, advise the common council on residents preference program modification, and provide recommendations for the development of additional educational, workforce development and local contracting programs.

**3. COMPOSITION.** a. The commission shall be composed of the following 9 members:

a-1. One member of the common council, to be appointed by the president of the common council and to serve as chair of the commission.

a-2. The commissioner of city development or the commissioner's designee.

a-3. The director of the department of administration, or the director's designee.

a-4. The commissioner of the department of public works, or the commissioner's designee.

a-5. Five other persons appointed by the common council president with skills and experience in areas related to the work of the commission, including at least one person representing private developers, one person representing local labor groups or trade unions, one person representing local contractors, one person representing workforce development agencies and one person representing local community organizations, all subject to confirmation by the common council.

**4. TERMS OF OFFICE.** a. Each member of the commission appointed by the common council president shall serve for a term of 3 years.

b. Any vacancy on the commission shall be filled for the unexpired term within 60 days in the same manner as the original appointment. Members of the commission may be reappointed.

**5. ORGANIZATION.** a. Five members shall constitute a quorum for the purpose of conducting business.

b. The commission may adopt rules and procedures governing its own internal organization and operation and to assist the commission in carrying out its responsibilities.

c. The commission shall meet quarterly or as needed to review the residents preference program requirements of each development agreement under s. 355-7-1, as well as the subsequent performance of the developer with respect to these requirements. The commission may meet at such additional times as the commission determines or its chair directs.

d. Commissioners shall receive no compensation for their services as commission members unless expressly provided for by ordinance or resolution.

**6. DUTIES AND POWERS.** At any time, the commission may initiate studies at the request of any council member or the mayor, or at the commission's own discretion, and may make specific recommendations to appropriate city agencies. In addition, the commission shall:

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a. Evaluate the goals and outcomes of the residents preference program in relation to the current pace of development and labor market supply.

b. Review the policies, programs, acts, orders or determinations of city agencies relating to the residents preference program and make recommendations to improve the same.

c. Study and recommend any other policies or actions to ensure the city is effective in the use of unemployed and underemployed residents on local construction projects and city contracts.

**7. STAFFING.** a. The department of administration and the city clerk's office shall provide staff assistance to the commission.

b. The commission may retain any technical or professional consultants necessary for the proper conduct of the commission's duties, provided the compensation required for these services, along with supporting supplies, equipment and administrative costs, is provided by non-city funds.

c. All city agencies shall cooperate with studies by the commission; provide records, personnel and other materials necessary to the work of the commission; and provide any other assistance as the commission may reasonably request.

**8. REPORTS.** a. Not later than the first day of October each year, the commission shall submit a report to the common council concerning its activities. The report shall contain:

a-1. A summary of the findings and recommendations of any program or policy reviews conducted during the previous year and any agency responses to the commission's findings and recommendations.

a-2. A summary of charter, code or other requirements relating to the residents preference program which, in the opinion of the commission, are not being implemented by the city agencies or officers subject to them, or which require additions or amendments.

**SUBCHAPTER 4  
COMMITTEES**

**320-31. City Information Management Committee.**

**1.** COMPOSITION. There is created a city information management committee consisting of 12 members:

a. One member of the common council, appointed by the common council president. This member shall be the chair of the committee.

b. The mayor.

c. The city comptroller

d. The city treasurer.

e. The city clerk.

f. The director of administration.

g. The city librarian.

h. The chief municipal court

administrator.

i. The fire chief.

j. The police chief.

k. The chief information officer. This member shall be the vice chair of the committee.

l. The superintendent of water works.

**1.3.** DESIGNEES. Each official listed in sub. 1-b to j may appoint a designee to serve in place of the official on the committee. Designees for officials listed in sub. 1-c to h shall be in pay ranges 1G to 1P or 2KX to 2NX, unless this requirement is waived in writing by the chair of the committee. Designees for the fire chief or police chief shall be in pay ranges 1G to 1P, 2KX to 2NX or 4M to 4R.

