MILWAUKEE CODE OF ORDINANCES

VOLUME 3

Published by Authority of the
COMMON COUNCIL

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Office of the City Clerk

CITY OFFICIALS

2016 to 2020

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Tom Barrett

Council President
Ashanti Hamilton

The Common Council
(By Aldermanic District)

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PREFACE

In 1989, volume 3 of the Milwaukee Code of Ordinances was printed in its current format of an updatedable looseleaf format. As changes to these ordinances are passed by the Common Council, the Legislative Reference Bureau will issue replacement pages for this book. Thus, it can be a current and reliable resource to its users.

Volume 3, which contains chapters numbering 301-399, contains administrative ordinances which pertain to the organization and operation of Milwaukee=s city government, Other looseleaf volumes include Volume 1 (Regulatory Ordinances), Volume 2 (Building and Zoning Code), and the City Charter.

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

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

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

Keith Broadnax, Manager
Legislative Reference Bureau
April, 2016

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MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through December 13, 2016.

Revised 12/13/2016
Suppl. #283

CHAPTER 301
COMMON COUNCIL

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301-2. Aldermanic District Boundaries. Effective with the 2012 spring primary election, the territory within the limits of the city of Milwaukee shall be divided into 15 aldermanic districts which shall be comprised of the following election wards, as described in resolution file number 111651:

1. FIRST DISTRICT. Wards 18, 19, 20, 21, 22, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63.

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301-3. Common Council President.

1. SUCCESSOR IN OFFICE. In the event the president of the common council is unable to act or perform any of his duties because of illness, other disability or absence from the city, by a direct line of succession and in the order herein set forth, the persons elected or appointed to the following offices or positions shall act as president of the common council and have and exercise the powers and discharge all of the duties of the president of the common council until such time as the president of the common council shall resume his duties, and while so acting as president of the common council, such person shall be styled as "acting president of the common council"; provided, that if any person lower on the list of succession or order, as herein set forth, shall be exercising such powers and discharging such duties and a person higher on the list of succession or order shall become available to serve, such powers and duties are forthwith vested in the person higher on the list or order. The direct line of succession and order shall be as follows:

2. LINE OF SUCCESSION. Chair of the committee on finance and personnel; the chairs of standing committees of the common council in the order of their seniority, that is, the length of service in the office of common council member; and in the event such time of service be equal, then as to such chairs in the alphabetical order of their surnames; the remaining common council members in the order of their seniority, that is, the length of service in the office of common council member, and in the event such time of service be equal, then as to such common council members in the alphabetical order of their surnames. In the event of the death or resignation of the president of the common council, thecommon council shall at the next meeting, after the occurrence of such event, elect a successor to fill the office of president who shall preside over meetings for the remainder of the term of office to which members of the common council were elected.

301-7. Granting of Franchise or Special Privilege. 1. DEPOSIT REQUIRED. No resolution granting any franchise or special privilege shall be considered by the common council, nor shall any action be taken thereon, unless the person, firm or corporation in whose favor said resolution is proposed shall have first paid into the city treasury, for the purpose of defraying the printing and any other incidental expenses which the city may incur in the consideration of such resolution, the fee required in s. 81-57 or 81-115.

2. CITY CLERK TO VERIFY PAYMENT. The city clerk shall, before reading or presenting to the common council for its consideration any resolution granting a franchise or special privilege, obtain from the city treasurer a statement to the effect that the required amounts have been paid into the treasury, such statement to be included in the resolution presented to the common council and countersigned by the city comptroller.

3. DEPOSIT IN TREASURY. Fees collected pursuant to this section shall be deposited in the city treasury and credited to the general city fund.

301-11. Expenditure of Economic Development Funds. All expenditures of common council economic development funds shall be approved by the community and economic development committee.

301-13. Common Council Community Development Oversight. Common council oversight with respect to community development shall be assigned to a common council standing committee pursuant to the common council procedure and rules. The common council committee to which oversight is assigned shall provide policy direction to the office of community block grant administration, department of administration, in carrying out its responsibilities, and to review, reject or otherwise modify recommendations of the office with respect to community development programs and actions, including recommendations to the common council on submission of the city's annual federal community development block grant application.

LEGISLATIVE HISTORY
CHAPTER 301

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 301	cr	881930	3/7/89	3/25/89
301-1	rp	941797	6/6/95	6/23/95
301-2	cr	910100	8/2/91	8/21/91
301-2	rc	911044	10/15/91	11/1/91
301-2	rc	010689	10/9/2001	10/26/2001
301-2	rc	021316	3/25/2003	4/11/2003
301-2	rc	110063	7/6/2011	7/23/2011
301-2	rc	110475	9/20/2011	10/7/2011
301-2	am	111652	7/6/2012	7/25/2012
301-2-0	am	941797	6/6/95	6/23/95
301-2-4	am	941797	6/6/95	6/23/95
301-2-8	am	941797	6/6/95	6/23/95
301-2-12	am	941797	6/6/95	6/23/95
301-2-16	am	941797	6/6/95	6/23/95
301-3-2	rc	960621	7/30/96	8/16/96
301-5	rp	081724	5/5/2009	5/22/2009
301-7	rc	980680	9/23/98	10/10/98
301-11	cr	991344	12/17/99	1/11/2000
301-11	am	040631	9/21/2004	10/8/2004
301-13	cr	000024	6/1/2000	6/8/2000

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CHAPTER 302
ELECTIONS

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302-9 Board of Absentee Ballot Canvassers

302-3. Board of Election Commissioners.

1. EXECUTIVE DIRECTOR. a. Duties. It shall be the duty of the election commission executive director to prepare and furnish copies of registrations and all books, maps, instructions and blanks for the use and guidance of inspectors of elections and ballot clerks, and to carry out, under the direction of the board of election commissioners, all laws, rules, and regulations pertaining to registration and the conduct of elections, and to perform such other and further duties as may be required of him by the board of election commissioners.

b. Fees for Copies. Copies of the registry list for any one or more districts of the city of Milwaukee, which have been prepared pursuant to s. 6.45, Wis. Stats., may be obtained from the election commission executive director upon payment of the amount required in s. 81-48 for each district registry list.

2. SALARY OF EXECUTIVE DIRECTOR. The said election commission executive director shall receive such salary as the common council may determine.

3. COMPENSATION FOR ELECTION INSPECTORS, ETC. The compensation for services rendered by inspectors and ballot clerks shall be such reasonable amount as shall be determined and fixed by the common council. The chairman of the inspectors or one of them appointed by him to carry out his duties as set forth in s. 7.51(5), Wis. Stats., shall be paid therefor an additional sum not to exceed $2 for each primary and election as the common council shall determine.

4. PAYROLL FOR OFFICERS OF ELECTION. It shall be the duty of the board of election commissioners within 5 days after any primary or election to certify to the city comptroller the names of persons having served as election officers, and such other information relative thereto as said board of election commissioners may think necessary, and such certificate shall be in the form of a payroll. When such payroll shall have been certified, audited and approved, the original shall be given to the city treasurer together with a warrant for the amount thereof signed by the board of election commissioners and countersigned by the comptroller and drawn for the amount of such payroll in favor of said treasurer, who shall thereupon pay to the persons named the amounts designated. Such original payroll shall be returned by said treasurer to the board of election commissioners who shall file the same in their office, and a duplicate thereof certified, audited and approved in like manner as the original shall be filed in the office of the city comptroller.

302-5. Election of Party Committeepersons. Political parties qualifying for a separate ballot under s. 5.62(1)(b) or (2), Wis. Stats., shall elect their party committeepersons at the September primary in even-numbered years. Each political party shall elect one committeeperson from each aldermanic district.

302-7. Voting Procedure When Name Not Listed, Paper Ballot. 1. OATH REQUIRED. If the board of election commissioners fails to enter a properly registered voter's name and address on the registry list or inadvertently removes his name therefrom, such person may request a ballot at the polling place. When the request is made, the election inspector shall have such person execute the following written oath or affirmation: "I....., do solemnly swear or affirm that to the best of my knowledge, I am a registered voter, having resided at ..... for at least 10 days immediately preceding this election, and that I am not disqualified on any ground from voting, and I have not voted, at this election."

2. PAPER BALLOT ONLY. Such person shall then be given the right to vote but shall vote only by paper ballot. The election inspector upon receiving the voted ballot of such a voter shall, before depositing it in the ballot box, write on the back thereof the number of the voter corresponding to the voting list number kept at the election. The election inspector shall keep a list of the names and residences of the electors voting whose names are not on the registry list, attach the list thereto and return it together with all certificates to the board of election commissioners. These names shall then be added to the registry list if such voters are qualified at the time of revision.

302-9. Board of Absentee Ballot Canvassers.

1. CREATION. Pursuant to ss. 7.52 and 7.53 (2m), Wis. Stats., there is created a board of absentee ballot canvassers.

2. COMPOSITION. The board of absentee ballot canvassers shall be composed of the election commission executive director, or a qualified elector of the city designated by the executive director, and 2 other qualified electors of the city appointed by the executive director for a term of 2 years commencing on January 1 of each odd-number year, except that any member who is appointed to fill a permanent vacancy shall serve for the unexpired term of the original appointee. The executive director may appoint additional inspectors under s. 7.30(2)(a), Wis. Stats., to assist the board in canvassing absentee ballots under this section.

3. CANVASSING OF ABSENTEE BALLOTS. In lieu of canvassing absentee ballots at polling places under s. 6.88, Wis. Stats., the board shall canvass all absentee ballots at all elections held in the city.

4. COUNTING OF ABSENTEE BALLOTS. At every election held in the city, the board shall, any time after the opening of the polls and before 10 p.m. on election day, publicly convene to count the absentee ballots for the city. The election commission executive director shall give at least 48 hours notice of any meeting under this section.

5. POSTING. The election commission executive director, no later than the closing hour of the polls, shall post at his or her office and on the Internet at a site announced by the executive director before the polls open, and shall make available to any person upon request, a statement of the number of absentee ballots that the executive director has mailed or transmitted to electors and that have been returned by the closing hour on election day.

LEGISLATIVE HISTORY
CHAPTER 302

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 302	cr	881930	3/7/89	3/25/89
302-3-1-0	am	960621	7/30/96	8/16/96
302-3-1-a	am	960621	7/30/96	8/16/96
302-3-2-0	am	960621	7/30/96	8/16/96
302-3-2	am	960621	7/30/96	8/16/96
302-9	cr	070737	11/9/2007	11/30/2007

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CHAPTER 303
CODE OF ETHICS

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303-1. Declaration of Policy. 1. It is declared that high moral and ethical standards among officials and other city employes are essential to the conduct of free government; that the common council believes that a code of ethics for the guidance of officials and other city employes will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the people of Milwaukee in their public officials and other city employes.

2. It is the intent of the common council that any elected city official, any person appointed to elective office, any candidate for city elective office, all heads of departments, all division superintendents in the department of public works and their assistants, all full-time appointed exempt management city employes, and other designated city officials and employes, including but not limited to those whose responsibilities involve the: sale or lease of real estate, receipt of monies, purchasing of supplies, issuing of permits or licenses, assessment of property, inspection of property, construction of public works, settlement of claims, preparation or awarding of contracts, retention of outside service, or performance of professional legal services for the city shall be required to file a statement of economic interests as provided for in s. 303-11.

3. It is the intent of the common council that the ethics board in its operations shall protect to the fullest extent possible the rights of individuals affected.

303-3. Definitions. In this chapter:

1. ANYTHING OF VALUE means any money or property, favor, service, payment, advance, forbearance, loan or promise of future employment, but does not include compensation and expenses paid by the city, fees and expenses which are permitted and reported to the board of ethics under s. 303-9, political contributions which are reported under ch. 11, Wis. Stats., or hospitality extended for a purpose unrelated to city business by a person other than an organization.

2. ASSOCIATED, when used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity or of which an individual or a member of his or her immediate family is an authorized representative or agent.

3. BOARD means the ethics board.

4. GIFT means the payment or receipt of anything of value without valuable consideration.

5. IMMEDIATE FAMILY means:

a. An individual's spouse; and

b. An individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.

6. INCOME has the meaning given under section 61 of the federal internal revenue code.

7. INTERNAL REVENUE CODE has the meaning given under s. 71.01(6), Wis. Stats.

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

9. OFFICIAL means any individual holding a position which is designated in the city positions ordinance as being required to file a statement of economic interests under s. 303-11.

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

11. OTHER CITY EMPLOYE means any individual who is not an official; and who holds an office or position in the classified service of the city of Milwaukee, not including an office or position subject to the jurisdiction of the fire and police commission.

12. SECURITY means any stock; treasury stock; note; bond; debenture; evidence of indebtedness; share of beneficial interest in a business interest; certificate of interest or participation in any profit sharing agreement; collateral trust certificate; preorganization subscription; transferable share; investment contract; commodity futures contract; voting trust certificate; certificate of deposit for a security; limited partnership interest; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease; or, in general, any interest or instrument commonly known as having the incidents of a security or offered in the manner in which securities are offered; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of or option, warrant or right to subscribe to or purchase or sell, any of the foregoing.

b. SECURITY does not include a certificate of deposit in a bank, savings and loan association, savings bank, credit union or similar association organized under the laws of any state or the federal government.

303-5. Standards of Conduct. 1. The common council reaffirms that an official or other city employe holds his or her position as a public trust, and any effort to realize substantial personal gain through official conduct is a violation of that trust. This chapter does not prevent any official or other city employe from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of his or her duties to this city. The common council further recognizes that officials and other city employes are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government; that officials and other city employes retain their rights as citizens to interests of a personal or economic nature; that standards of ethical conduct for officials and other city employes need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are substantial and material and that officials and other city employes may need to engage in employment, professional or business activities, other than official duties, in order to support themselves or their families and to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the provisions of this chapter.

2. No official or other city employe may use his or her public position or office to obtain financial gain or anything of substantial value for the official's or other city employe's private benefit or that of his or her immediate family, or for an organization with which he or she is associated. This subsection does not prohibit an elected official from using the title or prestige of his or her office to obtain contributions permitted and reported under ch. 11, Wis. Stats.

3. No person may offer or give to an official or other city employe, directly or indirectly, and no official or other city employe may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the official's vote, the official's or other city employe's official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the official or other city employe. This subsection does not prohibit an official or other city employe from engaging in outside employment.

4. No official or other city employe may intentionally use or disclose information gained in the course of or by reason of his or her official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family, or for any other person, if the information has not been communicated to the public or is not public information. This provision shall not be interpreted to prevent such official or other city employe from reporting violations of this chapter or other illegal acts to the proper authorities.

5. No official or other city employe may use or attempt to use his or her position to influence or gain unlawful benefits, advantages or privileges for himself or herself or others.

6. No official or other city employe, member of an official's or other city employe's immediate family, nor any organization with which the official or other city employe or a member of the official's or other city employe's immediate family owns or controls at least 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter into any contract or lease involving a payment or payments of more than $3,000 within a 12-month period, in whole or in part derived from city funds, unless the official or other city employe has first made written disclosure of the nature and extent of such relationship or interest to the board and to the department involved in regard to the contract or lease. Any contract or lease entered into in violation of this subsection may be voided by the city in an action commenced within 3 years of the date on which the ethics board, or the department or officer acting for the city in regard to the allocation of funds from which such payment is derived, knew or should have known that a violation of this subsection had occurred. This subsection does not affect the application of s. 946.13, Wis. Stats.

7.a. No official or other city employe may represent a person for compensation before a department or any employe thereof, except:

a-1. In a contested case which involves a party other than the city with interests adverse to those represented by the official or other city employe; or

a-2. At an open hearing at which a stenographic or other record is maintained; or

a-3. In a matter that involves only ministerial action by the department.

b. This subsection does not apply to representation by an official acting in his or her official capacity.

8. No former official or other city employe:

a. For 12 months following the date on which he or she ceases to be an official or employe, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employe of a department with which he or she was associated as an official or employe, within 12 months prior to the date on which he or she ceased to be an official or employe.

b. May for compensation act on behalf of any party other than the city in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding in which the former official or other city employe participated personally and substantially as an official or other city employe.

9. The city attorney may not engage in the private practice of law for compensation during the period in which he or she holds office.

10. This section does not prohibit an elected official from making inquiries for information on behalf of a person or organization or from representing a person or organization before a department if he or she receives no compensation therefor beyond the salary and other compensation or reimbursement to which the elected official is entitled by law.

303-7. Conflict of Interest Prohibited; Exception. 1. Except in accordance with the board's advice under sub. 2 and except as otherwise provided in sub. 3, no official or other city employe may:

a. Take any official action substantially affecting a matter in which the official or employe, a member of his or her immediate family, or an organization with which the official or employe is associated has a substantial financial interest.

b. Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official or employe, one or more members of the official's or employe's immediate family either separately or together, or an organization with which the official or employe is associated.

2. ADVISORY OPINIONS. a. Any individual, including former officials and other city employes, either personally, or on behalf of an organization or governmental body, may make a written request of the board for an advisory opinion relating to the propriety of any matter or matters to which the person, organization or governmental body is or may become a party.

b. Any appointing officer, with the consent of a prospective appointee, may make a written request of the board for an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party.

c. The board shall review a written request for an advisory opinion and may advise the person making the request. Advisory opinions shall be in writing. The board's deliberations and actions upon requests shall be in meetings not open to the public.

d. If the material facts contained in a written request for an advisory opinion are correct, then it is prima facie evidence of intent to comply with this chapter when an individual making the request abides by the board's advisory opinion.

e. No member of the board or its staff may make public the identity of an individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion.

f. Requests for confidential advisory opinions, records obtained or filed in connection with requests for confidential advisory opinions and confidential advisory opinions rendered shall be closed in whole to public inspection. This shall not be interpreted to preclude the board from compiling or publishing summaries of opinions rendered under this subsection if identification is not made, either directly or indirectly, of the requestor or of any organization identified in the opinion.

3. This section does not prohibit an official or other city employe from taking any action concerning the lawful payment of salaries or employe benefits or reimbursement of actual and necessary expenses, or prohibit an official from taking official action with respect to any proposal to modify law.

303-9. Honorariums, Fees and Expenses.

1. Every public official is encouraged to meet with clubs, conventions, special interest groups, political groups, school groups and other gatherings to discuss and to interpret legislative, administrative, executive or judicial processes and proposals and issues initiated by or affecting any city department or agency.

2.a. Except as provided in par. b, every official required to file who receives for a published work or for the presentation of a talk or participation in a meeting, any lodging, transportation, money or other thing with a combined pecuniary value exceeding $50 excluding the value of food or beverage offered coincidentally with a talk or meeting shall, on his or her statement of economic interests, report the identity of every person from whom the official receives such lodging, transportation, money or other thing during his or her preceding taxable year, the circumstances under which it was received and the approximate value thereof.

b. An official need not report on his or her statement of economic interests under par. a information pertaining to any lodging, transportation, money or other thing of pecuniary value which:

b-1. The official returns to the payor within 30 days of receipt.

b-2. Is paid to the official by a person identified on the official's statement of economic interests under s. 303-13 as a source of income.

b-3. The official can show by clear and convincing evidence was unrelated to and did not arise from the recipient's holding or having held a public office and was made for a purpose unrelated to the purposes specified in sub. 1.

b-4. The official has previously reported to the board as a matter of public record.

b-5. Is paid by the city.

b-6. Is paid by a government body which the official represents in his or her official capacity.

3. Notwithstanding s. 303-5:

a. A public official may receive and retain reimbursement or payment of actual and reasonable expenses and an elected official

may retain r compensation, for a published work or for the presentation of a talk or participation in a meeting related to a topic specified in sub. 1 if the payment or reimbursement is paid or arranged by the organizer of the event or the publisher of the work.

b. A public official may receive and retain anything of value if the activity or occasion for which it is given is unrelated to the official's use of the city's time, facilities, services or supplies not generally available to city residents and, the official can show by clear and convincing evidence that the payment or reimbursement was unrelated to and did not arise from the recipient's holding or having held a public office and was paid for a purpose unrelated to the purposes specified in sub. 1.

c. A public official may receive and retain from the city or on behalf of the city transportation, lodging, meals, food or beverage, or reimbursement therefore or payment or reimbursement of actual and reasonable costs that the official can show by clear and convincing evidence were incurred or received on behalf of the city and primarily for the benefit of the city and not primarily for the private benefit of the official or any other person.

d. A public official may receive and retain from a political committee under ch. 11, Wis. Stats., transportation, lodging, meals, food or beverage, or reimbursement therefor a payment or reimbursement of costs permitted and reported in accordance with ch. 11, Wis. Stats.