**1.5.** ALTERNATIVES. Each member of the committee, except the common council member, may name an alternate. Alternates shall meet the same salary grade requirements as provided in sub. 1.3

**2.** DEFINITIONS. In this section:

a. "Archives" means noncurrent records with permanent administrative or historical value.

b. Committee means the city information management committee.

c. "Records" means any material on which written, printed, drawn, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created by, kept in custody of, under control of, or filed with any department, agency, board, commission,

officer or employee of the city except library materials kept for public use or examination. "Record" includes, but is not limited to handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and any machine-readable record.

**3.** DUTIES. The committee shall:

a. Recommend policies to the mayor and the common council for the management of the city's information resources, including but not limited to access, distribution, documentation, security and appropriate use.

b. Assist the chief information officer in the implementation of the department of administration's information technology and management responsibilities.

b-1. Promote a citywide vision for information and technology management through the coordination and effective management of information technology resources.

b-2. Review and recommend approval of the citywide information technology strategic plan submitted by the chief information officer.

b-3. Review the chief information officer's reports on progress toward achieving the goals established in the strategic plan.

b-4. Assist the chief information officer in analysis of and recommendations on information technology issues.

c. Promote intergovernmental sharing of information resources.

d. Promote the use of the city's information resources to improve the policymaking process and administration of city government.

e. Promote public access to the city's information resources.

f. Provide guidelines for development and maintenance of a city records management program including standards for creation, distribution, organization, maintenance, use and disposition of all city records.

g. Promote implementation and maintenance of records management programs within city departments including development of safeguards against unauthorized use or removal of city records.

h. Analyze and survey records of city departments, agencies, boards and commissions and set up systems for the preservation, retention and disposition of such records.

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i. Disseminate records management information to city departments to facilitate training of department personnel in records management.

j. Review and approve, reject or modify departmental requests for retention, transfer to inactive storage and final disposition of city records, including retention of records in some form other than the original record and including the storage of vital city records at the alternate site of city government.

k. Provide guidelines for the operation of the city records center, which shall provide the following services for all city departments: storage, retrieval and disposition of city records; central imaging and microfilming services; and maintenance of secure and non-secure structure plans.

L. Transfer to the city archives at the city records center or the Milwaukee public library records of historical interest that are no longer needed for the proper administration of city business.

m. Promulgate rules and regulations for the effective administration of this section.

**4. LENDING OF CITY RECORDS.** Any city department or agency may lend any of the records over which it is the custodian to any entity it deems fit. All loans shall be governed by written agreements negotiated by the department or agency and the borrowing entity. All such agreements shall be approved by the committee and shall indemnify and hold the city harmless for any loss, damage or destruction of city property lent under the agreement.

**5. RECORDS TO REMAIN CITY PROPERTY.** All records shall remain the property of the city and shall be preserved, stored, transferred, destroyed, disposed of or otherwise managed in accordance with this section and the laws of the state of Wisconsin. No record shall be destroyed, transferred out of the control of the city or otherwise disposed of without the approval of the committee. The committee may approve the transfer of title, custody and control of noncurrent records that are no longer needed for administrative purposes by the city to the state historical society.

**6. STAFFING.** The city clerk's office shall provide staff support to the committee. The city attorney shall designate an assistant city attorney to be present at all meetings of the committee.

**7. TASK FORCES.** The committee may create task forces to recommend policy issues for committee action, review policies proposed by the committee, assist the chief information officer in the implementation of policies established by the common council, and coordinate the development and use of related information resources.

#### **320-33. Skywalk Design Committee.**

**1. CREATION.** There is created a skywalk design committee consisting of 9 members: the chair of the common council's zoning and development committee or alternate, who shall serve as chair of the committee; the chair of the historical preservation committee or a designee; the chair of the city plan commission or a designee; a member of the city plan commission appointed by the common council president; the planning manager in the department of city development; the superintendent of buildings and fleet services or a designee; the chair of the space, air and subterranean space structures lease committee or a designee; a representative of the downtown business improvement district (#21), appointed by the president of the common council; and the chair of the building owners management association or a designee. The city clerk's office shall staff the committee. The terms of the member of the city plan commission and the representative of the downtown business improvement district shall expire at the end of the common council term in which those members were appointed.

**2. DUTIES.** The committee shall evaluate each proposed skywalk design and make recommendations to the common council concerning the final development agreement for each proposed skywalk. The committee shall make its recommendations to the common council not more than 30 days after each proposed development agreement has been introduced to the common council.

**320-37. Anti-graffiti Policy Committee.**

1. COMPOSITION. There is created an anti-graffiti policy committee consisting of 7 members serving 2-year terms:

a. Four members appointed by the common council president, of which a minimum of two members shall be members of the common council.

b. One representative of the mayor's office.

c. Two citizen members appointed by the mayor.

d. The common council president and the mayor shall make their appointments pursuant to pars. a and c within 60 days after assuming office; and then within 60 days following 2 years of assumption of office. If a vacancy occurs in a committee position, the president or the mayor, as the case may be, shall make an appointment within 60 days after the vacancy occurs.

e. The common council president shall also designate the committee chair and vice-chair.

2. DUTIES. The committee shall develop and monitor plans to coordinate citywide graffiti removal efforts with respect to residential, commercial and governmental entities; and programs designed to reduce the proliferation of graffiti.

3. STAFFING. The city clerk's office shall provide staff assistance to the committee with additional assistance from other departments as needed. All city departments are directed to cooperate with the committee and provide assistance whenever the committee so requests.

4. REPORTS. The committee shall submit a written annual report to the common council and the mayor.

**320-41. Charter School Review Committee.**

1. ESTABLISHMENT. The Milwaukee charter school review committee is established as provided in this section.

2. PURPOSE. The purpose of the committee is to assist the city, through its common council, with establishment and regulation of charter schools, pursuant to s. 118.40, Wis. Stats., as amended, and ch. 330.

3. COMPOSITION. a. The committee is comprised of the following 7 members:

a-1. Three members appointed by the common council president and subject to common council confirmation.

a-2. Three members appointed by the mayor and subject to common council confirmation.

a-3. The comptroller, who shall serve ex officio, or the comptroller's designee.

b. The members of the committee shall include broad representation from Milwaukee's educational community and other interested and affected segments of the community.

4. TERM OF OFFICE. a. Each appointed member shall serve at the pleasure of the appointing authority for a 3-year term, unless terminated earlier, or until his or her successor is appointed. Members of the committee may be reappointed.

b. A vacancy shall be filled for the unexpired term in the same manner as the original appointment.

5. ORGANIZATION. a. The committee shall select a chair and vice-chair and may select such other officers as it sees fit.

b. The committee may adopt rules, guidelines and criteria to assist the committee in carrying out its responsibilities.

c. In the absence of a committee rule to the contrary, the provisions of Robert's rules of order, latest edition, shall govern the proceedings of the committee.

6. POWERS AND DUTIES. a. The committee is charged with the responsibility of reviewing applications for charter school status pursuant to s. 118.40, Wis. Stats., as amended, and ch. 330, making findings for each application, making recommendations to the common council for approval of applications, making regular reports about the charter school program, performing ongoing review of the financial, educational, staffing and facility status of charter schools, investigating and making recommendations to the common council concerning possible termination of contracts and revocation of charters, and adopting rules, guidelines and criteria to assist the committee in carrying out its responsibilities.

b. The committee shall establish, subject to approval by the common council, and shall file with the legislative reference bureau:

b-1. Guidelines for applicants, including reasonable application periods, time periods and deadlines for submission of applications and correction of deficiencies in applications.

b-2. Criteria for approval of applications.