4. If a public official receives a payment not authorized by this chapter, in cash or otherwise, for a published work or a talk or meeting, the official may not retain it. If practicable, the official shall deposit it with the city treasurer. If that is not practicable, the official shall return it or its equivalent to the payor or convey it to a charitable organization other than the one with which he or she is associated.

303-11. Financial Disclosure. 1. REQUIRED. A statement of economic interests shall be filed with the board as follows:

a. Except as provided in par. d, any individual who in January of any year is an official and is required to file as so designated by the city positions ordinance shall file with the board no later than February 28 of that year a statement of economic interests. The information on the statement shall be current as of December 31 of the preceding year.

b. Except as provided in sub. 4-c, any newly appointed or employed individual required to file as so designated by the city positions ordinance shall file a statement of economic interests within 21 days following the date he or she assumes office if the individual has not previously filed a statement of economic interests with the board during that year. The information on the statement shall be current as per the date he or she assumes office.

c-1. Any nominee to a city board, commission or committee who is required to file as so designated by the city positions ordinance shall file a statement of economic interests within 21 days of being nominated unless the nominee has previously filed a statement with the board for that year. The information on the statement shall be current as of the date he or she is nominated. Following the receipt of a nominee's statement, the board shall forward copies of the statement to the members of the committee of the common council to which the nomination is referred. The statement of financial interests shall be submitted by the nominee in advance of the meeting of the common council committee considering the nomination for confirmation by the common council.

c-2. Any nominee to a city board, commission or committee not requiring common council confirmation but who is required to file as so designated by the city positions ordinance shall file a statement of economic interests within 21 days of being nominated unless the nominee has previously filed a statement with the board for that year. The information on the statement shall be current as of the date he or she is nominated.

d. Any official required to file a statement of economic interest under the positions ordinance solely as a result of appointment to a board, commission or committee shall be exempt from the filing requirement under par. a. if the board, commission or committee did not meet during the prior calendar year or whose resignation, submitted and effective in the calendar year preceding the filing deadline, has been reported to the city clerk as required in s. 320-2. This exemption shall not apply to a person who is reappointed in a subsequent calendar year or who is otherwise required to file a statement of economic interests under par. b or c.

e. The ethics board shall provide consultation and advice upon request of the election commission relating to the financial disclosure requirements in sub 4.

2. FAILURE TO FILE. a. Late Filing. Any individual failing to file a statement of economic interests with the ethics board within the time limits required by sub. 1 shall, upon subsequently filing a completed statement 11 or

more days after the date required for filing, pay a late filing fee of $25. An additional late filing fee of $5 per day shall be assessed for each day that expires after 30 days from the date due until a completed statement is filed, the total sum of these daily fees not to exceed $100. Any statement of economic interests that is filed late shall not be considered a completed statement without payment of the appropriate fee for late filing.

b. Notice to Appointing Authority. The ethics board shall notify any appropriate appointing authority of the failure of an official or employee to file a required report within 15 days of the date on which the report was required to be filed.

c. Notice of Delinquent Filing. The ethics board shall cause a letter to be mailed first class, postage prepaid and addressed to the last known address of any individual who has not filed required report within 30 days of the date on which the report was to be filed notifying the individual of the filing requirements, the assessment of late filing fees as provided in par. a, and that the matter of the delinquent filing may be referred to the city attorney for prosecution as provided in par. d.

d. Violation and Penalty. If after 45 days from the date required for filing of a statement of economic interests, a public official or employe subject to filing requirements under this section has failed to file a complete statement, the chair of the ethics board or designated staff member may cause an affidavit to be prepared and delivered to the city attorney stating upon knowledge and belief that an individual is in violation of the reporting requirements of this section, identifying the individual by name and position, declaring that the notice to be provided the individual in accord with par. c. was sent, and identifying the date the notice was sent and the address to which it was mailed. Upon receipt of the affidavit, the city attorney may file charges with the municipal court for violation of this section. Any person convicted of a violation of this section for failure to file a required and complete statement of economic interests within 45 days of the required date, shall be subject to a forfeiture of not less than $250 nor more than $1,000, and shall upon failure to pay the forfeiture be imprisoned in the county jail or house of correction for not less than 10 days nor more than 40 days.

3. EXTENSION OF DEADLINE. On its own motion or at the request of any individual who is required to file a statement of economic interests, the board may extend the time for filing or waive any filing requirement if the board determines that the literal application of the filing requirements of this section would work an unreasonable hardship on that individual or that the extension of the time for filing or waiver is in the public interest. The board shall set forth in writing as a matter of public record its reason for the extension or waiver. Extensions and waivers shall not be granted to candidates for public office.

4. FINANCIAL DISCLOSURE BY CANDIDATES FOR ELECTED OFFICE. a. Any candidate for city public office shall file a statement of economic interests with the city election commission no later than 4:30 p.m. on the 3rd day following the deadline for filing nomination papers for the office which the candidate seeks at the time of filing of nomination papers. The information on the statement shall be current as of December 31 of the year preceding the filing deadline.

b. To assure consistency with the disclosures required of city officials and employes, the election commission shall consult with the ethics board relating to the content and requirements of the statement of economic interests to be filed by candidates for elected city office.

c. A copy of the statement of economic interest filed by a candidate under this subsection shall be forwarded promptly to the ethics board by the election commission upon the election of the candidate to office. Upon receipt of a copy of the statement of economic interest filed by a candidate who has been elected to office, the ethics board shall accept the statement in lieu of the statement required of a newly appointed or employed individual as provided in sub. 1-b.

d. If a candidate for city office fails to file a statement of economic interests under this chapter within the required time, the candidate's name shall be omitted from the election ballot.

e. Any candidate for city office who files a false statement of economic interests under this subsection shall upon conviction be subject to a forfeiture of not less than $250 nor more than $1,000, and shall upon failure to pay the forfeiture be imprisoned in the county jail or house of correction for a period of not less than 10 days nor more than 40 days.

303-13. Form of Statement. Every statement of economic interests which is required to be filed under this chapter shall be in the form prescribed by the board. Information which is required shall

be provided on the basis of the best knowledge, information and belief of the official filing the statement. The statement shall contain the following information:

1. The identity of every organization with which the individual required to file is associated and the nature of his or her association with the organization, except that no identification need be made of:

a. Any organization which is described in section 170-c of the internal revenue code.

b. Any organization which is organized and operated primarily to influence voting at an election including support for or opposition to an individual's present or future candidacy or to a present or future referendum.

c. A trust.

c-1. An individual is the owner of a trust and the trust's assets and obligations if he or she is the creator of the trust and has the power to revoke the trust without obtaining the consent of all of the beneficiaries of the trust.

c-2. An individual who is eligible to receive income or other beneficial use of the principal of a trust is the owner of a proportional share of the principal in the proportion that the individual's beneficial interest in the trust bears to the total beneficial interests vested in all beneficiaries of the trust. A vested beneficial interest in a trust includes a vested reverter interest.

2. The identity of every organization or body politic in which the individual who is required to file or that individual's immediate family, severally or in the aggregate, owns, directly or indirectly, securities having a value of $5,000 or more, the identity of such securities and their approximate value, except that no identification need be made of a security or issuer of a security when it is issued by any organization not doing business in Wisconsin or by any government or instrumentality or agency thereof, or an authority or public corporation created and regulated by an act of such government, other than the state of Wisconsin, its instrumentalities, agencies and political subdivisions, or authorities or public corporations created and regulated by an act of the Wisconsin legislature.

3. The name of any creditor to whom the individual who is required to file or such individual's immediate family, severally or in the aggregate, owes $5,000 or more and the approximate amount owed.

4. The real property located in the counties of Milwaukee, Ozaukee, Racine, Washington and Waukesha in which the individual who is required to file or such individual's immediate family holds an interest, other than the principal residence of the individual or his or her immediate family, and the nature of the interest held. An individual's interest in real property does not include a proportional share of interests in real property if the individual's proportional share is less than 10% of the outstanding shares or is less than an equity value of $5,000.

5. The identity of each payer from which the individual who is required to file or a member of his or her immediate family received $1,000 or more of his or her income for the preceding taxable year, except that if the individual who is required to file identifies the general nature of the business in which he or she or his or her immediate family is engaged, then no identification need be made of a decedent's estate or an individual, not acting as a representative of an organization. In addition, no identification need be made of payers from which only dividends or interest, anything of pecuniary value reported under s. 303-9 or political contributions reported under ch. 11, Wis. Stats., were received.

6. If the individual who is required to file or a member of his or her immediate family received $1,000 or more of his or her income for the preceding taxable year from a partnership, limited liability company, corporation electing to be taxed as a partnership under subchapter S of the internal revenue code, corporation taxed under subchapter C of the internal revenue code or service corporation under ss. 180.1901 to 180.1921, Wis. Stats., in which the individual or a member of his or her immediate family, severally or in the aggregate, has a 10% or greater interest, the identity of each payer from which the organization received $1,000 or more of its income for its preceding taxable year, except that if the individual who is required to file identifies the general nature of the business in which he or she or his or her immediate family is engaged then no identification need be made of a decedent's estate or an individual, not acting as a representative of an organization, unless the individual is a lobbyist as defined in s. 13.62, Wis. Stats. In addition, no identification need be made of payers from which dividends or interest are received.

7. The identity of each person from which the individual who is required to file received, directly or indirectly, any gift or gifts having an aggregate value of more than $50 within the taxable year preceding the time of filing, except that the source of a gift need not be identified if the donor is the donee's parent,

grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, uncle, aunt, niece, nephew, spouse, fiance or fiancee.

8. Lodging, transportation, money or other things of pecuniary value reportable under s. 303-9.

9. With respect to dollar amounts required to be reported pursuant to subs. 2 and 3, it is sufficient to report whether the amount is not more than $50,000, or more than $50,000.

303-15. Organization, Composition and Operation of the Board of Ethics. 1. There is created an ethics board of 7 members who are residents of the city and shall serve without compensation unless the common council otherwise provides. Members of the board of ethics shall not be elected officials, persons appointed to elective office, full-time appointed officials whether exempt or nonexempt, or city employes, nor shall they be currently serving on any other city board or commission. Board members shall be selected in the following manner and shall be submitted by the mayor to the common council for confirmation. The mayor shall request one nominee for the board from each of the following organizations: the Metropolitan Milwaukee Association of Commerce, Milwaukee County Labor Council, Interfaith Conference of Greater Milwaukee, League of Women Voters of Milwaukee County, Milwaukee branch-National Association for the Advancement of Colored People, Public Policy Forum and the Milwaukee Bar Association. Terms of office shall be 3 years. The members of the board shall select their own chairperson.

2. The board may employ its own staff who shall maintain residency within the city of Milwaukee. The city attorney shall furnish the board whatever legal assistance is necessary to carry out its functions and the city clerk shall furnish the board with whatever assistance it requires.

3. All members of the board shall file statements of economic interests with the board.

4. Any action by the board, except an action relating to procedure of the board, requires the affirmative vote of 4 of its members.

5. No later than February 15 of each year, the board shall submit a report to the mayor concerning its actions in the preceding year. The report shall contain a summary of its determinations and advisory opinions. The board shall make sufficient alterations in the summaries to prevent disclosing the identities of individuals or organizations involved in the decisions or opinions. The board shall make such further reports on matters within its jurisdiction and recommendations for further legislation as it deems desirable.

303-17. Duties of the Board. The board shall:

1. Adopt written rules, which shall be submitted to the common council for approval, as may be necessary to carry out this chapter. A copy of the rules shall be filed with the city clerk. The board shall give prompt notice of the contents of its rules to officials who will be affected thereby.

2. Prescribe and make available forms for use under this chapter.

3. Retain outside counsel and other experts as needed after solicitation of recommendations from the city attorney and upon such contract for services approved for form and content by the city attorney.

4. Act as legal custodian and accept and file any information related to the purposes of this chapter which is voluntarily supplied by any person in addition to the information required by this chapter.

5. Preserve the statements of economic interests filed with it pursuant to applicable statutory and city code provisions.

6. Make statements of economic interests filed with the board available for public inspection and copying during office hours and make copying facilities available at a charge not to exceed actual cost.

7. Compile and maintain an index to all statements of economic interests currently on file with the board to facilitate public access to such statements of economic interests.

8. Prepare and publish special reports and technical studies to further the purposes of this chapter.

303-19. Complaints. 1. The board shall accept from any individual, either personally or on behalf of an organization or governmental body, a verified complaint in writing which states the name of any person alleged to have committed a violation of this chapter and which sets forth the particulars thereof. The board shall forward to the accused within 10 days a copy of the complaint and a general statement of the

applicable provisions with respect to such verified complaint. If the board determines that the verified complaint does not allege facts sufficient to constitute a violation of this chapter, it shall dismiss the complaint and notify the complainant and the accused. If the board determines that the verified complaint alleges facts sufficient to constitute a violation of this chapter, it may make an investigation
with respect to any alleged violation. If the board determines that the verified complaint was brought for harassment purposes, the board shall so state.

2. Following the receipt of a verified complaint or upon the receipt of other information, whether or not under oath, that provides a reasonable basis for the belief that a violation of this chapter has been committed or that an investigation of a possible violation is warranted, the board may investigate the circumstances concerning the possible violation. Prior to invoking any power under s. 303-21, the board shall authorize an investigation by a motion of the board which shall state the nature and purpose of the investigation and the actions or activities to be investigated. Upon adoption of a motion, the board shall notify each person who is the subject of the investigation pursuant to sub. 3. If the board, during the course of an investigation, finds probable cause to believe that a violation of this chapter has occurred, it may:

a. If no verified complaint has been filed, make upon its own motion a verified complaint, which shall be in writing, shall state the name of the person who is alleged to have committed a violation of this chapter and shall set forth the particulars thereof. The board shall forward to the accused within 10 days a copy of the complaint, a general statement of the applicable provisions with respect to such verified complaint and a specific statement enumerating the source or sources of information upon which the complaint is based.

b. If a verified complaint has been filed and the board finds probable cause to believe that a violation of this chapter, other than one contained in the complaint, has occurred, it may amend the complaint, upon its own motion, to include such violations. If the complaint is so amended by the board, a copy of the amendment shall be sent to the person complained against within 48 hours.

3. Upon adoption of a motion authorizing an investigation under sub. 2, the board shall mail a copy of the motion to each
alleged violator who is identified in the motion together with a notice informing the alleged violator that the person is the subject of the investigation authorized by the motion and a general statement of the applicable provisions with respect to such investigation. Service of the notice is complete upon mailing .No action may be taken on any complaint which is filed later than 3 years after a violation of this chapter is alleged to have occurred.

303-21. Investigations. Pursuant to any investigation or hearing conducted under this chapter, the board has the power: To require any person to submit in writing such reports and answers to questions relevant to the proceedings conducted under this chapter as the board may prescribe, such submission to be made within such period and under oath or otherwise as the board may determine.

2. To administer oaths and to require by subpoena issued by it the attendance and testimony of witnesses and the production of any documentary evidence relating to the investigation or hearing being conducted. Issuance of a subpoena requires action by the board in accordance with s. 303-15-4.

3. To order testimony to be taken by deposition before any individual who is designated by the board and has the power to administer oaths, and, in such instances, to compel testimony and the production of evidence in the same manner as authorized by sub. 2.

4. To pay witnesses the same fees and mileage as are paid in like circumstances by the courts of this state.

5. To request and obtain from the department of revenue copies of state income tax returns and access to other appropriate information under s. 71.78(4), Wis. Stats., regarding all persons who are the subject of such investigation.

6. To retain outside counsel and other experts as needed after solicitation of recommendations from the city attorney and upon such contract for services approved for form and content by the city attorney.

303-23. Probable Cause of Violation. 1. At the conclusion of its investigation, the board shall, in preliminary written findings of fact and conclusions based thereon, make a determination of whether or not probable cause exists to believe that a violation of this chapter has occurred. If the board determines that no probable cause exists, it shall immediately send written notice of such determination to the accused and to the party who made the complaint. If the board determines that there is probable cause for believing that a violation of this chapter has been committed, its preliminary findings of fact and conclusions may contain:

a. A referral to the district attorney=s office recommending further investigation and possible prosecution.

b. An order setting a date for hearing to determine whether a violation of this chapter has occurred. The board shall serve the order upon the accused. A hearing ordered under this subsection shall be commenced within 30 days after the date it is ordered unless the accused petitions for and the board consents to a later date. Prior to any hearing ordered under this subsection, the accused is entitled to full discovery rights, including adverse examination of witnesses who will testify at the hearing at a reasonable time before the date of the hearing.

2. The board shall inform the accused or his or her counsel of exculpatory evidence in its possession.

303-25. Hearing Procedure. 1. During any investigation and during any hearing which is conducted to determine whether a violation of this chapter has occurred, the person under investigation or the accused may be represented by counsel of his or her own choosing, and the accused or his or her representative, if any, shall have an opportunity to challenge the sufficiency of any complaint which has been filed against him or her, to examine all documents and records obtained or prepared by the board in connection with the matter heard, to bring witnesses, to establish all pertinent facts and circumstances, to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses, and shall otherwise be able to exercise fully any pretrial discovery procedure usually available in civil actions. During any hearing conducted by the board to determine whether a violation of this chapter has occurred, all evidence including certified copies of records which the board considers shall be fully offered and made a part of the record in the proceedings. The accused or any other person under investigation shall be afforded adequate opportunity to rebut or offer countervailing evidence. Upon request of the accused, the board shall issue subpoenas to compel the attendance of necessary witnesses.

2. The board shall appoint a hearing examiner to conduct hearings under this section. The board may also retain outside counsel and other experts as needed with respect to hearings in accordance with its policies. The selection of a hearing examiner and outside counsel or other experts and any contract for such persons shall be made after solicitation of recommendations from the city attorney and the contract shall be approved for form and content by the city attorney. Any person whose name is mentioned or who is otherwise identified during a hearing being conducted by the board and who, in the opinion of the board, may be adversely affected thereby, may, upon request of the person or a representative of the person, or upon the request of any member of the board, appear at the hearing to testify on his or her own behalf or have a representative appear to so testify, and the board may permit any other person to appear and to testify at a hearing.

3. Chapters 901 to 911, Wis. Stats., apply to the admission of evidence at the hearing. The board shall not find a violation of this chapter except upon clear and convincing evidence admitted at the hearing.

4. After the conclusion of the hearing the board shall as soon as practicable begin deliberations on the evidence presented at such hearing and shall then proceed to determine whether the accused has violated this chapter.

303-27. Determinations; Board Actions. If the board determines that no violation of this chapter has occurred, it shall immediately send written notice of such determination to the accused and to the party who made the complaint. If the board determines that a violation of this chapter has occurred, its findings of fact and conclusions may contain one or more of the following orders or recommendations:

1. In the case of a city official, a recommendation that the city official be censured, suspended or removed from office or employment. The recommendation shall be made to the appropriate appointing authority who may censure, suspend or take action to remove the official from office or employment.

2. In the case of a city employe, a recommendation that the city employe be disciplined or discharged. The recommendation shall be made to the appropriate appointing authority.

3. An order requiring the accused to conform his or her conduct to this chapter.

303-28. Settlements. **1.** The board may compromise and settle any action or potential action for a violation of this chapter which the board is authorized to take under s. 303-27. An action may be settled for such sum or terms as may be agreed upon between the board and the alleged violator.

2. Whenever the board enters into a settlement agreement with an individual who is accused of a violation of this chapter or who is investigated by the board for a possible violation of this chapter, the board shall reduce the agreement to writing, together with a statement of the board=s findings and reasons for entering into the agreement and shall retain the agreement and statement in its office for inspection under s. 303-33-1.

303-29. Action by the Common Council.

1. COMPLAINT FILED. If findings relative to an elected or appointed official are filed by the board of ethics with the common council, the matter shall be referred to the appropriate standing committee of the common council for a report, or the common council may appoint a special committee and proceed in accordance with the provisions of s. 4-28, city charter.

2. RECOMMENDATIONS. The committee, in reporting the matter to the common council, may recommend a dismissal of the charges, a reprimand, or a hearing before the common council to determine whether removal from office is warranted under s. 4-28, city charter. Failure of an official to file the statement of economic interests required in s. 303-11 may constitute grounds for removal from office.

3. HEARING. Any hearing by the common council or by a special or standing committee as designated by the council, shall be conducted in accordance with the following provisions:

a. The official must be given at least 20 days notice of the hearing date.

b. The rules of evidence shall apply to the hearing. All evidence, including certified copies of records and documents which the council considers shall be fully offered and made part of the record in the case. Each party shall be afforded adequate opportunity to rebut or offer countervailing evidence.

c. During the entire hearing conducted under the provisions of this chapter, the official or any person whose activities are under investigation shall be entitled to be represented by counsel of his or her choosing. The common council shall immediately disclose and forward to the official or his or her counsel any evidence which it possesses that may tend to clear the official.

d. The official or his or her representative shall have an adequate opportunity to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing, to bring witnesses to establish all pertinent facts and circumstances, and to question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses. Upon the request of the officer involved, the council shall subpoena named individuals to appear as witnesses at the hearing, if such action is necessary to compel their attendance.

e. The council shall have the power to compel the attendance of witnesses and to issue subpoenas for books, records, documents or papers therein to be designated under the authority granted to it by s. 885.01(3), Wis. Stats.

f. The council may request the Wisconsin department of revenue for permission to have a designated public officer examine the income tax returns of the official whose conduct or activities are under consideration by the council. The examination of the official's income tax returns shall be in accordance with s. 71.78(4), Wis. Stats.

4. COUNCIL ACTION. The common council shall make a determination in regard to

the recommendation of the committee. Dismissal of the findings by the board of ethics as referred to council, or reprimand by the council shall be by a majority vote. Removal from office is governed by the laws of the state of Wisconsin and failure of an official to file the statement of economic interests required in s. 303-11 may constitute grounds for removal from office. The hearing conducted by the common council shall be in accordance with the provisions of s. 17.12, Wis. Stats., and s. 4-28 of the city charter, as well as with the requirements of due process and such provisions of this chapter as may be applicable.

303-31. Reimbursement of Legal Expenses. City funds shall be used to reimburse individuals for reasonable legal expenses incurred in their successful defense of charges filed against them with the board or of charges filed with the common council by the board.

303-33. Public Inspection of Records.

1. Except as provided in sub. 2, all records in the possession of the board are open to public inspection at all reasonable times.

2. Notwithstanding sub. 1, the following records in the board's possession are not open for public inspection:

a. Records obtained in connection with a request for an advisory opinion other than summaries of advisory opinions that do not disclose the identity of individuals requesting such opinions or organizations on whose behalf they are requested. The board may, however, make such records public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person is deemed to have waived the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the board in connection with the request for an advisory opinion.

b. Records obtained or prepared by the board in connection with an investigation, except that the board shall permit inspection of records that are made public in the course of a hearing by the board to determine if a violation of this chapter has occurred. Whenever the board refers such investigation and hearing records to the appropriate party under s. 303-27, they may be made public in the course of prosecution initiated under this chapter.

303-35. Penalty. In addition to any other action, any person violating this chapter shall be subject to a forfeiture of not less than $100 nor more than $1,000 for each violation. All forfeitures shall be paid to the city treasurer. The city attorney, when so requested by the board, shall institute proceedings to recover any forfeiture incurred under this section in circuit court which is not paid by the person against whom it is assessed.

LEGISLATIVE HISTORY
CHAPTER 303

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 303	cr	881930	3/7/89	3/25/89
Ch. 303	rc	900568	4/23/91	4/27/91
303-1-0	rp	890489	7/25/89	8/15/89
303-1-1	am	930505	7/27/93	8/13/93
303-1-1 to 11	rn	890489	7/25/89	8/15/89
303-1-12	rp	890489	7/25/89	8/15/89
303-1-13	rn	890489	7/25/89	8/15/89
303-3-1	am	010941	3/5/2002	3/22/2002
303-3-2	am	930505	7/27/93	8/13/93
303-3-7	am	010941	3/5/2002	3/22/2002
303-3-11	rn to 303-3-12	930505	7/27/93	8/13/93
303-3-11	cr	930505	7/27/93	8/13/93
303-3-12-b	am	930505	7/27/93	8/13/93
303-15-1	am	090332	7/28/2009	?
303-4-1-y	am	882618	9/1/89	9/19/89
303-5-1	am	930505	7/27/93	8/13/93
303-5-2	am	930505	7/27/93	8/13/93
303-5-2	am	010941	3/5/2002	3/25/2002
303-5-3	am	930505	7/27/93	8/13/93
303-5-4	am	930505	7/27/93	8/13/93
303-5-5	am	930505	7/27/93	8/13/93
303-5-6	am	930505	7/27/93	8/13/93
303-5-6	am	010941	3/5/2002	3/25/2002
303-5-7-a-0	am	930505	7/27/93	8/13/93
303-5-7-a-1	am	930505	7/27/93	8/13/93
303-5-8	am	930505	7/27/93	8/13/93
303-5-8-a	am	010941	3/5/2002	3/22/2002
303-5-11	rp	930505	7/27/93	8/13/93
303-7-1	am	930505	7/27/93	8/13/93
303-7-2	rc	081085	12/16/2008	1/8/2009
303-7-2-a	am	930505	7/27/93	8/13/93
303-7-3	am	930505	7/27/93	8/13/93
303-9-2-a	am	010941	3/5/2002	3/25/2002
303-11-1-a	am	921303	12/18/92	1/12/93
303-11-1-a	am	930505	7/27/93	8/13/93
303-11-1-a	am	121806	4/30/2013	5/17/2013
303-11-1-b	am	120059	10/16/2012	11/2/2012
303-11-1-c	am	921859	6/2/99	6/19/99
303-11-1-d	rc	081085	12/16/2008	1/8/2009
303-11-1-d	rn to 303-11-1-e	121806	4/30/2013	5/17/2013
303-11-1-d	cr	121806	4/30/2013	5/17/2013
303-11-1-d	am	130369	7/23/2013	8/10/2013
303-11-2	am	930505	7/27/93	8/13/93
303-11-2	rc	081085	12/16/2008	1/8/2009
303-11-3	am	010941	3/5/2002	3/22/2002
303-11-4	cr	081085	12/16/2008	1/8/2009
303-11-4-c	rn to 303-11-4-d	120059	10/16/2012	11/2/2012
303-11-4-c	cr	120059	10/16/2012	11/2/2012

303-11-4-d	rn to 303-11-4-e	120059	10/16/2012	11/2/2012
303-13-1-c	rp	041443	3/16/2005	4/2/2005
303-13-1-d	rn to 303-13-1-c	041443	3/16/2005	4/2/2005
303-13-3	am	010941	3/5/2002	3/22/2002
303-13-4	am	041443	3/16/2005	4/2/2005
303-13-6	am	010941	3/5/2002	3/22/2002
303-13-6	am	041443	3/16/2005	4/2/2005
303-15-1	am	090332	7/28/2009	8/14/2009
303-15-2	am	951001	11/6/95	11/14/95
303-23-1	rc	010941	3/5/2002	3/22/2002
303-25-2	am	010941	3/5/2002	3/22/2002
303-27	rc	010941	3/5/2002	3/22/2002
303-28	cr	010941	3/5/2002	3/22/2002
303-35	am	010941	3/5/2002	3/22/2002

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CHAPTER 304
FINANCE

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304-1. Duties of Comptroller. 1. It shall be the duty of the comptroller to exercise control over the financial concerns of the city and to prescribe the forms for the methods of keeping and rendering all city accounts.

2. The city comptroller shall, on January 25th of each year, adjust and close all the city's accounts for the year ending on the 31st day of December of the preceding calendar year, and submit to the common council with his annual report a copy of the trial balance of his books at said date.

3. He shall, on or before January 24th of each year, audit and charge the proper funds with all bills of the previous calendar year which

may be submitted to him and it is made the duty of each and every officer, clerk and employe of the city to procure and present to the city comptroller all claims of any nature for the previous calendar year appertaining to his department or office, and also all credits which may be due any of the funds of the city.

4. He shall keep separate and distinct accounts of all funds held in trust and certificates issued by the city, and separate and distinct accounts for the purposes for which bonds are issued, and distinct and properly classified accounts of all the city's business.

5. The city comptroller shall submit a written annual report to the common council analyzing delinquent outstanding debt.

304-3. Adjustment of City Claims. 1. CANCELLATION, ETC. a. Any department which is required to demand or obtain payment of a claim or an account in favor of the city and against any person, firm, corporation or association, upon receipt of advice of the city attorney that such claim or account cannot be collected in whole or in part, or that the enforcement of the collection of such claim or account would be reasonably improbable, or may lead to expense to the city in excess of that which the city may recover through litigation, the head of such department or duly authorized representative may certify to the comptroller on forms which he or she shall provide as to the noncollectibility of such claim or account, or part of such claim or account, said certification to be approved by the city attorney prior to the submission to the city comptroller, and the comptroller shall thereupon issue a written order either cancelling or adjusting such claim or account, as the case may be, on the books or records of the comptroller's department; provided, however, that the amount of the cancellation or adjustment shall not exceed the sum of $5,000. On all cancellations or adjustments in excess of $5,000, except as otherwise provided herein, common council action approving the cancellation or adjustment is required before they may be recorded on the books or records of the comptroller's office.

b. Notwithstanding the provisions of par. a, the city attorney, with the advice of the city comptroller, may, from time to time, establish a deminimus amount whereby the balance remaining on an invoice after payment, or an amount received on an invoice greater than the amount due, or amounts remaining uncollected as a result of an approved settlement, may be automatically adjusted without further approval or review through either an automated or manual process. The related short or over adjustment will be applied to a city account as deemed appropriate by the city comptroller.

c. The head of a department may certify to the comptroller that a claim or account has been issued in error or improperly billed for purpose of cancellation or adjustment of the claim, provided the comptroller is advised that where the claim or account was improperly billed it has been rebilled properly with the further proviso that it is unnecessary to secure the approval of the city attorney. This cancellation or adjustment shall have no limitation as to amount.

2. COMPTROLLER TO PREPARE FORMS. The comptroller shall prepare all forms used by departments in complying with sub. 1 and shall prepare and order the cancellation or adjustment of such claim or account. He shall furnish to the city attorney and the head of the department seeking the cancellation or adjustment of such claim or account, a copy of said order.

3. REPORT TO COUNCIL. The comptroller shall submit to the common council, on or before March 31, an annual report listing all cancellations or adjustments as certified to the office of the comptroller by any department of the city

304-5. Liability Insurance. 1. ADMINISTERED BY COMPTROLLER. The office of comptroller is charged with the responsibility of supervising and controlling the purchase of insurance to cover the city's liability for acts growing out of municipal operations and also such coverage which shall generally apply to the insurance of city property. The authority vested in the office of comptroller with respect to such supervision and control over the insurance program shall not include health or hospital insurance, social security insurance, workmen's compensation insurance, group life insurance, title insurance or temporary insurance on property purchased by the city and being managed by the department of city development, it being the intention that all other fields of insurance purchased by the city shall come under the supervision and control of the office of comptroller.

2. COMMON COUNCIL CONTROL. All insurance purchased under the provisions of this section, with the exception of insurance available from the state insurance fund, as provided for in chs. 604 and 605, Wis. Stats., shall be purchased through the central board of purchases on specifications furnished by the office of the city comptroller, and the insurance consultant if necessary, unless the common council authorizes by resolution another procedure for a specific purchase; provided that the following types of purchases of insurance shall be the only types of

purchases which shall require authorization by the common council

a. All new coverage, and all new types of coverages.

b. Increased limits of coverage which results in an increase in annual premium of over $400, or 3 year premium of over $1,000.

3. RULES AND REGULATIONS. The office of comptroller may adopt such rules and regulations with respect to its authority under this section as it deems appropriate, but such rules and regulations shall not become effective until they have been approved by the committee on judiciary-legislation of the common council and by resolution of the common council, and upon such approval, filed with the city clerk.

4. INSURANCE COUNSELOR. With the approval of the common council, the office of comptroller may retain an insurance consultant, which insurance consultant, however, shall not be in the business of buying or selling insurance. Payment of the fees of such consultant shall be paid out of such funds as the common council may direct.

5. REGISTRY OF INSURANCE. The office of comptroller shall keep a record showing all current insurance coverage for the city of Milwaukee, which records shall be available for public inspection during regular office hours. Such record shall show the name and address of the company providing such coverage, the local agency handling the account, and the amount of coverage provided for under such policy. All insurance policies purchased under this section shall be kept in the office of the comptroller.

6. REPORTING OF COVERAGE. The office of the city comptroller shall annually report to the common council on all current insurance coverage of the city of Milwaukee.

304-6. Investment of City Pooled Funds. 1. DEFINITIONS. In this section:

a**.** "Local government investment pool" means the fund defined in s. 25.50, Wis. Stats.

b. "Pooled funds" means all unrestricted city funds. Pooled funds shall not include debt service funds, funds in the public debt amortization fund or any restricted funds, but shall include the following:

b-1. General funds that are not immediately needed to pay for obligations of the city.

b-2. Enterprise funds, including funds of the Milwaukee water works or of the sewer maintenance fund.

b-3. Proceeds from revenue anticipation note borrowing.

b-4. School operations, school construction and school extension funds.

c. "Total return" means the capital gains or losses on the portfolio and the net income of the portfolio.

2. INTENT. It is the intent of the city to use debt to enable all available pooled funds, to the maximum extent practicable, to be placed in investments other than the state of Wisconsin local government investment pool, to reduce the impact of liquidity needs on investment options, and to enhance investment performance relative to that available through the local government investment pool and bank deposits.

3. INVESTMENT AUTHORITY. Pursuant to s. 18.01 of the charter, the common council vests the authority to invest pooled funds with the city treasurer, subject to the following conditions.

a. All investments shall be in compliance with the restrictions established by s. 66.0603, Wis. Stats.

b. The city comptroller shall issue debt authorized through the public debt commission and in consultation with the city treasurer concerning the city's cash flow and the need for available funds to pay for obligations of the city.

c. The city treasurer shall provide the city comptroller's office with timely access to all information and systems relating to funds on hand in the city treasury necessary to facilitate the issuance of debt when required to assure adequate cash liquidity.

d. The city comptroller shall submit to the city treasurer the debt costs for the prior year associated with the investment of pooled funds' impact on the city's cash flow and the need for immediately available funds no later than February 15 of each year.

4. INVESTMENTS. Pursuant to s. 66.0603 (2), Wis. Stats., the city treasurer may contract for the investment of funds not immediately needed to pay for obligations of the city with a company authorized to transact business in this state, subject to the following conditions:

a. The financial institution is authorized to exercise trust powers under s. 221.0316 or ch. 223, Wis. Stats., or as delegated under s. 34.01 (1), Wis. Stats.

b. The common council shall review annually the performance of the bank or trust company with which funds are invested.

5. COMMON COUNCIL REVIEW. The common council shall annually review the performance of the city treasurer concerning the investment of pooled funds. The review shall

include, but need not be limited to, the following information:

a. Net Income on the portfolio.

b. Total return on the portfolio.

c. A comparison of investment results for pooled funds with the return for the preceding year earned by the local government investment pool.

d. The annual costs associated with issuing debt concerning the city's cash flow and the need for available funds to pay for obligations of the city.

e. Compliance with the restrictions set forth under s. 66.0603, Wis. Stats.

304-7. Claims Against the City.

1. AUTHORITY. In furtherance of the city policy of providing prompt, efficient, fair and equitable evaluation and disposition of claims against it, the city attorney is authorized to investigate and make settlement of claims not in excess of $5,000, hereafter referred to as small claims; and to investigate and make settlement of claims in excess of $5,000 for a sum not in excess of $5,000; and to investigate and negotiate settlement of motor vehicle liability claims.

2. STANDARDS AND PROCEDURE.

a. Motor vehicle claims and small claims against the city of Milwaukee shall be received by the office of the city clerk and forwarded to the office of the city attorney.

b. Upon receipt of a claim, the office of the city attorney shall review the claim.

c. An investigator shall investigate the claim fully to ascertain all relevant facts bearing upon the claim. All payments in settlement of claims shall be approved by the city attorney.

d. In those cases where the office of the city attorney recommends disallowance, the claimant shall be so informed by the city attorney. In those cases where the office of the city attorney recommends settlement, he shall reach a determination with the claimant as to the reasonable settlement of the claim.

e. The office of the city attorney shall prepare a payment certification incorporating the designated attorney's signed statement of facts warranting payment and forward it to the office of the comptroller. The comptroller shall prepare the necessary payment check to the claimant and forward the same to the city attorney's office which shall obtain from the claimant an executed release before the check is released to the claimant.

f. The office of the city attorney shall submit to the common council semiannual reports as to the settlement of claims during the preceding period, as well as other reports as may be requested by the common council. Copies of the reports shall be made available to other city departments or officials upon request.

3. RIGHT OF REVIEW. Any claimant who feels aggrieved by the disallowance of his claim or is unable to come to agreement with the office of the city attorney as to the settlement of the claim has 21 days in which to communicate with the common council setting forth his grievance. The committee on judiciary-legislation of the common council shall then hold hearings with respect to such grievances and shall report its recommendations to the common council.

304-9. Payment of Bills. 1. FORMS OF BILLS. All bills, except bills for reimbursement of legislative expenses as provided for in s. 304-11, presented to said city for payment shall be made in a manner and on forms as prescribed by the city comptroller.

2. AUDIT OF BILLS BY COMPTROLLER. All bills, except bills for reimbursement of legislative expenses as provided for in s. 304-11, so made out shall be presented to the city comptroller for audit, and he shall examine the same, together with the contract, or law or other authority under which payment of such bill is claimed, and he shall further determine if such claimant is indebted to the city of Milwaukee or any of its agencies, and if so, such indebtedness shall first be deducted when the balance is in claimant's favor; and if he finds such bill correct and properly payable by the city under the contract, or law or other authority under which payment thereof is claimed, he shall approve such bill for payment. If he shall find that a different sum from that claimed in the bill is so payable, he shall approve such bill for payment at the sum he so finds to be properly payable by the city, and if he finds that no part of such bill as presented is properly payable by the city, he shall refuse to approve the same for payment.

3. PAYMENT OF BILLS. After approval of the original bill, the city comptroller shall determine if funds are available in the general fund. Bank checks may be drawn for the payment of such bills by the proper city officers, namely, the city comptroller and the city treasurer. All other procedures applicable shall be provided for in the city charter. The procedure outlined herein shall not be applicable to bills for reimbursement of legislative expenses as provided for in s. 304-11.

304-11. Travel Expenses With Respect to Legislative Activities. 1. TRAVEL. The legislative activities of the city of Milwaukee, either before the

state legislature or the congress, are deemed authorized for travel for which actual and necessary expenses may be incurred and reimbursement made as stated in this section

2. AUTHORIZATION. The legislative counsel for the city of Milwaukee is authorized to carry on and engage in the name of the city of Milwaukee in activities of such type and in such place as he deems appropriate in carrying out the duties assigned to him by the common council, the mayor and by prior and future resolutions; and he is further authorized to engage in the name of the city accommodations that are deemed necessary to carry out his duties.

3. APPROVAL. Persons authorized by the common council, the judiciary-legislation committee, and members of the city attorney's staff authorized by the city attorney are authorized to carry on such legislative activities as may be required of them and in their line of duty.

4. REIMBURSEMENT. In carrying out their respective duties the persons referred to in this section and as otherwise authorized by the common council shall be permitted and authorized to incur expenses for transportation of their choice, hotel, taxi, telephone, telegrams, meals, tips, and all other necessary miscellaneous items, and they shall be reimbursed for all such expenses upon direction of the judiciary-legislation committee.

5. AUDIT. The audit of such items of expense relating to legislative activities, as referred to, shall be the responsibility of either the city clerk, or the chairman of the judiciary-legislation committee of the common council, as determined by that committee.

6. SEPARATE ACCOUNT. The chairman of the committee on judiciary-legislation is authorized to maintain a separate bank account in a public depository in the city of Milwaukee for the purpose of reimbursing the travel and other expenses of persons authorized under this section to attend legislative sessions, appear before legislative committees, and to transact other legislative matters, following receipt from such person of an itemized statement of expenses submitted in accordance with this section. The chairman of the committee on judiciary-legislation is also authorized to issue a check to such person in the amount of such travel or other expenses drawn upon such bank account.