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- c. The committee shall:
- c-1. Establish guidelines for members to govern ethical issues, including conflicts of interest, particularly with respect to review and recommendations of applications.
- c-2. Establish rules and guidelines specifying the technical requirements for applications which, if not met, render an application technically deficient.
- c-3. Obtain the services of a technical reviewer.
- c-4. Establish written educational, experience and other job qualifications for the position of technical reviewer to review charter school applications pursuant to s. 330-9. Such job qualifications shall include provisions to avoid conflicts of interest and the appearance of conflicts of interest.
- c-5. Create all necessary application and other forms and modify them as needed.
- c-6. Hear and decide appeals filed by unsuccessful charter school applicants under s. 330-19.
- c-7. Be responsible for continuing oversight and ongoing review of the financial, educational, staffing and facility status of charter schools.
- c-8. Investigate and make findings and recommendations concerning possible termination of charter school contracts and revocation of school charters.
- c-9. Serve as a clearinghouse for all information requests received from common council members relative to charter school entities.
- d. The committee may:
- d-1. Obtain the services of experts, advisors and such other persons whom the committee finds necessary in accomplishing its responsibilities.
- d-2. Adopt rules for the conduct of its hearings and for its procedures not in conflict or inconsistent with s. 118.40, Wis. Stats., as amended, or ch. 330.
- d-3. Establish such standing or ad hoc subcommittees as it deems necessary to carry out its responsibilities.
- d-4. Recommend to the common council the establishment of reasonable application fees for charter school applicants and reasonable oversight fees for charter schools, and an amount for such fees which is sufficient to defray the actual and necessary costs that the committee incurs in fulfilling its responsibilities under ch. 330 and this section.

d-5. Take any other action that it finds necessary or useful in fulfilling its responsibilities under ch. 330 and this section.

e. All procurement required by the committee shall be managed by the department of administration.

**7. STAFFING.** The department of administration shall provide staff assistance to the committee. The city clerk's office shall provide clerical support to the committee. All city departments and agencies are directed to cooperate with the committee and provide assistance whenever the committee so requests.

**8. REPORTS.** The committee shall annually provide a written report of its activities to the common council and the mayor and shall report more frequently as the committee, the common council or the mayor may find proper.

#### **320-43. Frank P. Zeidler Public Service Award Selection Committee.**

**1. CREATED.** a. There is created the Frank P. Zeidler public service award selection committee consisting of:

a-1. The mayor or the mayor's designee.

a-2. One common council member, appointed by the common council president.

a-3. 2 community members, appointed by the common council president.

a-4. 2 community members, appointed by the mayor.

a-5. One member representing the Frank Zeidler center for public discussion.

b. The common council president shall designate the committee chair and vice-chair.

c. Each member shall serve a 2-year term.

**2. DUTIES.** a. The committee shall determine the nomination procedure, nomination criteria, selection process and criteria, type of award and award presentation for the Frank P. Zeidler public service award, which may be an annual award that recognizes up to 2 city residents, who are not elected officials, that best exemplify Frank P. Zeidler's legacy of social justice and civic accomplishment.

b. The committee shall develop the selection criteria for such award and submit its report to the common council for approval.

**3. STAFFING.** The city clerk's office shall provide staff assistance to the committee.

**320-44. Vel R. Phillips Trailblazer Award. 1.** There is created a Vel R. Phillips trailblazer award that recognizes city residents who best exemplify Vel R. Phillips' legacy of social justice and civic accomplishment.

**2. SELECTION COMMITTEE.** a. There is created the Vel R. Phillips trailblazer award selection committee consisting of:

a-1. 2 members appointed by the mayor, and confirmed by the common council.

a-2. 3 members appointed by the common council president, and confirmed by the common council.

a-3. One member of the common council appointed by the common council president.

a-4. One member of the city youth council appointed by the mayor.

b. The common council president shall designate the committee chair and vice-chair.

c. Each member shall serve a 3-year term.

**3. DUTIES OF COMMITTEE.** a. The committee shall review nominations and determine the recipient of the Vel R. Phillips trailblazer award, which recognizes city residents that best exemplify Vel R. Phillips' legacy of social justice and civic accomplishment.

b. The Vel R. Phillips trailblazer award shall be an annual award presented to the recipient at the girls' day event held at city hall.

c. The committee may accept award nominations from any common council member, member of the public or organization.