304-13. Expense Vouchers for Common Council President and Mayor. The allowances provided in the municipal budget to the common council president and the mayor because of expenses which devolve in the performance of the duties of their offices shall be paid by means of vouchers throughout the budget year, and the vouchers shall be processed by the comptroller in the manner set forth in s. 304-9-2. The comptroller may prescribe guidelines for preparation of vouchers requesting payment of expenses from the allowances.

304-15. Pay Roll Approval. 1. AUDITED. It shall be the duty of the heads or head of every department of the city of Milwaukee, by whatever name known, to file with the city comptroller pay rolls as a basis for the disbursement of all funds appropriated for salaries and wages for all the officers and employes of the city in his or their department, which pay roll shall be drawn up and certified to in the form and manner prescribed by the city comptroller. All such pay rolls shall be audited and countersigned by the city comptroller who shall charge the appropriate funds in accordance with departmental or tabulated schedules, and who shall thereafter file the pay roll reports.

2. SPECIAL APPROVAL. It is further provided, however, that in case of all help employed by any of the said departments, where no salary is fixed by law, ordinance or resolution, that such payroll, before being paid, shall be approved by the proper committee of the common council, who shall endorse their approval thereon.

304-17. Salary Checks, Unclaimed. In case any person mentioned in any of the said payrolls shall not appear within 30 days for payment of the amount due him, as appears by said pay roll, the treasurer shall pay such amount into the treasury to the credit of the fund to which it is charged, and in case any such person should afterwards appear at any time within 6 years from the date of said payroll, such amount may be paid him by a city order, issued as required by law.

304-18. Unclaimed Principal and Interest on Bearer Debt. If funds deposited to the city's debt service account for the payment of city bearer debt obligations remain unclaimed for a period of 6 years following the debt maturity date, such funds shall be transferred by the comptroller to the city's general fund.

304-19. Witness Fees Paid to City Employes. Any and all witness fees due or paid to any official or employe of the city of Milwaukee for attendance or testifying in any action or proceeding where the information or knowledge testified to or sought to be elicited has been acquired by said official or employe in the performance of his or her official duty or employment, and when such official or

employe receives wages or salary from the city of Milwaukee for the time spent in such attendance shall be immediately paid over by such official or employe to the city treasurer. All such witness fees received by the city treasurer shall be credited to the general city fund. The provisions of this section shall not apply to any member or employe of the police department.

304-21. Approval of Contracts by City Attorney. No agreement, contract or instrument whatsoever shall be approved by the common council, nor shall be executed by officers of the city or by any other person authorized by the common council to execute agreements, contracts or instruments for the city, the subject matter of which involves any transfer of property whatsoever or any purchase of property whatsoever, in which the consideration exceeds $25,000 or in which the consideration can reasonably be interpreted to exceed a value of $25,000, unless the city attorney's office has first approved the provisions of said agreement, contract or instrument and said fact appears in writing on the face of such document. This section is not intended to eliminate the necessity of obtaining approval, however, from the city attorney in all other instances where such approval is required under any other statute, ordinance, including charter ordinances, or resolution of the common council. Failure to comply with this provision shall render such agreement, contract or other instrument void and persons transacting business with the city are given notice of such fact.

304-23. Outside Attorney or Law Firm. No attorney or law firm outside of the city attorney's permanent staff shall be retained by or on behalf of the city without first obtaining authorization therefor from the common council. Every such engagement shall be pursuant to a written agreement, the terms of which shall include a covenant prohibiting such outside attorney from undertaking representation of any person in connection with any claim, proceeding, lawsuit or other matter against the city during the period in which such outside attorney or law firm is engaged by or on behalf of the city.

304-24. Contributions Received by the City.

1. DEFINITIONS. In this section: a. "Contribution" means a gift of cash or other assets from any person to the city or any city department or employe to be expended for a specified municipal purpose, activity or facility. A grant from a governmental, commercial or nonprofit entity shall not constitute a contribution.

b. "Person" means any individual, firm, partnership, trustee, agent, association, corporation, company, governmental agency, club or organization of any kind.

2. GENERAL POLICY STATEMENT. All contributions received will be combined with other city deposits, and interest earnings on these funds will be included as general city revenue unless otherwise specified by the common council in its acceptance of a contribution. As required by the Wisconsin statutes, one-third of the interest earnings shall be deposited in the public debt amortization fund. Donors shall be notified of this statutory requirement.

3. SPECIAL PURPOSE ACCOUNT. The annual city budget shall include a special purpose account known as the "contribution fund." An annual budget for this account shall be developed in accordance with ch. 65, Wis. Stats. No transfers shall be made from the contribution fund without prior approval of the common council.

4. DEPOSIT OF CONTRIBUTIONS. All contributions to the city, city departments or city employes shall be either accepted or rejected by the common council. Accepted contributions shall be deposited in accordance with the following:

a. Contributions shall be deposited with the city treasurer in either a trust account established by the city comptroller or a revenue account established by the city comptroller. The trust account shall be part of the city's permanent improvement fund, as established by s. 304-28.

b. Contributions of cash or similar assets shall be forwarded within one working day of receipt to the city treasurer for deposit or safekeeping.

c. The decision to place a contribution in a trust account or a revenue account shall be made as follows:

c-1. The contribution shall be placed in a revenue account if it is intended for immediate expenditure by the donor, if the relevant department is willing to make a good faith effort to ensure expenditure in the current calendar year or in accordance with the carryover provisions of this section and if the donor is willing to make the contribution to the city with the knowledge that all unexpended funds will revert to the city's tax stabilization fund.

c-2. All other contributions shall be placed in a trust account.

5. APPROPRIATION AND EXPENDITURE OF CONTRIBUTION FUNDS. a. The expenditure of a contribution which has been deposited in a revenue account or a trust account shall occur only after the common council provides

the necessary budgetary and expenditure authority.

b. Upon adoption of a common council resolution authorizing appropriation of contribution funds to a department for expenditure, the city comptroller shall establish a special account in the department's budget to account for the expenditure of the funds. In addition, the city comptroller shall transfer appropriations consistent with the authorizing resolution.

c. The balance in each special contribution account shall be fully encumbered by the administering city department as soon as administratively feasible. The encumbrance shall be periodically reviewed as required by the city comptroller.

d. Expenditure of contribution funds must be for the purpose or purposes specified by the donor. Expenditure for a different purpose shall require approval of the donor and acceptance by the common council, relevant common council committee or the department of administration-budget and management division, as appropriate.

e. The administering department shall be responsible for reporting to the common council on the expenditure of contributions.

f. Expenditures are to be in accordance with prescribed city policies and procedures.

6. CARRYOVER. The year-end balance in each special contribution account that has not yet been fully expended shall revert to the tax stabilization fund unless the balance is appropriated to a department and carried forward to the next budget year. The carrying over of unexpended funds in a department budget shall be limited to 3 years from the year in which the funds were appropriated from the contribution fund. The administering city department or agency is responsible for notifying the city comptroller if a carryover of funds is required.

7. DOCUMENTATION. a. When contributions are deposited in a trust account, the affected department shall prepare a plan for expenditure of the funds within one year of their receipt. This plan shall be submitted to the department of administration-budget and management division, with a copy provided to the city comptroller.

b. Documentation relating to restrictions specified by the donor or donors of a contribution, such as a will, letter of intent or similar document, shall be included in the common council resolution accepting the contribution or made part of the file as it becomes available.

304-25. Municipal Vehicle Registration Fee.

1. DEFINITION. In this section, “motor vehicle” means an automobile or station wagon or motor truck registered under s. 341.25(1)(c), Wis. Stats., at a gross weight of not more than 8,000 pounds.

2. VEHICLE REGISTRATION FEE. A municipal vehicle registration fee is imposed on every motor vehicle registered in Wisconsin and customarily kept in the city of Milwaukee. The amount of the fee is $20 annually. The municipal vehicle registration fee is in addition to state registration fees.

3. EXEMPTIONS. The following vehicles are exempt from the municipal vehicle registration fee:

a. All vehicles exempted under ch. 341, Wis. Stats., from payment of a state vehicle registration fee.

b. All vehicles registered by the state under s. 341.26, Wis. Stats., for a fee of $5.

4. REPLACEMENT VEHICLES. No vehicle registration fee shall be imposed on a motor vehicle which is a replacement for a motor vehicle for which a current Milwaukee municipal vehicle registration fee has been paid.

5. REVENUES; TRANSPORTATION VEHICLE FEE FUND. Revenues collected under this section shall be deposited in a transportation vehicle fee fund. Revenues in the fund shall be used only to defray city costs for transportation related purposes including but not limited to costs related to the design, construction, operation and maintenance of streets, alleys, bridges, public way lighting, traffic signs and signals, traffic calming installations, and which may also include special assessments imposed under s. 115-43. At least 10 percent of the annual revenues deposited in the transportation vehicle fund shall be allocated to street maintenance activities.

304-25.5. Police Bicycle and Equipment Fund.

1. PURPOSE. The purpose of this section is to provide the police department with sufficient resources to sustain a successful program of bicycle policing by applying funds generated from the disposition of impounded bicycles to the purchase of bicycles, bicycle equipment and the provision of bicycle repair and maintenance.

2. DEFINITION. "Bicycle" has the meaning provided in s. 102-3-1.

3. POLICE BICYCLE AND EQUIPMENT FUND. A police bicycle and equipment fund shall be created in the general

fund at the earliest appropriate time and at the discretion of the city comptroller. Amounts equal to revenues received from the sale or disposition of impounded bicycles as provided in s. 102-11 shall be entered into the fund.

4. EXPENDITURES. The chief of police, at his or her discretion, is authorized to expend amounts from the police bicycle and equipment fund for the purchase of bicycles and bicycle equipment to be used for police patrols, and for the maintenance and repair of patrol bicycles.

304-26. Job Training and Business Development Fund. 1. PURPOSE. The purpose of this section is to promote job training, alleviate unemployment and promote business development and business opportunities for disadvantaged youth in the city.

2. SPECIAL PURPOSE FUND. A special purpose fund for job training and business development shall be created in the general fund at the earliest appropriate time at the discretion of the city comptroller. Amounts equal to all revenues derived from payments of forfeitures for violations of ordinances identified in sub. 3 occurring on and after September 1, 2006, shall be entered into the special purpose fund. The common council may, by resolution, designate additional or other funds for entry into this special fund. Expenditures from this special purpose fund shall be made in accordance with sub. 4.

3. ENTRY OF REVENUES FROM FORFEITURES. Amounts equal to payments of forfeitures received for violations of the code with respect to the following identified penalties shall be entered into the special purpose fund for job training and business development:

a. Section 101-20.5-5.

b. Section 105-1-3-c.

c. The penalties for violations occurring between the hours of 8:00 p.m. and 5:00 a.m. on any street designated as a cruising area or temporary cruising area under s. 101-20.5-1 and 4 provided pursuant to ss. 79-6-1-c, 80-91, 101-34-2, 101-34-7, 105-2, 105-34-3-c to 3-d, 105-138-3, 106-1, 106-1.8-2, 106-5-2 and 106-31-10.

4. EXPENDITURES. The special purpose fund for job training and business development shall be under the control of the common council. Expenditures from the special fund shall be authorized by resolution from time to time as appropriate. Expenditures shall benefit disadvantaged youth in the city through the support of programs, activities or other efforts relating to the promotion of job training, the alleviation of unemployment and the development of business and business opportunities.

304-26.5. Clean Energy Financing.

1. PURPOSE. The city finds that renovations of privately-owned commercial properties made to improve energy efficiency, save water, use renewable energy, increase property values, stimulate local economic activity, provide environmental benefits and promote the general welfare of city residents. The purpose of this section is to facilitate loans arranged by commercial property owners to make energy-efficient renovations by treating principal and interest repayments, fees and other charges for these loans as special charges eligible for inclusion on the tax bill for these properties.

2. DEFINITIONS. a. "Annual installment" means the portion of the loan amount that is due for a particular year under the loan agreement.

b. "Default loan balance" means the outstanding balance of a PACE loan at the time the city receives foreclosure proceeds on a property subject to special charges under this section.

c. "Foreclosure proceeds" means the proceeds resulting from the disposition of a property the city received through an in rem tax foreclosure.

d. "Foreclosure reconstructive costs" means the sum of a stream of costs equal to the annual city portion of property taxes levied a property in in rem tax foreclosure, from the initiation of an in rem tax foreclosure action by the city until the city prevails in a foreclosure action.

e. "Incentive" means any reimbursable or non-reimbursable credit enhancement or other grants of funds by or through the city to a PACE lender in connection with a PACE loan.

f. "Loan agreement" means a written agreement among a borrower, a PACE lender and the city as provided in sub. 7.

g. "Loan amount" means the amount of principal, interest, administrative fees, incentives and other loan charges under the loan agreement to be paid by the borrower under the PACE loan.

h. "PACE" means property assessed clean energy.

i. "PACE default provisions" means the sum of:

i-1. Any additional interest charges the loan agreement stipulates shall be applied to unpaid annual installments levied as special charges under this section onto the property tax bill when the city initiates tax foreclosure on the property.

i-2. Any additional annual installments stipulated by the loan agreement that become due between the time the city initiates tax foreclosure on the property and the date the city receives proceeds from the disposition of the tax foreclosed property.

i-3. Any additional interest charges the loan agreement stipulates shall be applied to annual installments included in paragraph i-2.

i-4. Any default loan balance.

j. "PACE lender" means a lender that makes a PACE loan.

k. "PACE loan" means a loan made by a PACE lender to a borrower under this section for energy-efficiency improvements made to a commercial property.

L. "Reimbursable incentive" means an incentive that must be paid back to the city pursuant to the loan agreement upon the collection of the annual installments or the foreclosure proceeds.

m. "Subject property" means any property on which energy-efficiency improvements have been made and financed through an outstanding PACE loan.

3. STATE COMPLIANCE. Annual installments shall be considered special charges on the subject property, and each year's annual installment shall be levied onto the property tax bill of the subject property pursuant to s. 66.0627, Wis. Stats., as amended.

4. INCENTIVES. The city may offer incentives to the PACE lender subject to the availability of funds or grants.

5. AFFILIATE FINANCING. Nothing in this section shall be construed to prohibit an affiliate of the property owner of a commercial property, including without limitation, a single-member limited liability company owned by the property owner, from providing the funds for a PACE loan with respect to the property. In such case, the property owner shall be considered the borrower, and the affiliate shall be considered the PACE lender.

6. LOAN APPROVAL. a. A prospective borrower applying for a PACE loan shall comply with the loan application process as set forth in the program manual prepared by the department of administration.

b. The department of administration shall approve the financing arrangements between a borrower and a PACE lender.

7. LOAN AGREEMENT. a. The department of administration, the borrower and the PACE lender shall execute the loan agreement which:

a-1. Shall inform the participants that the loan amount shall be considered a special charge, and each year's annual installment shall be levied onto the property tax bill of the subject property as a special charge and be a lien against the subject property pursuant to s. 66.0627, Wis. Stats., as amended.

a-2. Shall set forth the amount of the annual installment due each year.

a-3. Shall stipulate any default interest to be applied to unpaid annual installments.

a-4. May provide for fees to the city to administer the program.

a-5. May provide for prepayments of annual installments by the borrower with a resulting reduction in the special charge for the prepayment, subject to any prepayment premium charged by the PACE lender.

a-6. May allow for amendment by the parties.

b. Each loan shall be amortized over the term of the loan as provided in the loan agreement. The annual installments may be collected in 10 monthly installments pursuant to s. 74.87, Wis. Stats., as amended.

c. The city shall agree in the loan agreement to enforce the special charge under this section and to account for the funds collected as special charges with respect to each subject property.

d. The loan agreement shall require the PACE lender and the borrower to comply with all federal, state and local lending and disclosure requirements and this section.

8. ANNUAL INSTALLMENTS ADDED TO TAX BILLS. The department of administration, following the city's customary practices, shall cause each year's annual installment to be levied onto the property tax bill of the subject property as a special charge pursuant to s. 66.0627, Wis. Stats., as amended, and be a lien against the subject property.

9. COLLECTION OF SPECIAL CHARGES. The department of administration, following the city's customary practices, shall cause each year's annual installments to be levied onto the appropriate property tax bills as special charges. The office of the treasurer shall follow its customary practices to collect special charges under this section once placed on the tax rolls, including assessing penalties and charging interest.

10. REMITTANCE OF SPECIAL CHARGES. a. The office of the treasurer shall not submit special charges levied onto property tax bills under this section to the city comptroller for remittance, or in any other way cause unpaid special charges under this section to be remitted to the department of administration, the PACE lender or any other party.

b. The department of administration shall regularly monitor the property tax bill accounts of subject properties, keep an accounting of payments received by the city for these special charges and obtain written confirmation of these payments from the office of the treasurer. The department of administration shall establish a procedure, in consultation with the city comptroller and the city treasurer, to authorize the city comptroller to remit payments received for special charges levied onto property tax bills under this section to the appropriate PACE lender, less any service fees or incentive reimbursement owed to the city by the PACE lender, taking special precautions to prevent remitting any monies before receipt by the city, on the following schedule:

b-1. Payments in full made by January 31 shall be remitted not later than February 28.

b-2. The sum of installment payments received by May 31 shall be remitted not later than June 30.

b-3. The sum of installment payments received between May 31 and October 31 shall be remitted not later than November 30.

11. ADMINISTRATION AND COLLECTION SERVICES FEES. The department of administration shall, in consultation with the city comptroller and the city treasurer, determine fees to charge the PACE lender for services rendered in administrating, collecting and remitting special charges levied onto property tax bills under this section, and shall include these fees in the loan agreement.

12. PROPERTY FORECLOSURE PROCEDURES. a. If an owner fails to pay special charges levied on a property under this section, either in full by January 31 or through a city-approved installment plan, the city treasurer, following its customary and ordinary practices, shall begin a property tax foreclosure proceeding on the subject property at the earliest time allowed under state statutes, unless the condition of the property, or for other reasons, the city determines a foreclosure is not in the best interests of the city. The department of administration shall inform the PACE lender eligible to receive special charge payment remittances on this property of the city's determination not to pursue foreclosure within 30 days of the city's determination not to proceed.

b. If the city is unwilling to foreclose on a subject property, under s. 75.521, Wis. Stats., the PACE lender may request that the city, pursuant to s. 75.106, Wis. Stats., assign the city's right to take judgment against the subject property, provided the PACE lender fully complies with all provisions of s. 75.106, Wis. Stats., as amended, concerning the subject property, and agrees to reimburse the city for foreclosure costs, pays the city all other charges accruing to the foreclosed property, including but not limited to, special charges other than special charges levied on the property under this section, delinquent utility charges and personal property taxes, special assessments, special taxes, interest and penalties, and property taxes.

13. INITIAL MARKETING PERIOD. a. If the city treasurer prevails in a property-tax foreclosure action against a subject property, the PACE lender may request, and the department of city development shall grant, if requested, a 90-day initial marketing period during which the department of city development shall consider offers to purchase the subject property from the PACE lender before considering any other purchase offers for the subject property. The PACE lender shall have 5 business days after receiving written notice that the department of city development is prepared to market the subject property for sale to request this 90-day initial marketing period, and the 90-day initial marketing period shall begin immediately upon the department of city development's receipt of the PACE lender's request.

b. No PACE lender in violation of s. 304-49-8 shall be eligible to request this 90-day initial marketing period, and a PACE lender shall not sell a subject property acquired under this section to any party in violation of s. 304-49-8.

c. Any purchase offer negotiated during this period shall be approved by the common council as provided in s. 304-49-7.

d. If the PACE lender sells a subject property acquired under this section for an amount that exceeds the sum of PACE default provisions and the purchase cost incurred to buy the property from the city, the PACE lender shall apply this excess to the amount owed the city on the subject property under sub. 14-c-1 to 6 less the amount paid to the city to acquire the property.