**4. STAFFING.** The city clerk's office shall provide staff assistance to the committee.

**320-45. Youth Council. 1. CREATION.** There is created a city youth council, which is attached to the office of the city clerk, to serve and advance the interests of city youth as a representative body in city government through a working partnership with the common council and the mayor.

**2. COMPOSITION.** The youth council shall be comprised of 17 members, one residing in each aldermanic district and 2 at-large members nominated by the city clerk. Each youth council member shall:

a. Currently attend high school or alternative school, or demonstrate the intent to attend a high school or alternative school.

b. Be committed to improving the lives of all the young people of Milwaukee.

**3. SELECTION.** The city clerk's office shall be responsible for recruitment of individuals

to serve on the youth council. Nominations shall be submitted annually no later than July 1 to the common council for confirmation.

**4. TERM OF OFFICE.** a. All youth council members shall take an oath of office before beginning their terms.

b. Members shall serve a term from September 1 to August 31 of the following year.

c. A member shall continue to serve until he or she resigns or is replaced.

d. Vacancies shall be filled for unexpired terms of 120 days or more in the same manner as original appointments.

**5. OFFICERS AND RULES.** a. The youth council shall elect a president and vice-president for one-year terms and may select such other officers as it provides by rule.

b. The youth council may adopt rules to assist the council in carrying out its responsibilities.

c. The president may appoint youth council members and other interested parties to serve on committees.

d. The presence of 8 members shall constitute a quorum.

e. Attendance requirements shall be established by the city clerk. Any member not meeting attendance requirements shall have his or her seat declared vacant.

f. In the absence of a youth council rule to the contrary, the provisions of Robert's rules of order, latest edition, shall govern the proceedings of the council.

**6. DUTIES AND POWERS.** a. The youth council shall:

a-1. Participate in the operation of programs as specifically authorized or directed by the common council, including such programs as may be financed in whole or in part by city financial contributions used to carry out a particular youth council program or accomplish a particular youth council goal.

a-2. Assess and evaluate community needs and resources relative to the protection and promotion of city youth and communicate those assessments and evaluations to the common council and mayor.

a-3. Encourage and assist in studies designed to evaluate and recommend changes in laws, policies, procedures and practices for the purpose of improving community conditions and promoting wholesome youth development.

a-4. Receive program proposals from youth groups within the city.

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a-5. Recommend funding allocations for the execution of program proposals authorized by the common council.

b. The president may designate representatives to attend community forums and meetings.

**7. STAFFING.** a. The office of the city clerk shall provide staff assistance to the youth council and the selection committee and maintain the records of both bodies.

b. All city departments and agencies shall cooperate with the youth council and assist the youth council to achieve its objectives.

**8. REPORTS.** The youth council shall annually provide a written report of its activities to the common council and the mayor and shall report more frequently as the youth council, the common council or the mayor may find proper.

**9. FUNDING.** Ten percent of annual city community development block grant reprogramming dollars shall be allocated to support the recommendations for youth service activities and objectives. The city shall create, administer, and audit all revenue and expenditure accounts related to the youth council according to city budget and accounting standards and procedures.

**10. OVERSIGHT.** The common council shall review all programs and contracts proposed for funding by the youth council and may reject any youth council decision by a majority vote.

#### **320-47. Sister Cities Committee.**

**1. ESTABLISHMENT: PURPOSE.** The sister cities committee is created to assist the city, through its common council, with the establishment and maintenance of sister city relationships pursuant to Sister Cities International regulations.

**2. COMPOSITION.** The sister cities committee shall consist of 5 members:

a. The chair of the community and economic development committee, who shall serve as chair of the committee.

b. A representative from the mayor's office.

c. A representative of the International Institute of Wisconsin, appointed by the common council president. This member need not be a city resident.

d. A public member, appointed by the common council president.

e. The health commissioner or his or her designee.

**3. TERM OF OFFICE.** Members appointed pursuant to sub. 2-c and d shall serve a 2-year term.

**4. RULES.** The committee may adopt rules, guidelines and criteria to assist the committee in carrying out its responsibilities.

**5. POWERS AND DUTIES.** The sister cities committee shall:

a. Establish guidelines for applicant sister cities, including reasonable expectations from the relationships.

b. Review requests and make recommendations pursuant to the Sister Cities International guidelines.

c. Investigate and make recommendations to the common council concerning possible establishment, termination and maintenance of sister city relationships.

d. Oversee and review the status of sister city relationships.

e. Serve as a clearinghouse for all information requests received from common council members relative to sister city agreements.

**6. STAFFING.** The city clerk's office shall provide staff assistance to the committee. All city departments and agencies shall cooperate with the committee and provide assistance whenever the committee so requests.

**7. REPORTS.** The committee shall annually provide a written report of its activities to the common council and the mayor and shall report more frequently as the committee, the common council or the mayor may find proper.

#### **320-49. Capital Improvements Committee.**

**1. ESTABLISHMENT.** There is created the capital improvements committee to develop, maintain and update a long-term capital improvements program for the city's construction and maintenance of its infrastructure and facilities.

**2. COMPOSITION.** a. The committee shall be comprised of the following members:

a-1. The commissioner of public works or alternate.

a-2. The department of administration budget and management director or alternate.

a-3. The comptroller or alternate.

a-4. The chair of the public works committee or alternate.

a-5. The chair of the finance and personnel committee or alternate.

a-6. The common council president or alternate.

a-7. A public member appointed by the mayor for a 3-year term and confirmed by the common council.

b. The common council president shall designate the chair of the committee.

**3. DUTIES.** The committee shall:

a. Develop a prioritized 6-year capital improvements program based on anticipated construction and maintenance of infrastructure and facilities for all departments under control of the common council. Following development, this 6-year capital improvements program shall be reviewed and adopted by the common council.

b. Establish criteria upon which a determination as to the priority of each capital program or project for the construction and maintenance of infrastructure and facilities may be based to include, but not be limited to:

b-1. The effect of a program or project on the achievement of any strategic objective that the mayor has submitted to the capital improvements committee for its consideration.

b-2. The interrelationship of each capital program with other capital programs.

b-3. The effect of each project on replacement cycles, condition ratings, operating and maintenance expenses, and other indicators of infrastructure system performance.

b-4. Each project's relationship to the city's "smart growth" plan pursuant to s. 16.965(4), Wis. Stats., and any area or other development plans that the common council has approved, with emphasis upon the 6-year capital improvements program.

b-5. The capacity of a program's or project's funding level to fit within funding and debt service targets, as determined by the committee.

c. Establish a priority for each project within the program based upon the established criteria.

d. Secure supporting data and justification for proposed projects, arrive at accurate cost estimates and secure from city departments a list of services and facilities and a projection of operating costs related to each construction project.

e. Monitor completion of the capital improvements program as contained in the annual budget.

**4. REPORTS.** a. By February 1 annually, the committee shall:

a-1. Submit to the common council for its information the 6-year program and its total estimated construction and maintenance costs, the effect of the total costs upon estimated tax

levies and debt service, and recommendations concerning financing of the program.

a-2. Prepare a report describing the condition of the city's infrastructure and facilities and the adequacy of the effort level made by the city to preserve such infrastructure and facilities and eliminate any deferred capital maintenance. Infrastructure networks and facilities comprising this report shall include the following systems: city sewerage, streets, street lights, traffic control, underground conduit and wired communications, water treatment and distribution, city buildings, bridges, alleys, sidewalks, parking, harbor and urban forestry. Information provided shall include replacement cycles, condition ratings, operating and maintenance expenses, and other appropriate quantitative measures of condition.

b. Based on capital budget recommendations submitted by city departments and within such guidelines as may be established from time to time by the common council, submit to the department of administration budget and management division a requested capital improvements budget for the construction and maintenance of infrastructure and facilities for the ensuing fiscal year not later than the 2nd Tuesday in May of each year, such request to be acted upon as are requests for all other parts of the total budget under control of the common council. This requested capital improvements budget shall be accompanied by narrative explaining how and to what extent this capital budget serves to implement the 6-year capital improvements program.

c. Prepare quarterly progress reports, with emphasis on the status of projects in relation to their predetermined construction schedule, for submission to the common council.