14. FORECLOSURE PROCEEDS DISTRIBUTIONS. a. If the city treasurer prevails in a property-tax foreclosure action against a subject property, the foreclosure proceeds shall be credited to the city's reserve for tax deficit fund in accordance with s. 304-49-11.

b. The department of administration shall determine the PACE default provisions when the city receives foreclosure proceeds on a subject property.

c. The department of administration, in consultation with the city comptroller and the city treasurer, shall develop a procedure to authorize the city comptroller to remit to the PACE lender a portion of the foreclosure proceeds to satisfy all or part of the PACE default provisions, provided the foreclosure proceeds exceed the sum total of:

c-1. All costs incurred by the city in pursuing this foreclosure action.

c-2. Any reimbursable incentives paid by the city to the PACE lender or the PACE lender's representative.

c-3. Any administrative fees stipulated in the loan agreement.

c-4. Any interest and penalties accruing to special charges added to the property tax bill under this section.

c-5. All other charges accruing to the foreclosed property, including but not limited to, special charges other than special charges levied on the property under this section, delinquent utility charges and personal property taxes, special assessments, special taxes, interest and penalties, and property taxes.

c-6. All foreclosure reconstructive costs.

304-27. Municipal Art Fund. 1. PUBLIC SUPPORT OF THE VISUAL ARTS. It is the policy of the city that a portion of the appropriations for capital expenditures be set aside for the acquisition of works of art to be used for city buildings and public facilities in order to encourage an appreciation of the visual arts and the development of artists and craftsmen.

2. DEFINITIONS. a. "Appropriation" means an amount not to exceed one percent of the structure and building funds in the city's capital improvement projects which are authorized annually by the common council for expenditure.

b. "Artist" means a practitioner in the visual arts, generally recognized by critics and his or her peers as a professional who produces works of art.

c. "Board" means the Milwaukee arts board.

d. "Construction project" means any capital project paid wholly or in part by the city of Milwaukee to construct or remodel any building, decorative or commemorative structure, or major portion thereof, within the limits of the city of Milwaukee.

e. "Works of art" shall mean all forms of original creations of visual art, including:

e-1. Sculpture: in the round, bas-relief, high relief, mobile, fountain, kinetic, electronic, etc., in any material or combination of materials.

e-2. Painting: in all media, including portable and permanently affixed works, such as murals.

e-3. Graphic arts: printing and drawing.

e-4. Mosaics.

e-5. Photography.

e-6. Crafts: in clay, fiber and textiles, wood, metal, glass, plastics and other materials.

e-7. Calligraphy.

e-8. Mixed media: any combination of forms or media, including collage.

3. FUNDS FOR WORKS OF ART.

a. Estimate. All city departments shall include in those estimates of necessary construction expenditures and all requests for authorizations or appropriations for projects as defined an amount for works of art not to exceed one percent of the total cost of any such construction project as estimated in the capital improvements program for the year in which such estimate or request is made. If the source of funding or other appropriate law with respect to

any particular project precludes art as an object of expenditure of funds, the amount of funds so restricted shall be excluded from the total project cost in making the aforesaid calculation.

b. Separate Account. All appropriations for works of art arising from the common council's authorization of those construction projects in the capital improvements program shall be so noted in the responsible agency's program and such appropriations shall be deposited in a separate capital revenue account known as the municipal arts fund which is herewith established by this section, together with such other funds as the common council may appropriate for works of art.

4. RESPONSIBILITIES OF THE BOARD. a. In addition to its duties and responsibilities as set forth in s. 320-12, the board shall:

a-1. Determine the allocation of money to be expended on the various works of art for construction projects.

a-2. Determine the method or methods of selection and commissioning of artists with respect to design, execution and placement of works of art for which appropriations have been made and pursuant to such method or methods, select and commission artists by contract for such purposes.

a-3. Require that any proposed work of art requiring extraordinary operational or maintenance expenses shall receive prior approval of the department involved.

a-4. Request the common council to authorize payments for the design execution, and placement of works of art from appropriations made by the municipal arts fund

b. The board shall assure, in the overall program, that reasonable diversity is attained in the selection of public art works as to the style, scale, media, and materials represented by such works of art.

c. The board shall promulgate such rules and regulations which shall be submitted to the common council for approval, as needed, to carry out its responsibilities.

304-27.5. Parking Fund. 1. PURPOSE. The purpose of this section is to permit the city to provide for better regulation of parking and traffic and to undertake the creation of parking improvements out of revenue derived from parking operations so that the general taxpayers of the city will be relieved of any burden to do so under the general tax levy.

2. SPECIAL REVENUE FUNDS. All revenue derived by the city from parking operations shall be entered in the revenue accounts of a special revenue fund for parking. Expenditures, whether for operating or for capital purposes, shall be accounted for in this fund.

3. PARKING REVENUE. Revenue to be entered in the parking fund shall be as follows:

a. Revenue from parking meters, whether located on streets or in off-street parking facilities.

b. Revenue from special privilege parking permits.

c. Revenue from rental or leasing of parking facilities acquired or developed with parking fund monies.

d. Revenue from the sale of parking facilities acquired or developed with parking fund monies.

e. Revenue from the sale of certificates issued for vehicles that are for sale on public property.

f. Revenue from sale of abandoned motor vehicles and trailers pursuant to s. 105-65.

g. Revenues from fees charged for towing and storage of vehicles.

h. Revenue allocated from the parking fund reimbursement special purpose account.

i. Revenues from forfeitures for nonmoving traffic violations pursuant to s. 101-34.

j. Other revenues attributable to parking.

4. PARKING EXPENDITURES. Parking fund revenues shall be used to defray administrative operational and enforcement costs related to towing and storage of vehicles, parking meters, parking facilities, special privilege parking permits and parking regulations, including a payment in lieu of taxes, payment to a debt service fund to amortize parking purpose loans, payments for installation of parking regulation signs and parking regulation law enforcement. In addition, revenues shall be used for the purchase of parking meters, management of the city's contract for the processing and collection of parking tickets and costs associated with enforcement of judgments entered as a result of violation of parking regulations and for the acquisition, construction and equipping of off-street parking facilities, but for no other purposes. Revenues shall also be used for provision of a contingent fund for such sum as shall be deemed necessary for emergency and other purposes that may arise during the year requiring the expenditure of money in addition to the sums provided for the several purposes and for purposes relating to parking costs for which no

express provision is made in the annual city budget. Contingent funds may only be expended upon common council action.

5. PAYMENT TO THE GENERAL FUND FROM FORFEITURE VIOLATION PAYMENTS. Pursuant to sub. 3-h, revenues for nonmoving traffic violations shall be entered in the parking fund, and payments from the fund shall be made pursuant to sub. 4 for management of the city's contract for processing and collecting parking tickets. Excess fund revenues, expressed as revenues derived from sub. 3-h, minus expenditures for management of the city's contract for processing and collecting parking tickets, shall be paid to the city's general fund at the end of the each year.

6. RATIFICATION OF PRIOR ACTS. Any expenditures of monies made by the city prior to the effective date of this section, for the acquisition of land, facilities, property, improvements or any rights in connection with on or off-street programs designed to relieve or solve transportation problems are declared valid and proper and any acts performed with respect thereto are ratified and confirmed and declared valid as the proper performance of duty by city officers or employes performing such acts as if this section had been in effect at the time such acts were performed. It is declared that the provisions of this section express the policy of the city of Milwaukee as it has existed since July 26, 1948.

7. SAVING CLAUSE. It is the intent of the common council that the provisions of this section relating to various sources of the parking revenue and the application of such revenue to the parking fund expenditures are separable. If any provision or part of this section be held unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of any other provisions or part of the section which other provisions and parts shall remain in full force and effect.

304-28. Permanent Improvement Fund.

1. FUND CREATED. There is created a permanent improvement fund pursuant to s. 65.07(1), Wis. Stats. The fund may accumulate from year to year.

2. FUNDING SOURCES. The permanent improvement fund may be funded by tax levy, amounts appropriated by law and transferred to the fund by the comptroller and appropriations of the common council made from time to time.

3. WITHDRAWALS. Withdrawals in any one year shall be authorized by the common council and included in the adopted budget for that year along with other miscellaneous and surplus revenues.

4. EXPENDITURES. Withdrawals from the fund may be expended for any purpose for which money may be borrowed or bonds issued under ss. 67.04 and 67.12, Wis. Stats. Expenditures in any one year shall be authorized by the adopted city budget.

304-28.5. Environmental Testing and Remediation Subfund. 1. FUND CREATED. There is created an environmental testing and remediation subfund within the permanent improvement fund established and described in s. 304-28. Monies in this subfund shall be used only for the purposes hereinafter set forth.

2. PURPOSES AND OBJECTIVES.

a. The environmental testing and remediation subfund shall be used for the purpose of funding environmental testing and, if necessary, subsequent remediation of tax delinquent properties suspected of being contaminated.

b. The subfund shall:

b-1. Be self-sustaining, to the maximum extent possible, through proceeds from the sale of remediated properties as hereinafter set forth, grants from governmental agencies, reimbursement from the state of Wisconsin's petroleum environmental cleanup fund act (PECFA) and other available funding sources.

b-2. Foster economic development by returning tax delinquent properties to the tax rolls and by deterring tax payment delinquency on other properties with possible environmental contamination.

b-3. Promote public health and safety by cleaning up properties with a high risk of catastrophe or with proximity to residential or commercial areas, high-capacity groundwater wells or surface water.

3. FUNDING SOURCES. a. Regular sources. The environmental testing and remediation subfund may be funded by one or more of the following:

a-1. Reimbursements received under PECFA.

a-2. Appropriations made by the common council from time to time, including direct appropriations and borrowing authority.

a-3. Special assessments levied upon potentially contaminated tax delinquent property to recover the costs of performing environmental testing on such property.

a-4. Proceeds from the sale of remediated, foreclosed properties to the extent that the proceeds exceed outstanding delinquent taxes and other charges due.

b. Supplemental Funds. Activities conducted by the subfund may be supplemented by community development block grants and other grants from federal or state agencies.

4. FUND TRANSFERS. a. Council Authorization. The specific level of subfund transfers for a particular fiscal year shall be authorized by common council resolution adopted in conjunction with the annual budgetary process. Each such resolution shall authorize and direct the comptroller to transfer an amount, up to the amount available in the subfund, to a miscellaneous revenue account. Expenditures of amounts transferred shall be authorized by a special purpose account and expended in accordance with the annual city budget.

b. Fund Carry-over. At the end of each fiscal year, the comptroller shall transfer all remaining and unexpended funds in the special purpose account to the subfund account for the following fiscal year.

5. PROPERTIES TO BE TESTED AND/OR REMEDIATED. At the beginning of each quarter, the common council shall approve, by resolution, the list of properties for which actions leading to environmental testing may be commenced during that quarter. The department of city development and the health department shall prepare such list and in doing so shall give consideration to the objectives enumerated in sub. 2. At the beginning of each quarter, the common council shall approve, by resolution, the list of properties which the department of city development and the health department recommend, based on acceptable testing results, be acquired through the foreclosure process, remediated and sold. A 3/4 vote of the common council shall be required for adoption of any resolution authorizing remediation of an environmentally contaminated property using funds from the environmental testing and remediation subfund.

6. CONDITION OF SALE. Notwithstanding the provisions of s. 304-49, whenever the city has performed environmental testing or remediation on a foreclosed property using funds from the environmental testing and remediation subfund, the city shall not sell such property to any non-governmental entity which is exempt from paying property taxes unless such entity agrees to make payments in lieu of taxes which are equal to the amount of taxes that would be paid if the property were taxable, subject to common council approval of the entity's agreement to make payments in lieu of taxes.

7. MONITORING. To monitor the cost recovery characteristics and overall effectiveness of the environmental testing and remediation subfund, the department of city development shall prepare and present to the common council, at the beginning of the third quarter of each year, a report of the expenditures and revenues for each property which has been tested, acquired through the foreclosure process, remediated and/or sold during the preceding 4 quarters using funds from the environmental testing and remediation subfund.

304-29. Tax Stabilization Fund. 1. FUND CREATED. There is created a tax stabilization fund pursuant to the authority of s. 65.07-1-o, Wis. Stats., 1963, which shall constitute a separate fund to be used only for the purposes hereinafter set forth.

2. PURPOSES AND OBJECTIVES. a. To assist in stabilizing the common council controlled tax rate of the city of Milwaukee within reasonable limits from year to year.

b. To protect the city and its citizens from fluctuations in the city property tax rate under common council control which can result from erratic variations in nonproperty tax revenues.

c. To improve the city's ability to plan and provide for its financial needs.

d. To better enable the city to comply with statutory limitations.

3. FUNDING SOURCES.

a. Unappropriated General Surplus from Prior Year. The unappropriated general surplus as of December 31, 1964, shall be transferred to the tax stabilization fund by the comptroller as of the effective date of this section.

b. Revenue Surplus. By April 15 of each year, beginning with the year 1966, the difference between estimated nonproperty tax revenues and the corresponding actual receipts for the prior year shall be transferred to the tax stabilization fund by the comptroller except for the internal service funds.

c. Appropriation Balances. By April 15 of each year, beginning with the year 1966, the difference between total adjusted operating budget appropriations and total expenditures, commitments, and reserves for the prior year shall be transferred to the tax stabilization fund by the comptroller except for the internal service funds.

d. Other General Surplus. By April 15 of each year, beginning with the year 1995, any general surplus balance as of December 31 of the prior year remaining, after steps in pars. b and c have been completed, shall first be transferred by the comptroller to the permanent improvement fund to meet the city's legal obligation to reimburse the federal asset forfeiture trust fund for interest

earned on deposits received. Such transfer of funds shall cease if applicable federal requirements shall no longer be in force. The remainder shall be transferred to the tax stabilization fund by the comptroller except for the internal service funds.

e. Tax Levy. When authorized and included in the adopted budget in accordance with ch. 65, Wis. Stats., 1963, the proceeds from such levy shall not be used during the budget year for which such levy is made.

f. Contributions Received for the Purpose of Tax Stabilization or Reduction.

g. Internal Service Funds; Retained Earnings. Commencing with the operations of 1981, the retained earnings of the internal service funds funded by the revenue surpluses and appropriation balances shall not exceed 5% of the budget for that year for that internal service fund. Any excess over 5% of the retained earnings shall revert to the tax stabilization fund. The comptroller shall submit an estimate covering items under pars. b, d, f and g to the mayor by June 1 of each year. Such estimate shall show the amounts that are anticipated to be transferred to the tax stabilization fund by April 15 of the next year. The estimate of par. b shall recognize estimated revenue offset by corresponding appropriations as explained in sub. 4-e-2. The comptroller may revise such estimate up to and including November 10.

4. FUND WITHDRAWALS. The amount that can be withdrawn from the fund in anyone year shall be controlled by the following factors:

a. To Stabilize Tax Rate. a-1. The tax stabilization fund may be used to prevent an increase of more than 3% in the common council controlled tax rate (based on assessed valuation). Such withdrawal for this specific purpose shall be deemed authorized only if it is included in the adopted budget and is anticipated to be available in the tax stabilization fund as of April 15 of the year covered by such adopted budget. Any part of the anticipated April 15 balance may be used for this purpose except for that portion of the balance reserved under sub. 3-e.

a-2. In the event of a change in total assessed valuation resulting from a city-wide revaluation or level of assessment change, the 3% factor shall apply to the tax rate resulting from the use of equalized valuation (as determined by the state) rather than assessed valuation.

b. Statutory Requirements. The tax stabilization fund may be used to enable the city to comply with statutory requirements in ch. 65, Wis. Stats., 1963, notwithstanding the provisions of par. a. Such withdrawal for this specific purpose shall be deemed authorized only if it is included in the adopted budget and is anticipated to be available in the tax stabilization fund as of April 15 of the year covered by such adopted budget. Any part of the April 15 balance may be used for this purpose.

c. Compliance. Notwithstanding the provisions of pars. b and c, the tax stabilization fund may be used to stabilize the common council controlled tax rate beyond the limits covered by pars. a and b but only when all of the following conditions are met:

c-1. No more than 50% of the balance anticipated to be available for withdrawal from the fund as of April 15 of the year covered by the adopted budget, uncommitted for the purposes under pars. a and b or reserved under sub. 3-e can be authorized for withdrawal for this purpose in next year's budget.

c-2. A resolution authorizing such withdrawal is adopted by at least a 3/4 vote of the members of the common council at the time of the vote.

c-3. Such withdrawal is authorized and included in the adopted budget.

d. Budget Requirements. d-1. The amount authorized for withdrawal from the tax stabilization fund shall be included in the city budget as an income item, in addition to revenues estimated for state aids and shared taxes, licenses, permits, fines, fees and penalties, departmental earnings, commercial earnings and miscellaneous revenues, and shall be used as an offset to the property tax levy.

d-2. It shall be shown in the budget in the following manner: "Withdrawal from the tax stabilization fund $_____".

d-3. The amount included for this purpose may be changed by the common council under the provisions of this subsection, up to and including the final budget adoption date set by ch. 65, Wis. Stats., 1963.

e. Not for Deficit Purposes. e-1. The tax stabilization fund shall not be used for the purpose of offsetting any deficit that may occur between total estimated and total actual nonproperty tax revenue or between total appropriations and total expenditures. Such an eventuality, if it develops shall be resolved by emergency borrowing if deemed necessary by the common council.

e-2. The only exception to this prohibition shall be that estimated revenues earmarked for a specific purpose and offset by a corresponding appropriation, such as the funding of grant and aid projects in accordance with common council File #66-1893-a, adopted November 29, 1966, shall be

separately considered in context with actual revenue received, appropriations and actual expenditures for this specific purpose, and the net surplus or deficit can be transferred to the tax stabilization fund by the comptroller. Such earmarked revenues shall not be included in determining the deficit referred to in subd. 1.

f. For Temporary Inventory Reserves, Etc. The comptroller is authorized to make withdrawals from the tax stabilization fund to temporarily adjust inventory reserves in recognition of temporary increases in inventory levels in accordance with accepted accounting principles and prudent financial management practices. When such reserves exceed amounts reasonable and properly necessary, the excess shall be returned to the tax stabilization fund. The comptroller shall provide the common council with a separate report for adjustments made under this paragraph.

g. Authority. Withdrawal from the tax stabilization fund for any other purposes than the purposes outlined above shall not be authorized.

h. Surplus Estimates. Beginning with the budget prepared for the year 1966, no monetary amount shall be shown in the budget for the classification "surplus" in revenue estimates required by ch. 65.02(7), Wis. Stats., 1963.

5. MAXIMUM CEILING ON FUND. Any uncommitted balance in the fund as of June 1 of the current year that is in excess of 5% of the current year, total common council controlled budget shall be applied to tax reduction for the following year notwithstanding any other provisions of this section.

304-29.5. Employee Health Care Benefit and Workers' Compensation Liability Reserve Fund. 1. PURPOSE. As authorized under s. 65.07(1) (s), Wis. Stats., this section establishes a health care benefit and workers' compensation liability reserve fund for paying unanticipated premiums or liability claims for workers' compensation and health care benefits.

2. FUNDING SOURCES. a. The health care benefit and workers' compensation liability reserve fund may be funded by the following:

a-1. The difference between the total annual adjusted budgeted appropriations and total annual expenditures for health care or worker's compensation benefits.

a-2. Appropriations of the common council made from time to time.

b. All appropriations or transfers to the health care benefit and workers' compensation liability reserve fund shall be approved by the common council.

3. FUNDING LEVEL. a. The amount in the health care benefit and workers' compensation liability reserve fund shall be allowed to accumulate from year to year with the amount not to exceed the level necessary as recommended by an actuary in accordance with generally-accepted actuarial principles.

b. As provided for in s. 65.07 (1) (s) (2), Wis. Stats, if an actuary has determined, under generally-accepted actuarial principles, that the balance in the reserve fund exceeds the amount necessary for paying claims and premiums, the amount transferred or expended shall not exceed the actuarially-determined excess amount, unless an additional amount is provided in accordance with sub. 4-b.

4. EXPENDITURES. a. Payment of unanticipated liability claims and premiums may either be made directly from the reserve account or appropriations may be made from the reserve account to an operating account for such payment.

b. The common council by resolution adopted by a 3/4 vote of all common council members may appropriate funds from the reserve fund for payment of unanticipated liability claims and premiums under this subsection.

5. DISSOLUTION OF FUND. If an actuary has determined, under generally-accepted actuarial principles, that the balance in the reserve fund exceeds the amount necessary for paying claims and premiums, the amount transferred or expended shall not exceed the actuarially determined excess amount.

6. REPORTING. The department of employee relations-employee benefits division shall submit the following to the common council:

a. An annual actuarial report related to the fund's recommended funding level.

b. A semi-annual report related to the status of the fund.