**5. STAFFING.** Staff for the capital improvements committee shall be provided by the city clerk's office. Salaries required for capital improvements administration, along with supporting supplies, equipment and administrative costs shall be provided annually out of capital improvement funds. All city departments and agencies shall cooperate with the committee and provide assistance whenever the committee so requests.

**320-51. School Building Proposal Review Committee.**

**1. ESTABLISHMENT.** Under s. 119.61(4)(d), Wis. Stats., there is created a school building proposal review committee to review proposals for eligible school buildings identified as available for sale to education operators.

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2. COMPOSITION. a. The school building proposal review committee shall be composed of the following 7 members:

a-1. The chair of the common council's zoning, neighborhoods and development committee or a designee.

a-2. The city comptroller or a designee.

a-3. The commissioner of the department of city development or a designee.

a-4. One citizen member appointed by the mayor.

a-5. Two citizen members appointed by the president of the common council.

a-6. One representative of the Milwaukee Public Schools, appointed by the superintendent of the Milwaukee Public Schools.

b. The chair of the common council's zoning, neighborhoods and development committee or his or her designee shall serve as the chair of the committee.

3. TERM OF OFFICE. Each citizen member shall serve a term of 3 years.

4. POWERS AND DUTIES.

a. Proposals for school buildings shall be referred to the school building proposal review committee by the department of city development.

b. The committee shall recommend the most suitable buyer for a particular property by using the criteria set forth in s. 119.61(4)(d), Wis. Stats.

c. The committee shall submit a report of its recommendations under par. b to the common council.

5. STAFFING. The office of the city clerk shall provide staff support to the committee. All city departments and agencies shall cooperate with the committee and shall provide assistance whenever the committee so requests.

### 320-53. Complete Streets Committee.

1. ESTABLISHMENT. There is created the complete streets committee to oversee implementation of the city's complete streets policy and make recommendations to the common council concerning the policy.

2. COMPOSITION. a. The committee shall be comprised of the following members, or their designees:

a-1. The commissioner of public works. This member shall be the chair of the committee.

a-2. The city engineer.

a-3. The commissioner of city development.

a-4. The commissioner of neighborhood services.

a-5. The department of administration budget and management director.

a-6. The commissioner of the health department.

a-7. The police chief.

a-8. The executive director of the housing authority of the city of Milwaukee.

a-9. The president of Employ Milwaukee.

a-10. The chair of the common council's public works committee.

a-11. The chair of the common council's public safety committee.

a-12. The chair of the common council's zoning, neighborhoods and development committee.

a-13. The chair of the bicycle and pedestrian task force.

3. DUTIES. The committee shall prioritize, assign and monitor various actions to support implementation of the city's complete streets policy, including but not limited to:

a. Reviewing and recommending policies, procedures, plans, regulations and other processes that support the complete streets policy.

b. Reviewing and updating as needed current design standards to ensure that they reflect the best available design standards and guidelines related to the complete streets policy.

c. Recommending project evaluation and performance criteria to understand and promote how well streets are serving all users.

d. Identifying ways to effectively educate on and enforce road use behavior by all users and all modes.

e. Working cooperatively to address community concerns and assist in achieving community visions and goals in a manner that respects the local context.

f. Seeking input from neighborhood associations, business improvement districts, neighborhood improvement districts and other neighborhood groups concerning transportation projects.

4. STAFFING. The department of public works shall provide staff assistance to the committee with support from the city attorney and ADA coordinator. All city departments and agencies shall cooperate with the committee and provide assistance whenever the committee so requests.

5. REPORTS. The committee shall annually provide a written report of its activities to the common council and the mayor, and shall report more frequently as the committee, the common council or the mayor directs.