304-30. Delinquent Tax Fund. 1. FUND CREATED. There is created a fund authorized by s. 65.07(1)(i), Wis. Stats., to be known as the delinquent tax fund. Such fund shall be a reserve against uncollected delinquent real estate and personal property taxes. Neither the fund nor appropriations from the fund shall increase expenditures authorized under s. 18-06, charter.

2. SOURCE OF REVENUE. The fund shall have the following sources of revenue:

a. Taxes levied for purpose of the fund.

b. Proceeds of general obligation promissory notes issued for delinquent taxes.

c. Delinquent real and personal property tax revenues collected after the last day of the year in which such taxes were levied. Such

taxes are specifically appropriated to the fund and pledged to the payment of debt service on outstanding general obligation promissory notes issued for delinquent taxes.

d. Such other amounts as may be appropriated to the fund by the common council from time to time.

3. APPROPRIATIONS. Fund revenues are appropriated on an annual basis in the following order of priority:

a. To the general fund to reimburse for uncollected delinquent real and personal property taxes as of the close of business on the last day of the year.

b. To the debt service fund to provide for annual debt service on general obligation promissory notes issued for delinquent taxes.

4. ADMINISTRATION. The city comptroller is authorized and directed to make fund transfers in accordance with appropriations made by this section. It is the instruction of the common council that the fund cash balance be closed out annually. The city comptroller is authorized and directed to prescribe accounting for the fund.

304-31. Development Fund. 1. PURPOSE. The purpose of the development fund is to provide city investment in projects that increase the city's tax base, create employment opportunities and provide long-term economic benefit.

2. FUNDING SOURCE. General obligation borrowing shall be used to capitalize the development fund.

3. FUND ALLOCATIONS.

a. Allocations to the development fund shall be restricted to the following:

a-1. Provide grants or loans to projects that redevelop taxable property, resulting in tax base growth.

a-2. Fund infrastructure work to facilitate private investment, including the city's share of riverwalk development and streetscaping projects.

a-3. Fund environmental testing and brownfield remediation to facilitate private investment.

a-4. Fund land acquisition, demolition and landscaping activities that improve the business environment.

a-5. Provide grants or loans to offset employe training costs for projects involving capital investment that result in retention or expansion of permanent private employment.

b. The development fund shall not be used for planning or marketing activities, or for supporting conventions or tourism.

4. EXPENDITURES. All expenditures from the development fund shall be approved by the common council.

304-31.5. Housing Infrastructure Preservation Fund. 1. FUND CREATED. There is created a capital improvements fund to be known as the housing infrastructure preservation fund. Monies in this fund shall be used only for the purposes specified in sub. 2.

2. PURPOSES AND OBJECTIVES. The city seeks to preserve surplus, city-owned improved residential and mixed-use properties that are not habitable in their current condition and are unlikely to be restored by private purchasers, but are worthy of restoration or rehabilitation because of such factors as neighborhood context, architectural characteristics or quality, or historic status of the structures or their neighborhoods. To that end, s. 304-49-2-b-3 calls for each property of this type to be either restored or rehabilitated by the city, the housing authority, the redevelopment authority or another public entity or mothballed or landbanked by the city. The purpose of the housing infrastructure preservation fund is to provide a permanent, dedicated funding source to finance city property restoration and mothballing activities described in s. 304-49-2-b-3.

3. FUNDING SOURCES. The housing infrastructure preservation fund may be funded by:

a. Tax levy.

b. General obligation borrowing.

c. Net proceeds from sales of restoration properties.

d. Amounts appropriated by law and transferred to the fund by the comptroller

e. Other appropriations of the common council made from time to time.

4. EXPENDITURES. The total expenditures from the housing infrastructure preservation fund for a fiscal year shall be authorized by the adopted city budget. The department of city development shall be authorized to expend these monies without further common council approval, except that total expenditures for a single property shall not exceed $80,000 unless approved by the special joint committee on the redevelopment of abandoned and foreclosed homes established by common council file number 080644, and by the common council.

5. NET SALE PROCEEDS. Upon sale of a property classified as a restoration property pursuant to s. 304-49-2-b, the net sale proceeds shall be deposited in the housing infrastructure preservation fund.

6. FUNDED WORK NOT PUBLIC WORKS OR IMPROVEMENTS. Any property restoration, rehabilitation or mothballing work or activity funded by the housing infrastructure preservation fund shall not be considered public works or public improvements as those terms are defined or used elsewhere in this code, the city charter or state law

304-32. Board of Review; Fee For Certain Assessment Valuation Objections. Ten dollars is determined to be the fee payable to the city of Milwaukee in all instances where the provisions of s. 70.47 (16)(b), Wis. Stats., as amended, are applicable to objections filed to assessment valuations on real property for ad valorem tax purposes.

304-33. Payment of Taxes to County. The city of Milwaukee does in accordance with s. 70.67(2), Wis. Stats. 1961, obligate itself to pay in case the city treasurer fails so to do all taxes of any kind required to be paid by such treasurer to the county treasurer.

304-35. Fees for Duplicate Tax Bills. The city treasurer is authorized to issue duplicate tax bills upon payment of the fee required in s. 81-122, except for current tax bills during the current tax collection period for which this charge shall not apply.

304-36. Fees for Tax Payment History and Duplicate Tax Payment Receipt. The city treasurer is authorized to issue tax payment histories and duplicate tax payment receipts upon payment of the fees provided under s. 81-123.

304-37. Bad Check Charges. There may be a processing charge for any check or order issued to the city of Milwaukee or any department thereof and returned unpaid by a bank due to insufficient funds or due to any other reason. Bad check charges shall be paid into the city treasury and credited to the general city fund. (See s. 81-19.5)

304-38. City Penalty on Delinquent Taxes. In accordance with s. 74.47(2)(a), Wis. Stats., the common council imposes a penalty of 0.5% per month, or fraction of a month, on any delinquent general property taxes, special assessments, special charges and special taxes included in the tax roll. This penalty is in addition to the interest under s. 74.47(1) Wis. Stats., and also in addition to any penalty that Milwaukee county imposes under s. 74.47(2)(a), Wis. Stats. In accordance with s. 74.47(2)(b), Wis. Stats., this section shall be effective February 1, 2004, and the penalty hereunder shall then and thereafter apply to any general property taxes, special assessments, special charges and special taxes that are delinquent on or after February 1, 2004.

304-38.5. Interest Charge on Overdue City Invoices. The interest rate charged on overdue city invoices billed through the city's financial management information system shall be 1.0% per month, or fraction of a month.

304-39. Deferred Foreclosure on Tax Liens.

1. The city treasurer shall, under s. 75.521, Wis. Stats., defer the foreclosure on tax liens for one and 2-family owner-occupied dwellings for a period of 2 years from the date the tax lien is originally filed, provided sufficient evidence is presented to the city treasurer to justify the deferral.

2. Each applicant for a deferred foreclosure shall submit an application form supplied by the city treasurer before a determination on the deferral shall be made.

3. If the owner ceases to occupy the dwelling during the deferral period, the city treasurer shall foreclose the tax lien on the dwelling immediately.

304-41. City to be Exclusive Buyer of Lands Sold for Taxes. Beginning with the August 1941 city tax sale the city treasurer is authorized and directed to bid in and become the exclusive purchaser of all lands sold for taxes, except such as to which s. 75.67, Wis. Stats., is applicable, for the amount of taxes, interest and charges remaining unpaid thereon, and all such lands shall be struck off to the city of Milwaukee and thereupon the city shall receive in its corporate name a certificate of sale therefore, and shall be vested with the same rights as other purchasers.

304-43. Unredeemed Prior Tax Sale Certificates. The city treasurer shall sell and transfer by assignment any tax sale certificate held by the city to any person holding unredeemed prior tax sale certificates upon the same land; provided, he offers to purchase the city owned certificates for the amount for which the land described therein was sold, with interest thereon at the rate specified in the certificates, but every such sale shall include all the tax sale certificates in the hands of the treasurer on the same lands.

304-45. Authority of City Treasurer. The city treasurer shall be in charge of delinquent tax enforcement consistent with state law and the provisions of ch. 19 of the city charter, of the proper drafting of notices of application for tax deeds upon tax sale certificates owned by the city, obtain the execution thereof by the city clerk and the services thereof, and shall perform such acts as may be required so that the city treasurer, or the county clerk as to city-owned county tax sale certificates, as the case may be, can issue tax deeds. After any tax deed has been issued it shall, with the file pertaining thereto, be submitted to the city attorney for such action thereon as he or she may deem is required.

304-47. Tax Deed Property; Legal Action. Whenever a tax deed shall be issued to the city of Milwaukee as grantee, it shall be the duty of the city attorney, upon request of the city treasurer, to commence and prosecute an action to bar the former owners, and thereafter to furnish to the city comptroller a certified copy of the judgment entered in such action, together with the deeds or disclaimers from persons formerly interested in such property, and to notify the city treasurer and city real estate agent of the entry of such judgment. Upon receipt of such certified copy of judgment and quit claim deeds, it shall be the duty of the city comptroller to transmit the same to the register of deeds for recording.

304-48. In Personam Actions for Delinquent Real Estate Taxes and Other Charges. In accordance with s. 74.53(5), Wis. Stats., the common council waives the duty to specifically approve each in personam action that the city may bring under s. 74.53, Wis. Stats., and waives its duty to send notice to each person against whom such actions may be commenced.

1. PURPOSE. As authorized under s. 74.53, Wis. Stats., this section allows the city to bring in personam actions (actions against the person, not the property) for delinquent real estate taxes, special charges, special assessments and special taxes.

2. DECISION TO BRING ACTION. The city attorney shall review the city treasurer's records regarding delinquencies and determine in his or her discretion whether to commence an in personam action against the parcel owner.

3. LETTER OF NOTICE. The city attorney shall report to the treasurer those parcels where the city attorney in his or her discretion deems that an in personam action is advisable. The city attorney (or his or her collection agent) shall send written notice to the owner or owners of parcels selected as defendants that a decision has been made to commence an in personam action against him or her. The notice shall indicate that if full payment of the amounts recoverable under s. 74.53, Wis. Stats., including interest and penalties is received within 4 weeks from the date of the notice, the action will not be commenced. The notice shall be mailed to the owner at his or her last known address. An affidavit of the city attorney (or his or her collection agent) setting forth the names of the owners for whom an address has been ascertained, giving the addresses and stating that notice was mailed, giving the date of mailing, and stating that no present address was ascertainable for the other owners, shall constitute full compliance with this subsection.

4. COMMENCEMENT OF ACTION. If the owner fails to make full and timely payment as requested in the notice, the city may commence the in personam action.

5. RECEIVER. Upon commencement of any in personam action, the city may request that a receiver be appointed in accordance with s. 74.53(7), Wis. Stats.

304-49. Disposal of City Real Estate.

1. DEFINITIONS. In this section:

a. "Commissioner" means the commissioner of the department of city development.

b. "Development property" means any city-owned parcel that is not neighborhood property.

c. "Local council member" means the common council member in whose district a neighborhood property is located.

d. "Neighborhood property" means any city-owned parcel that is any one of the following:

d-1. An improved residential lot containing 4 housing units or less.

d-2. A vacant residential lot suitable for one or 2 housing units.

d-3. A vacant lot which is not suitable or amenable of improvement because of the size, shape, dimensions, surface or subsurface conditions or other conditions of the lot.

e. "Report" means a neighborhood property disposition report sent to the common council from the commissioner describing all neighborhood property that, in the commissioner's determination, is not being used by the city and is recommended for sale or disposition.

f. "School-purpose property" means any city-owned property used for school purposes that has been deemed underutilized by resolution of the common council.

2. NEIGHBORHOOD PROPERTY REPORT. a. The commissioner shall, from time to time, tender to the common council by letter, a report listing, by aldermanic district, each parcel in the city's inventory of neighborhood property. For each parcel, the following information shall be provided:

a-1. Address.

a-2. Tax key number or numbers, if available.

a-3. Property description, including whether or not the property is improved and, if improved, a brief description of such improvements.

a-4. Parcel size.

a-5. If the parcel is improved, the classification of the property pursuant to par. b.

a-6. If the property is either a vacant lot or an improved property classified as a habitable property pursuant to par. b, the proposed method of disposition of the property.

b. In consultation with the local common council member, the commissioner shall classify each improved neighborhood property in one of the following categories:

b-1. Habitable Property. This property is habitable in its current condition or can be rendered habitable with reasonable effort and funds proportionate to the assessed value of the property. The property shall be marketed to private purchasers for owner-occupancy unless otherwise directed by the common council member in whose district the property is located. If rehabilitation or restoration is required, the property shall not be sold until the commissioner of neighborhood services has approved a rehabilitation or restoration plan for the property and the commissioner of city development has determined that the prospective purchaser has the skills and financial resources to successfully carry out the plan.

b-2. Uninhabitable Property. This property is not habitable in its current condition and cannot be rendered habitable with reasonable effort and funds proportionate to the assessed value of the property. The property shall be designated for demolition or deconstruction and shall not be subject to further disposition action under this section.

b-3. Special Consideration Property. This property is not habitable in its current condition and is unlikely to be restored or rehabilitated by a private purchaser because the scope of work exceeds the amount of work that a private purchaser would reasonably be able to complete. However, the property is worthy of restoration or rehabilitation based on such factors as neighborhood context, architectural characteristics or quality, historic status of the structure or the neighborhood in which it is located, or other relevant factors. Each property in this category shall be further categorized as one of the following:

b-3-a. Restoration Property. This property is suitable and recommended for immediate restoration or rehabilitation by the city, the housing authority, the redevelopment authority or another public entity. The commissioner shall submit to the common council, concerning any property classified as public restoration property, a recommendation as to the source of funds and identity of the public entity that might restore or rehabilitate the property. Classification under this category does not itself impose any duty on any public entity to restore or rehabilitate the property.

b-3-b. Mothballing Property. This property is not suitable for immediate restoration or rehabilitation, but shall be designated for moth-balling or landbanking by the city and maintained in accordance with s. 304-59. Mothballing shall include boarding of windows with Lexan, securing the structure and emergency repairs required to prevent further deterioration of the structure, including but not limited to roof repairs, basic landscaping and exterior site clean-up. A property in this category shall not be subject to further disposition action under this section, but shall be re-evaluated annually to assess any change in circumstances which may warrant a change in its classification.

3. COMMON COUNCIL DIRECTION AFTER REPORTS. The local council member may designate parcels listed on a neighborhood property report located in the local council member’s aldermanic district to be withheld from disposition as provided in the report, removed from marketing restrictions, and/or set aside for notice of conveyance if the conveyance includes financing provided by the city, the housing authority, the redevelopment authority, or the Neighborhood Improvement Development Corporation. The local council member shall notify the ommissioner, in writing timely delivered within 15 calendar days of receipt of the report, of any parcels so designated, and the commissioner shall:

a. Withhold from disposition as provided in the report any parcels so designated by the local council member. The commissioner may dispose of parcels so designated only after common council approval.

b. Remove the restriction to market parcels only to private purchasers for owner-occupancy for parcels so designated by the local council member.

c. Provide notice to the local council member of any proposed neighborhood property conveyance for parcels that include financing provided by the city, the housing authority, the redevelopment authority, or the Neighborhood Improvement Development Corporation if so designated by the local council member, and the terms of the proposed conveyance, as soon as practically possible, but not less than 10 days following execution of the offer to purchase or other purchase and sale agreement by all parties.

4. CITY SALES OF NEIGHBORHOOD PROPERTY. a. The department of city development, under direction of the commissioner, shall, pursuant to this subsection, have authority to advertise and market for conveyance, and to convey, by lease, deed, or other appropriate form of conveyance, all neighborhood property in the report except:

a-1. An improved parcel of neighborhood property which is classified as an uninhabitable property or a special consideration property pursuant to sub. 2-b.

a-2. Any parcel of neighborhood property designated by a member of the common council pursuant to sub. 3, and for which the common council fails to approve the sale of such parcel of neighborhood property.

b. If the department chooses to solicit bids for a neighborhood property, the department shall, at the direction of the common council member in whose district the property is located, prepare a notice which may be mailed by the common council member to each resident and property owner of the circular area having a radius of 500 feet, centered on the property which is to be sold, informing residents and property owners that the city is soliciting offers to purchase the property. The bid solicitation notice shall state that if the resident or property owner is interested in purchasing the property, the resident or property owner should submit an offer to purchase by 10:00 a.m. on the 30th day after the date of notice. If the 30th day falls on a weekend or holiday, the deadline for submitting an offer shall be the next business day. A bid submitted by a resident or property owner within the 500-foot radius who intends to occupy as an owner shall be given first consideration with respect to the purchase of a property. Any person submitting a bid for an improved parcel of neighborhood property that is classified as habitable property shall be able to demonstrate that the person will satisfy the owner-occupancy requirement, unless this requirement has been removed through direction of the council member, and also that the person will submit a restoration plan and demonstrate skills and financial resources to carry out the plan

c. All conveyances shall be for adequate market consideration, as determined by the commissioner or commissioner's designee, which consideration may recognize and value monetary as well as non-monetary consideration, including, but not limited to, public policy considerations of property and neighborhood stabilization, health, safety and welfare concerns, future improvements to or development or remediation of the parcel, returning the parcel to the tax rolls, and promoting home ownership. The commissioner may impose restrictions and remedies in connection with any such conveyance in order to effectuate the transaction, including, but not limited to, deed restrictions requiring home ownership or ownership by property-tax-paying owners, deadlines for commencement and completion of improvements, requiring the combination of the parcel with another or other parcels, requiring the correction of building code violations and satisfaction of orders of the health department and department of neighborhood services, requiring the satisfactory completion of a property rehabilitation or restoration plan required by sub. 2-b-1 and reversionary or other city-protective provisions in the event of breach or default.

4.5. LOCAL COUNCIL MEMBER APPROVAL OF NEIGHBORHOOD PROPERTY SALES. All conveyances of neighborhood property parcels designated as provided in sub. 3-c shall be after and pursuant to approval by the local council member, or failing approval, after and pursuant to common council approval, and the commissioner shall include in marketing materials and other prospective buyer communications that any conveyance of neighborhood property parcels designated as provided in sub. 3-c is subject to approval by the local council member, or common

council approval if the local council member fails to approve the conveyance. The local council member shall act to approve or disapprove of the proposed conveyance within 10 days following receipt of the notification provided pursuant to sub. 3-c. If the local council member does not approve of the proposed conveyance within said 10-day time period, the proposed conveyance may then be submitted to the common council for approval.

5. CITY SALES OF DEVELOPMENT PROPERTY. a. The commissioner may only sell, convey or lease, for a term greater than one year, city-owned development property after and pursuant to council approval.

b. To facilitate common council approval, the commissioner shall provide a due diligence checklist on the proposed sale, conveyance or lease including:

b-1. The commissioner's assessment of the market value of the property.

b-2. Full description of the development project.

b-3. Complete site, operations and landscaping plans, and architect renderings for new construction or redevelopment.

b-4. Developer's development project history.

b-5. Capital structure of the project, including sources, terms and rights for all project funding.

b-6. Projected cash flows for the lease term for leased property.

b-7. List and description of project risk factors.

b-8. Tax consequences of the project for the city.

c. Notwithstanding the foregoing, the commissioner may, without common council approval, lease development property for a term not to exceed one year, provided the commissioner has provided the member of the common council in whose district the development property is located, notice of such proposed lease and a summary of the terms thereof; and either the commissioner receives no objection to the proposed lease from the common council member at any time during the period 15 days following delivery of such notice, or the commissioner timely receives an objection to the proposed lease from the common council member in whose district the development property is located, but such objection is overruled by a vote of the common council approving such proposed lease.