**320-54. Pedestrian and Bicycle Advisory Committee.**

1. ESTABLISHMENT. There is created a pedestrian and bicycle advisory committee whose purpose is to make recommendations to the mayor and the common council relating to pedestrian and bicycle safety, policy, and encouragement programs and to provide technical assistance for the development of strong partnerships, the effective use of data, the implementation of comprehensive strategies, and the civic engagement of pedestrians and bicyclists.

2. COMPOSITION. The committee shall be composed of the following 12 members, each of whom shall be subject to confirmation by the common council:

a. 9 at-large members:

a-1. 3 appointed by the mayor.

a-2. 3 appointed by the common council president.

a-3. One member appointed by the chair of the common council's public works committee.

a-4. One member appointed by the chair of the common council's public safety and health committee.

a-5. One member appointed by the commissioner of the department of public works.

b. 3 non-voting advisors:

b-1. A representative of the department of city development, appointed by the mayor.

b-2. A representative of the department of public works, appointed by the mayor.

b-3. A representative of the safety commission of the police department, the fire department, the fire and police commission, or the health department, appointed by the mayor.

3. TERMS OF OFFICE.

a. Each member of the committee shall serve for a term of 3 years and may be reappointed, but shall not serve longer than 6 consecutive years.

b. Any vacancy of the committee shall be filled for the unexpired portion of the term within 60 days in the same manner as the original appointment.

4. ORGANIZATION.

a. The committee may adopt rules and procedures governing its own internal organization and operation and to assist the committee in carrying out its responsibilities.

b. The committee shall meet quarterly, and may meet at such additional times as the committee or the chair directs.

5. DUTIES AND POWERS. The committee may initiate a study on any topic relevant to the business of the committee at the

request of the mayor, the council, or at the committee's own discretion, and may make specific recommendations to appropriate city agencies. In addition, the committee shall provide technical assistance in the following areas:

a. Implementation of comprehensive strategies.

a-1. Reviewing the city's bicycle and pedestrian plans every 5 years, and making recommendations to improve the plans.

a-2. Reviewing all policies, programs, acts, orders, design standards and guidelines or determinations of city agencies relating to pedestrian and bicycle infrastructure, and making recommendations for their improvement.

a-3. Studying and recommending policies or actions to ensure the city is effectively managing safe interactions between pedestrians, people riding bicycles, and people driving motorized vehicles.

a-4. Making recommendations concerning efforts and initiatives to attain recognition and certification for Milwaukee's bicycle and pedestrian infrastructure.

b. Development of Strong Partnerships.

b-1. Creating or using an existing partnership structure that engages other local government officials, community and faith-based leaders, families, youth, funders, and other stakeholders within the city who are dedicated to improving safety outcomes for pedestrians and bicyclists.

b-2. Identifying ways to effectively collaborate with organizations and agencies who provide education and enforce road use behavior by all users and all modes.

b-3. Seeking input from neighborhood associations, business improvement districts, neighborhood improvement districts and other neighborhood groups concerning pedestrian and bicycle projects, and working cooperatively to address community concerns and assisting in achieving community visions and goals in a manner that respects the local context.

c. Effective Use of Data.

c-1. Strengthening data capacity that supports the city's efforts to use data to document needs, target resources, assess the effectiveness of strategies and programs, and measure progress in improving safety outcomes for pedestrians and bicyclists.

c-2. Recommending project evaluation and performance criteria to understand how well pedestrian and bicycle infrastructure is serving its users.

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d. Civic Engagement of Pedestrians and Bicyclists. Employing engineering, engagement, and encouragement strategies.

6. STAFFING. The department of public works shall provide staff assistance to the committee. All city departments shall cooperate with the committee and provide assistance whenever the committee so requests.

7. REPORTS. The committee shall annually provide a written report of its activities to the common council and the mayor, and shall report more frequently as the committee, the common council or the mayor directs.

For legislative history of chapter 320, contact the Municipal Research Library.

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