6. CITY DISPOSAL OF SCHOOL-PURPOSE PROPERTY. a. The commissioner shall, upon resolution of the common council, initiate a competitive process to solicit proposals for school purpose-property consistent with the fair and open practices of the department of administration.

b. Responsive proposals shall be evaluated by the commissioner or his or her designee based on considerations that include all of the following factors:

b-1. Purchase price or lease rates, with consideration for redevelopment and environmental remediation costs.

b-2. Financial capacity of the buyer or lessee.

b-3. Project development experience of the buyer or lessee or his or her development team.

b-4. The proposed reuse and quality of the design.

b-5. Neighborhood compatibility and community needs.

b-6. Proposed use of emerging businesses and workers qualifying for the resident preference program.

b-7. Tax consequences of the sale, conveyance or lease for the city and taxpayers, including the impact of the taxpayer share of the Milwaukee parental choice program, if applicable.

b-8. Plans for future use, improvements, development or remediation of the property.

b-9. Other non-monetary or public policy considerations.

c. Following evaluation of all proposals, the commissioner or his or her designee shall submit recommendations for the sale or lease of the school-purpose property to the common council for its consideration and approval.

d. To facilitate common council approval, the commissioner shall provide a due diligence checklist on the proposed sale, conveyance or lease of the school-purpose property including the following information:

d-1. An assessment of the market value of the property.

d-2. A full description of the future use and any proposed development of the property, including preliminary site, operations and landscaping plans, available architect renderings, development risk factors and the developer's development project history.

d-3. Proposed capital structure of the purchase, conveyance, lease or development, including anticipated sources, terms and rights for all funding.

d-4. Projected cash flows for the lease term for leased property.

d-5. Tax consequences of the sale, conveyance or lease for the city and taxpayers, including the impact of the taxpayer share of the Milwaukee parental choice program, if applicable.

e. Before proceeding with the final negotiated disposition of any school-purpose property, the commissioner shall provide the common council with a due diligence checklist list, as specified under par. d, for the final negotiated disposition, if the final negotiated sale, conveyance or lease of the school-purpose property differs materially from the proposed property disposition previously provided to the common council under par. d.

7. GARDEN PERMIT LEASES. Annual leases, for no more than the growing season, of neighborhood property, may be issued to individuals by the department of neighborhood services in order to permit such individuals to plant and cultivate a garden thereon.

8. ALL SALES. The city of Milwaukee adopts ss. 62.22(1) and 62.23(17) Wis. Stats., pursuant to the council's authority under s. 62.03(2) Wis. Stats. Pursuant to those provisions, and to s. 62.11(5), Wis. Stats., and s. 4-10 of the city charter, sales and conveyances authorized hereby may be to designated persons or entities for adequate fair market consideration which consideration may recognize monetary as well as non-monetary consideration, including, by not limited to, those public policy and other considerations referred to in sub. 4.

9. GENERAL BUYER POLICIES. Notwithstanding the foregoing, unless otherwise authorized by a vote of the common council, the city shall not convey development property or neighborhood property to any person or entity ("grantee") unless the commissioner determines that the grantee has the skills and financial resources needed to successfully carry out the property rehabilitation or restoration plan required by sub. 2-b-1, if applicable, and without first obtaining such grantee's warranty that neither the grantee nor any principal of the grantee is:

a. Delinquent in the payment of any property tax, special assessment, special charge or special tax to the city.

b. A party against whom the city has an outstanding judgment.

c. A party against whom the city has outstanding health or building code violations or orders from the city's health department or department of neighborhood services that are not actively being abated.

d. A party who has been convicted of violating an order of the health department or department of neighborhood services within the past year.

e. A party who owned property in the city that, at any time within the past 5 years the city acquired by means of property-tax foreclosure.

f. A party who has been convicted of a felony determined by the commissioner to reasonably cause neighborhood or community concern with respect to neighborhood stability, health, safety or welfare. In making this determination, the commissioner may consider factors such as the nature of the crime, the date of conviction and the existence and nature of community impact and complaints.

10. DEED SIGNATURES. The commissioner or designee is authorized to sign deeds and instruments of conveyance and related documents such as, without limitation, a release of deed restriction on behalf of the city with respect to conveyances authorized hereunder.

11. RECORDING OF DEEDS. All deeds for conveyances authorized hereunder shall be recorded by the department of city development with the Milwaukee county register of deeds office within 7 business days of closing, and the grantee shall pay the cost of recording. Alternatively, a title insurance company, a lender or the grantor's or grantee's attorney may record the deed so long as such party agrees to meet the time period for recording required hereunder.

12. SALE PROCEEDS. The net proceeds from the sale of city-owned real estate acquired through property-tax foreclosure, other than rental proceeds, shall be credited to the reserve for tax deficit fund.

13. NO TAX EXEMPTION. All deeds of conveyance for development property shall contain a permanent restriction prohibiting the grantee and all subsequent owners from applying for an exemption from real estate taxation for such development property pursuant to s. 70.11, Wis. Stats., unless otherwise approved by a two-thirds vote of the common council.

14. PROPERTY NOT AFFECTED. This section shall not affect or apply to the following:

a. Property owned or controlled by the board of harbor commissioners.

b. Leases of neighborhood property pursuant to sub. 7.

304-50. Vacation of In Rem Judgment. Where the city has obtained an in rem judgment pursuant to s. 75.521, Wis. Stats., the city attorney's office shall be directed to petition the court on an ex parte basis to reopen and vacate the city's judgment only where the following requirements have been complied with:

1. The former owner of record, or any person having any interest of record with the consent of the former owner of record, has submitted a written request to the city treasurer on a form provided by the city treasurer to have the in rem judgment vacated. No written request to proceed under this section may be submitted for consideration to the common council if any of the following is true:

a. More than 90 days have elapsed from the date of entry of the in rem judgment to the date of receipt of the request by the city treasurer

b. The city treasurer has determined, based on consultation with the department of city development, that the city has accepted an offer to purchase the property.

c. The requester does not have any interest of record in the property.

2. The written request shall identify the property address, the property's tax key number, the name and mailing address of the applicant, and the applicant's interest in the property. The written request shall be consented to and signed by the former owner of record if the requester is not the former owner, unless the former owner is deceased or cannot be located following diligent search and inquiry. It shall also include a list of all other real property in the city in which the former owner has an ownership interest. The common council may, in its discretion, waive the requirement that the former owner of record consent to the applicant's request if the common council finds that it is in the city's best interest to do so.

3. Prior to submittal of the written request to the city treasurer, the requester shall have paid to the city treasurer in cash or by cashier's check deposits of administrative costs of the various city departments. The requester, if the former owner of record, shall also have filed an application to record the subject property and any other unrecorded properties with the department of neighborhood services, as required in s. 200-51.5.

4. The former owner of record or person having an interest of record may request not more than once to have the in rem judgment vacated on the subject property.

5. The city treasurer shall date stamp, upon receipt, all written requests to proceed under this section and then forward all requests which are timely received to the city clerk along with a written report which indicates: the amount of unpaid taxes, charges, interest and penalties due on the subject properties; whether the administrative and overhead costs of the various city departments have been paid; and the status of tax payments for all other properties located in the city in which the former property owners have an ownership interest and which identifies any other costs incurred or to be incurred by it with respect to the properties. The city clerk shall, upon receipt of the completed written request forms and the written report from the city treasurer, introduce a common council file no later than the next regular meeting and notify the city attorney's office, city treasurer's office, department of city development, the department of neighborhood services and the health department in writing at the time of such introduction that a request has been made to proceed under this section. Those departments from which reports are due shall provide those reports to the city clerk within 15 working days. An extension of the 15-day period may be granted by the city clerk upon receipt of a written request submitted by the reporting department.

6. The department of neighborhood services has submitted a written report to the city clerk verifying whether any of the properties is subject to raze orders issued pursuant to s. 218-4, indicating what if any orders to correct condition of premises have been issued by the department, and listing total costs incurred or to be incurred by it with respect to each property.

7. The department of city development has submitted a report to the city clerk which: indicates whether any of the properties is located in an existing or planned project area; whether any is suitable for any public program or use; identifies occupied parcels; lists total costs incurred or to be incurred by it with respect to each property, including but not limited to repair costs, razing charges, expenses associated with environmental matters and property management; identifies occupant, lease and personalty issues or concerns, if any; and identifies known acquisition interest by others, if any.

8. The health department or the department of neighborhood services has submitted a written report to the city clerk verifying whether any of the properties is subject to a nuisance notice issued by the department, and which lists total costs incurred or to be incurred by it with respect to each property.

9. Upon receipt of all of the required reports, the city clerk shall submit a coordinated report to the appropriate committee of the common council, and the common council shall make the final determination whether any of the properties should be returned to their former owners. The coordinated report shall include, on a per property basis, the total costs and expenses reported by each of the reporting departments, as well as total costs and expenses reported to the city clerk by any other city department or agency concerning the properties.

9.5. The common council, in its discretion, reserves the right to disapprove vacation of an in rem judgment as to any property. The common council may, in its discretion, condition its approval of vacation of an in rem judgment. Conditions may include, among other things, owner acceptance, without claim, of city disposition of personalty, as allowed by state or local law.

10. If vacation of the city's foreclosure judgment is approved by the common council, then the requester shall, within 30 days of the date of the resolution of the common council approving the vacation of the judgment and the return of the subject property to the former owner, pay to the city treasurer by cash or cashier's check, the city's total costs associated with the property, which shall include: costs reported to the common council; all costs incurred by the city with respect to the property through the date of vacation of the city's judgment; all city and county taxes, assessments and charges including interest and penalties through the date of the vacation; and all administrative and overhead costs, including but not limited to, administrative and overhead costs incurred by the reporting departments beyond those costs already paid under sub. 3. This amount shall be the amount needed to redeem the property and may be ascertained by the requester contacting the treasurer's office.

11. Any rental income collected by the city shall not be applied against the total amount due to the city for the redemption of the property.

12. If the requester withdraws the request after submitting it to the city treasurer or if the request is denied, the city may retain all or a portion, as the city determines, of the administrative fees paid under sub. 3 to defray the city's cost of processing the request.

13. If the requester fails to make full payment of the total amount due the city within 30 days of the date of the resolution approving return of the subject property, all deposits made by the requester shall be forfeited, and the common council's approval of the return of the property shall be null and void.

14. If each of the requirements of subs. 1 to 13 has been satisfied, the city attorney's office shall petition the court on an ex parte basis to reopen and vacate the city's judgment with respect to the subject property (on a nunc pro tunc basis to the date of the filing of the petition for foreclosure) so that title to the same may be restored to the former owner, and the city attorney's office shall cause the order from the court so vacating the judgment nunc pro tunc to be filed with the register of deeds office in Milwaukee county.

304-53. City Treasurer to Acquire Tax Certificates. Upon receipt of notification of entry of judgment declaring the city to be the owner in fee simple under tax deed:

1. TO CANCEL CERTIFICATES, ETC. It shall be the duty of the city treasurer to cancel all tax certificates held by the city against the property described in such deed and to charge the amount thereof to a special account to be made and kept of the "tax certificates of the year _____ on property acquired by tax deed" and to credit the amount of such charge to the account kept of the tax certificates in force for such year, so as to segregate the cancelled certificates from the record of certificates in force.

2. TO PAY COUNTY TAXES, ETC. It shall be the duty of the city treasurer, or of any department cooperating with him in the enforcement of delinquent tax certificates, to pay out of any funds theretofore appropriated for such purpose all outstanding county taxes, or redeem outstanding county tax certificates on the property so acquired not theretofore paid or redeemed in connection with the taking of the tax deeds, and the officer or department making such payment shall notify the city real estate agent of the amount thereof.

304-55. Examination of Tax Sale Property. The commissioner of the department of city development, subject to any resolutions which may be adopted by the common council, shall, from lists furnished by the city treasurer, examine from time to time the improvements upon land as to which the city is owner of tax sale certificates, and report such conditions as may be considered by the commissioner to be unusual, to the city treasurer.

304-57. Tax Deed Property Reserve Deficit Fund. 1. TAXES AND EXPENSES. Whenever a parcel of land acquired by tax deed is subsequently sold by the city, the city comptroller shall first deduct from the said proceeds the fair amount of the cost of acquisition of said tax title, including the costs, disbursements, advertising and all other expenses including expense of drawing and serving papers, commencing suits, entering judgment and an amount equal to the apportioned cost to be determined by the city comptroller of prosecuting such actions, including costs of supplies and clerical support. Said sums shall be credited to the funds as provided in s. 304-63. From the remaining proceeds, the city comptroller shall deduct the statutory share to which a former owner may be entitled, and make disbursements as determined pursuant to s. 75.36(2m)(3), Wis. Stats. The city comptroller, with the advice of the city attorney, shall deposit the balance, if any, in the tax deed property reserve deficit fund to reimburse that fund for the amount of uncollectible tax that has been charged against said parcel of land.

2. ROTARY LEGAL FUND. A rotary legal fund to be administered by the city attorney is established to be known as the delinquent tax litigation fund to defray the cost and expense of all litigation for the acquisition of tax titles by the city growing out of uncollectible taxes.

3. STENOGRAPHIC HELP. The city attorney is authorized to appoint and employ stenographers from the civil service list as in his judgment may be necessary to carry out the purposes outlined in this section.

4. AMOUNT IN ROTARY FUND. This fund shall be kept at $2,500 and shall be set up by an initial withdrawal of said amount from the reserve for tax deficit fund as at present constituted and subsequent withdrawals from said fund to replenish said rotary fund to said amount.

304-63. Rotary Tax Deed Improvement Fund. There is established out of the reserve fund for tax deficit fund a rotary tax deed improvement fund which shall be kept at $500 and shall be set up by an initial withdrawal of such amount from the reserve for tax deficit fund as at present constituted and by subsequent withdrawals from said fund to replenish said rotary fund to such amount. Payment for such repairs and operationand maintenance, except as herein otherwise provided, shall be made upon vouchers of the commissioner of the department of city development in all cases where the expenditure for repairs is to be $200 or less, for operation and maintenance is to be $200 or less, at any one time, and where more, by directions of the common council. Payment for such insurance shall be made out of such rotary fund upon voucher of the commissioner. Payment for such

materials, labor, supplies, fuel and equipment shallbe made out of said fund upon voucher of the central board of purchases where the expenditure at any one time is to be $200 or less and where more, by directions of the common council.

304-65. Requirements for Bonds. Whenever bonds are authorized to be issued by any ordinance of the common council under the authority of ch. 67, Wis. Stats., as amended, the commissioners of the public debt shall procure in proper time the requisite number of forms for the same by means of competitive bidding limited to recognized and responsible bank note companies through the central board of purchases in accordance with s. 16-05, charter. Such forms shall show on their face all the statements required to be shown on the face of such bonds by ch. 67, Wis. Stats., as amended, and by ss. 15-04 and 15-06 of the city charter. Each of such forms shall show the amount of the principal of the bonds for which the same is to be issued, the rate of interest, the date of issue and the time when the same is to mature. The aggregate cost of issuing such bonds and marketing same shall be paid from the proceeds of the bond sale, or deducted from same and the project accounts credited with the net proceeds of the sale or sales.

304-67. Form of Bond and Note Prescribed. The commissioners of the public debt shall prescribe the form of bonds and notes issued under the provisions of ch. 67, Wis. Stats.

304-69. Bonds; Signature. In addition to the requirements otherwise provided by law, all bonds and notes shall be signed by the comptroller, and shall be attested by the commissioners of public debt, whose imprinted facsimile signatures shall appear thereupon.

304-71. Requirements for Approval of Bonds.

1. FORM AND EXECUTION. Notwithstanding any other provisions, whenever the city attorney's office shall be called upon to approve a bond as to form and execution, the following requirements shall be demonstrated to the satisfaction of the city attorney's office before such bond shall be approved as to form and execution:

a. The bond shall be signed by the principal and the surety and, if a corporation, by its authorized officer or officers or authorized agent.

b. A certificate of compliance with the state law or authorization to do business in Wisconsin by the surety shall be attached to each bond or be on file in the office of the city attorney.

c. In the event a bond is executed on behalf of the surety by an agent or attorney in fact, a certified copy of the power of attorney or authorized agent must be attached to the bond or be on file with the city attorney's office.

2. CITY ATTORNEY'S APPROVAL. Bonds shall be presented to the city attorney's office in a timely fashion so that there shall be adequate time to examine the bond with respect to its form and execution. Failure to present such bonds within a reasonable time to afford the city attorney's office an adequate opportunity to examine into the form and execution thereof shall be a basis for the city attorney's office to refuse to approve the bond as to form and execution.

3. DEFINITIONS. Wherever the word "form" is used with respect to approval as to form and execution, the same shall not refer to the subject matter or the provisions or substance of the document, but merely to the manner in which it is drawn. Wherever the word "execution" is used with respect to approval as to form and execution, the same shall not refer to delivery or acceptance, but only to signing.

4. BOND NOT APPROVED. The city attorney's office is authorized to refuse to approve a bond as to form and execution if, in its judgment, such bond may present any legal question whatsoever as to its proper form, execution or validity.

304-81. Grant Projects and Programs.

1. DEFINITIONS. In this section:

a. "Capital grant" means a grant whose funds are restricted by the grantor for the planning, acquisition or construction of fixed (capital) assets.

b. "City share" means the difference between total grant costs and grantor eligible costs. "City share" may be required or non-required match. A required match is project costs incurred but not eligible for reimbursement and required by grantor agreement for matching purposes.

c. "Costs" means costs as defined in federal management circular A-87 or its successor, cost principles applicable to grants and contracts with state and local governments. These costs are further defined in the city's object code for expenditures maintained by the city comptroller.

d. "Eligible costs" means total costs in which the grantor and grantee agree to participate.

e. "Grant" means a contribution or gift of cash or other assets from any entity (governmental, profit or nonprofit) to be used or expended for a specified purpose, activity or facility excluding developer out-of-program agreements.

f. "Grantor eligible costs" means all costs (both direct and indirect) which are eligible and approved by the grantor for reimbursement or match under grant agreement, regulations and guidelines.

g. "In-kind match" means that portion of the city share of a grant which consists of city expenditures related to the attainment of the grant objectives which are typically budgeted with existing departmental operating funds whether or not a grant is involved and which are of a continuing nature, having existed prior to the grant and expected to continue after the grant is completed. An "in-kind" match may also include a contribution to a grant from a non-city source.

h. "Operating grant" means a non-capital grant whose funds are restricted for a specified purpose or program.

i. "Out of pocket match" means additional nondepartmentally budgeted funds (cash or borrowed funds) and includes funds provided by the city for major street and bridge improvements.

j. "Program income" means income as defined in the federal office of management and budget (OMB) circular A-102 or its successor or as specified by the grantor agency.

k. "Total costs" means all costs (both direct and indirect) to be incurred during the grant project period, regardless of eligibility for grant reimbursement.

2. ANNUAL CITY BUDGET.

a. Central Grant Parent Accounts.

a-1. The annual budget is to be prepared in accordance with procedures as prescribed by the department of administration. City-wide grant parent accounts shall be included in the grant fund and capital improvement fund. The following parent accounts will be created for each fund as follows:

a-1-a. Grant fund parent account (operating grants): Grantor share; City share out-of-pocket.

a-1-b. Capital improvement fund parent account (capital grants): Grantor share; City share required or nonrequired match borrowing/cash.

a-2. No appropriation transfers shall be made from these parent accounts unless the creation of a grant account is first approved by common council resolution and the city receives a grant award. The city out-of-pocket share will additionally be budgeted for tax levy purposes in a special purpose account of the general fund.

a-3. The central grant parent accounts shall include the funding (expenditure authorization) for the total cost of the grant to be implemented by the city during the calendar year and a sum for unanticipated grants.

a-4. The appropriation for the central grant parent accounts shall not be itemized on a project by project basis for the coming budget year. The budget document will provide summary parent account totals. Details of the prior year's expenditures for grants are shown in the single audit act supplemental financial report.

b. Budget Submittal and Review.

b-1. Operating Grants.

b-1-a. Each city department shall submit to the department of administration on form BMD-28 or its successor its requests for operating grant projects to be funded during the next budget year. These requests shall be analyzed by the department of administration and shall be aggregated into the total budget request for operating grant projects.

b-1-b. Each city department shall notify the department of administration of any potential grants which are not budgeted but may occur during the next budget year. This information will be used to insure that the amount budgeted in the grant parent accounts is sufficient for all grants received during the year.

b-1-c. The operating budget form BMD-2 or its successor shall be prepared and reviewed by the department of administration according to budget procedures.

b-1-d. The city comptroller shall review the BMD-28 forms or their successors for reasonableness and submit a communication to the department of administration, indicating concurrence or disagreement with the requests, including necessary revenue estimates.

b-2. Capital Grants. Each city department shall submit to the department of administration capital request form BMD-100 or its successor its program or project requests for capital grants, to be funded during the next budget year. These requests will be analyzed by the department of administration, and shall be aggregated into the total grant budget request for capital grants.

b-3. Time Table. The budget submittal and review shall be performed within the budget timetable as published by the department of administration.

c. Departmental Operating Budgets.

c-1. Positions authority shall be included with funds, on a line by line basis, for grant-related positions other than "in-kind", which are required by existing grant agreements or contracts. An

amount equal to the sum of the salaries for all grant positions included in each organization shall be entered as an offsetting deduction on the line "grants and aids" deduction. Such positions shall be identified in the budget under an appropriate caption identifying the grant project. Definite termination date notations for each position, to coincide with or approximate the period of the grant, shall also be included in the budget and companion positions ordinance. This subdivision applies to those grant-related positions which were not in existence prior to the receipt of the original grant nor are expected to continue after the grant project is completed.

c-2. In-kind match positions will be shown in the normal manner with positions authority and funding. No deductions will be made from the departmental budget for in-kind match positions. Other in-kind match expenditures (supplies, materials and services) will also be budgeted in the normal manner and no deductions will be made from the departmental budget for these anticipated expenditures. Such in-kind match expenditures are to be budgeted for the calendar year rather than for the period of the grant.

c-3. The out-of-pocket match and the grantor eligible costs shall not be included in departmental budgets. These appropriations (expenditures) will be authorized in a central special purpose account rather than in the budgets of implementing departments. Departmental expenditures involving the out-of-pocket match or the grantor eligible costs shall be incurred through direct charge specified in sub. 6-b.

c-4. Equipment purchase authorization by grants shall not be included in departmental operating budgets unless it is an in-kind contribution.

c-5. Pension and other fringe benefit costs related to grants, whether they are to be financed by the city or by the granting agency, shall be included in the normal account used for funding each centrally budgeted fringe benefit. That portion of such costs that is to be financed by the granting agency shall also be included in the respective grant parent account and be offset in the city's general revenues by inclusion of appropriate revenue items by the city comptroller to avoid a tax levy impact.

3. INDIVIDUAL GRANT BUDGET.

a. Classification. The classification of a grant as either capital or operating shall be the determination of the city comptroller in accordance with generally accepted accounting principles (GAAP). This determination is to be prior to common council approval of a grant.

b. Operating Grants.

b-1. Budgets shall be itemized into the following cost categories in accordance with the city expenditure accounts:

b-1-a. Personnel-direct labor (0060XXXX) and labor related (0060XXXX).

b-1-b. Fringe benefits (00618XXX).

b-1-c. Operating expenditures (0063XXXX).

b-1-d. Equipment (00680XXX through 00689XXX).

b-1-e. Indirect costs on applicable direct costs as defined by the city comptroller.

b-2. The budget costs listed under subd. 1 shall also be categorized by source of funding as follows

b-2-a. Grantor eligible costs.

b-2-b. City share-our-of-pocket.

b-2-c. City share-in-kind.

c. Capital Grants. Individual grant budgets for capital grants shall be submitted with the authorizing resolution and approved therein.

c-1. Budgets shall be itemized into the following costs:

c-1-a. Administrative expenses, including indirect costs.

c-1-b. Acquisition costs.

c-1-c. Relocation expenses.

c-1-d. Demolition expenses.

c-1-e. Public improvement costs.

c-1-f. Equipment costs.

c-1-g. Disposition costs.

c-1-h. Environmental study and clean-up costs.

c-1-i. Miscellaneous (contingencies).

c-2. Costs listed under subd. 1 shall also be categorized by source of funding as follows:

c-2-a. Grantor eligible costs.

c-2-b. City share - out-of-pocket (borrowing/cash).

c-2-c. City share - in-kind.

d. Instructions.

The city comptroller, in cooperation with the department of administration, shall prepare procedural instructions for the preparation of individual grant budgets. These instructions shall include as a minimum definitions of detail costs and standardized budget forms.

4. FUNDING INDIVIDUAL GRANTS. All grants except those involving amounts not exceeding $20,000 and which do not require city share out-of-pocket matches shall comply with the following procedures:

a. All resolutions relating to operating and capital grants shall be introduced by the administering department to the common council for approval.

b. No department may apply for grant funds without prior approval by the mayor. Common council resolutions for grants shall be required prior to acceptance of funding. No department may accept grant funds without the prior approval of the appropriate resolution by the common council.

c. Departments shall prepare and submit a grant analysis form to the department of administration for review prior to submitting the material listed in par. d. The grant analysis form is required for all new and continuing operating grants. Departments seeking approval of capital grants that have not been included in the current budget are also required to provide this information.

d. The following documents shall be submitted to the city clerk's office by the published deadline prior to introduction at a meeting of the common council:

d-1. Resolution.

d-3. Grant budget form, except for major street and bridge improvements.

d-4. Grant analysis form, if applicable

e. Departments shall be responsible for submitting a letter to the department of employe relations relative to the level or rate of pay for new positions.

f. The department of administration shall be responsible for development of a standard common council resolution format for grants which complies with the format requirements of the city clerk's office. This format shall include, but not be limited to, source of grant funds, grant purpose, funding, travel authority, equipment authorization, initial positions authorization including expiration dates and private automobile reimbursement eligibility. The city comptroller shall review and approve the standardized format and any variances from the standardized format before the resolution is heard by the appropriate committee of the common council.

g. The department of public works shall be responsible for the development of a standard common council resolution for major street and bridge improvements. The department of administration and the city comptroller shall review and approve the standardized format and any variances from the standardized format.

h. Quarterly Report. Administering departments shall on a quarterly basis prepare and submit to the division of budget and policy reports relating to the acceptance of any grants not required pursuant to this subsection to comply with the provisions of this subsection. From the departmental reports, the division of budget and policy shall on a quarterly basis prepare and submit a single, coordinated report to the common council and city comptroller.

i. The department of administration shall on a monthly basis provide to the city clerk a list of grants for which departments have been approved by the mayor to apply.

5. GRANT ACCEPTANCE AND ESTABLISHMENT OF GRANT ACCOUNTS. All grants including those involving amounts not exceeding $20,000 and which do not require city share out-of-pocket matches shall comply with the following procedures:

a. Upon award and acceptance of a grant, a copy of the grant agreement and grantor approved budget shall be sent to the city comptroller.

b. The administering department shall designate a coordinator for each grant project or program and notify the city comptroller. The city comptroller shall notify the administering department of the staff person in the comptroller's office responsible for each grant.

c. The administering city department shall prepare amendments to the original resolution prior to the execution of the grant award if:

c-1. The purpose of the grant is significantly changed.

c-2. The amount of city share - out-of-pocket changes from that specified in the original resolution.

c-3. The amount of city share increases by more than 10% of the total cost or $5,000, whichever is greater.

c-4. The total grant exceeds that originally specified by more than 10%.

c-5. The ratio of out-of-pocket match to grant increases from that specified in the original resolution.

c-6. Position authority is changed from that originally approved.

d. Individual grant accounts shall be established by the city comptroller with the concurrence of the administering department to provide for accounting of grant costs consistent with the grant budget and city accounting policies. The city comptroller shall be responsible for the accounting system to be used for a grant project.

e. Prior to the start of the grant period, the department of employe relations shall notify the city comptroller that grant funded positions as proposed and authorized in the grant resolution have been reviewed and that the rates of pay are consistent with other city positions performing similar duties or are reasonable for the responsibilities and duties proposed.

6. EXPENDITURE OF GRANT FUNDS AND GRANT FINANCIAL REPORTING.

a. Expenditure of grant funds shall be in accordance with the grant agreement, grantor approved budgets and city policies.

b. Expenditures shall be charged directly to the grant accounts and shall be coded to the city's expenditure code for expenditures as maintained by the city comptroller. The accounts established by the city comptroller shall be the official financial records for grants. The city comptroller shall review and approve specialized transaction coding to meet individual grant accounting and reporting requirements. Any variance from these procedures shall be approved by the city comptroller.

c. City share - in-kind match costs (exclusive of indirect costs) shall be charged to the grant in-kind performance submeasures as established by the city comptroller.

d. The acquisition of materials, supplies, equipment and contracts shall be in accordance with procedures established by the central board of purchases or its successor and grant procurement regulations. Equipment variances shall be approved in accordance with s. 18-10, city charter. Copies of these approvals shall be forwarded to the city comptroller.

e. Expenditure of grant funds for travel shall be limited to 110% of the amount specified in the grant budget submitted with the authorizing resolution if approved by the grantor. All travel expenditures shall be in accordance with city travel policies.

f. The administering city department shall be responsible for the preparation of grant activity reports, if required, relating to the meeting of goals and objectives of the grant. Copies of the final reports, if required by the grantor agency, are to be sent to the city comptroller, the department of administration and the legislative reference bureau.

g. Financial reports for grants shall be prepared and submitted by the administering department in accordance with the grant agreement and regulations after review by the city comptroller. The city comptroller shall establish a grant billing cycle based upon the city's accounting periods which is to be used in meeting grant fiscal reporting requirements. All fiscal reports shall agree with the grant accounts as maintained by the city comptroller. Reconciliation shall be provided to the city comptroller for reports not agreeing with the official grant accounts. Copies of all financial reports shall be sent to the city comptroller.

h. All draw requests or requests for reimbursement shall name the treasurer, city of Milwaukee, as payee. The grantor shall be instructed to send all checks or wire funds to the city treasurer. The city comptroller and city treasurer shall develop procedures for the recording of the receipt of grant funds.

i. If the grantor authorizes the use of program income earned during the grant period, the city comptroller is authorized to transfer additional appropriations and estimated revenues for the amount of program income consistent with the grant award up to 10% of the original award. If program income is not required to be used for the grant, or returned to the grantor, it shall be transferred to general city revenue at the city's fiscal year-end.

7. BUDGET MODIFICATIONS AND COST OVERRUNS AND DISALLOWED COSTS.

a. The administering department shall be responsible for obtaining grantor approval of line budget modifications when required and transmit the amended budget and approval to the city comptroller.

b. The administering department shall notify the grantor and the city comptroller if the grant cannot be completed within the original budgeted amount or time period. A request shall be made to the grantor for participation in the estimated cost overrun and time extensions prior to the request for additional city funding. The department shall not incur costs in excess of the amount authorized unless approved by the grantor and the common council.

c. The administering city department shall be responsible for obtaining the appropriate funding for estimated project overruns and costs disallowed by the grantor agency.

d. To permit a reasonable flexibility in variances between actual costs and estimates:

d-1. Expenditure charges to a grant for out-of-pocket match shall be permitted to exceed the original appropriation for these costs by not more than $1,000 providing sufficient funds are available in the grant parent account and a transfer has been approved in accordance with s. 18-10, city charter.

d-2. If expenditures charged to a major street and bridge improvement grant exceed the amount authorized for city share by 10% of the total cost or $5,000, whichever is greater, but not to exceed $150,000, the administering city department shall request additional authorization from the budget and management division in accordance with s. 18-10-6, city charter. The city comptroller is authorized and directed to make the approved transfers.

d-3. If an increase in a major street and bridge improvement grant's cost is within the 10% or maximum $150,000 limit, a transfer of funds request shall be sent to the comptroller's office.

d-4. If an increase in a major street and bridge improvement grant's cost is greater than the 10% or maximum $150,000 limit, a shortfall resolution shall be submitted to the common council to authorize the increase in the project's cost.

d-5. The provisions of par. d shall also apply to all previously approved grants.

8. ANNUAL APPROPRIATION CARRYOVERS AND GRANT CLOSEOUTS.

a. For each grant that has not been completed, the year end balance in the grant appropriated to a department shall carry forward in accordance with common council resolution to the next budget year. The carrying over of unexpended funds shall be limited to 3 years from the year in which the funds were appropriated, or, as provided by law. An operating grant exceeding this term shall be refunded through a separate resolution.

b. The administering city department shall obtain formal grant extensions from granting agencies. Copies of these extensions shall be forwarded to the city comptroller upon receipt. Grants without formal extensions shall be closed out in accordance with the grant expiration date per the grant agreement.

c. A grant account shall be considered complete when the term of the grant has expired and a 120-day closeout period has elapsed. All grants shall be closed out in accordance with grantor regulations. The closeout period shall not exceed 120 days from the grant expiration date.

d. The grant parent accounts may be carried forward to subsequent years by appropriate common council action.

9. GENERAL POLICY STATEMENTS.

a. Indirect costs shall be included as a grantor participating cost when permissible under the grant regulations. The decision to exclude indirect costs from grant or participating costs shall rest with the common council.

b. The community development agency was authorized and directed to coordinate the implementation of activities conducted as a part of the city of Milwaukee's community development plan by resolution file number 74-92-e, adopted on October 8, 1974. In conjunction with these responsibilities, the community development agency developed procedural guidelines for the community development block grant program which were adopted by common council resolution 74-92-5v on April 10, 1979. These guidelines shall remain in effect with the exception of the line in section V(A) referring to capital improvements guidelines. The department of administration or its successor shall continue to provide guidelines for the community development block grant program provided that any changes to the guidelines are approved by the city comptroller and any other interested city department prior to their submission to the common council. This is to insure that the provisions of this section are followed as much as practicable.

c. The city comptroller in cooperation with the department of administration shall develop procedural instructions after consultation with affected city departments to implement the provisions of this section.

304-91. Expenditure of Funds to be Reimbursed by Greater than Anticipated Revenues.

1. DEFINITIONS. In this section:

a. "Reimbursable expenditure" means the cost of departmental labor, materials or services not currently appropriated in that department's budget, the provision of which generates greater than anticipated revenue.

b. "Greater than anticipated revenue" means a revenue generated by a reimbursable expenditure which is greater than the revenue anticipated therefrom in the current year's budget.

2. GENERAL POLICY STATEMENT. Section 18-06-2 of the city charter provides that whenever a department is reimbursed for materials or services furnished and the funds so received are not by law credited to some particular fund, the department may spend money so received for the same purpose for which the money was originally appropriated in the budget. Section 925-130a, Wis. Stats. (1919), provides

authority for temporarily funding such reimbursable expenditures. In accordance with s. 925-130a, Wis. Stats. (1919), general city funds may be temporarily transferred to a special purpose account, reimbursable services advance fund, in anticipation of estimated revenues to be applied to such fund.

3. APPROPRIATION AND EXPENDITURE OF FUNDS TO BE REIMBURSED BY GREATER THAN ANTICIPATED REVENUE.

a. The expenditure of funds to be reimbursed by greater than anticipated revenue shall occur only after the common council provides the necessary appropriation authorizing budgetary and expenditure authority.

b. The authorizing resolution shall include an estimate of expenditures to be reimbursed by greater than anticipated revenue, and an estimate of greater than anticipated revenue. The estimate of greater than anticipated revenue shall be equal to or greater than the estimate of expenditures to be reimbursed and shall be certified by the comptroller in the authorizing resolution.

c. Upon introduction, the city clerk shall refer the authorizing resolution to the comptroller's office to obtain the original signature of the comptroller which certifies to the greater than anticipated revenue amount. The following language shall be included in any resolution that authorizes reimbursable expenditures that are funded by greater than anticipated revenue pursuant to s. 304-91:

Pursuant to s. 304-91, I hereby certify that the money required for this item is anticipated to be realized on or before 12/31/xx to be expended only for the purpose(s) in this resolution.

_____ _____

Comptroller Date

d. Upon adoption of a common council resolution authorizing appropriation of funds from the reimbursable services advance fund to a department for expenditure, the comptroller shall advance funds from the general fund consistent with the authorizing resolution.

e. Expenditures are to be in accordance with prescribed city policies and procedures.

4. DOCUMENTATION. Prior to introduction of a resolution referenced in sub. 3, city departments requesting expenditure authority for reimbursable expenditures shall submit documentation in support of estimates for expenditure and greater than anticipated revenues to the budget and management division and provide copies to the comptroller.

304-93. Tax Incremental Districts-Authorized Funding. 1. PURPOSE. This section is enacted to provide for common council review and approval of expenditures of city funds for any tax incremental district.

2. CITY AUTHORIZED FUNDING.

a. In the resolution creating a tax incremental district, the common council shall specify the amount of city funds authorized to be spent to implement the project plan.

b. Effective May 15, 2005, a tax incremental district shall have an authorized funding amount equal to 110 percent of the sum of funding not exceeding $1,000,000 explicitly authorized by resolutions for that district. Nothing in this paragraph shall cause the withdrawal of funding that has been released for a tax incremental district prior to May 15, 2005.

3. FUNDING RESOLUTIONS. A resolution authorizing funds to be expended for a tax incremental district shall contain within the body of the resolution the explicit amount of funds authorized to be expended. Unless the resolution states the amount is in addition to amounts previously authorized, the funding amount shall be deemed to be the new limit on total city funding for that tax incremental district. The city comptroller shall define and add to the resolution the funding amount to cover financing expenses.

4. PROCEDURE FOR INCREASING FUNDING. The expenditure of city funds for a particular tax incremental district in excess of amounts previously authorized for a district shall occur only after common council adoption of a resolution authorizing additional funding, as follows:

a. The department of city development determines that city expenditures for a tax incremental district may exceed those authorized for the district.

b. The department of city development verifies that sufficient budget authority is available to provide additional city funds.

c. The department of city development provides a projection, prepared within the past 18 months, of tax incremental revenues and an analysis of their ability to cover anticipated project costs, including financing costs as defined by the city comptroller.

d. An authorizing resolution shall contain a recital that enumerates:

d-1. Tax incremental district plan's estimate of total tax incremental district expenditures.

d-2. Department of city development's estimate of total tax incremental district expenditures.

d-3. Total authorized expenditures after adoption of the resolution.

e. An authorizing resolution is introduced that includes the information, and complies with the provisions, in paragraphs a to d.

f. Upon adoption of an authorizing resolution by the common council and a request by the department of city development, the comptroller shall release the requested amount of authorized funds for the tax incremental district.

5. ANNUAL REPORT. The city comptroller shall submit its annual TID audit and together with the department of city development shall submit annually to the common council no later than August 1 a report and summary of the status of all tax incremental districts, detailing the amount of expenditures, accomplishments in such districts, projections as to when the districts will be closed out, and the percentage of allowable debt each district represents.

304-95. Tax Incremental Districts - Inclusion of Street-Paving Costs in Project Plans. 1. NEW DISTRICTS. In preparing the project plan for any new tax incremental district, the commissioner of city development shall include in the plan, as project costs, the costs of all street-paving projects anticipated to occur within the district and within one-half mile of the district's boundaries within the next 6 years, as identified by the city's most recent 6-year local street-paving program. The commissioner shall consult with the department of public works in identifying all street-paving projects to be included in the project plan. The requirement to include street-paving costs in the project plan for a new tax incremental district may be waived by resolution of the common council.

2. EXISTING DISTRICTS. a. The commissioner of city development shall prepare, for each tax incremental district that is within one year of fully recovering its project costs, an amendment to the district's project plan to include, in the "statement of the kind, number, location of all proposed public works or improvements" and the "detailed list of estimated project costs" required by s. 66.1105(4)(f), Wis. Stats., all street-paving projects anticipated to occur within the district or within one-half mile of the district's boundaries within the next 6 years, as identified by the city's most recent 6-year local street-paving program, subject to the guidelines set forth in sub. 3. The commissioner shall consult with the department of public works in identifying all street-paving projects to be included in the project plan.

b. No project plan amendment shall be required under this subsection if any of the following is true:

b-1. An extension of the expenditure period for the district is prohibited under state law.

b-2. The district is a developer-funded tax incremental district in which a developer funds project costs up front and the city repays the developer over time using actual tax incremental revenue received.

b-3. The common council has approved a resolution permitting the district to donate excess revenues to one or more underperforming recipient tax incremental districts to insure that the indebtedness of those districts may be retired within the districts' statutory lives.

c. No provision of this subsection shall be interpreted as prohibiting the commissioner from preparing a project plan amendment, for the purpose specified in par. a, more than one year prior to the anticipated closing-out of a tax incremental district.

3. GUIDELINES FOR AMENDING PROJECT PLANS. A project plan amendment prepared under sub. 2 shall:

a. Fund additional eligible public improvements which have a direct impact on the redevelopment achieved in the district.

b. Enumerate how the additional public improvements will improve the long-term viability of the district.

c. Provide an amount of funding that is limited to the amount of tax incremental revenue generated within the district in the year preceding the amendment.

d. Provide that, upon completion of the improvements, the district shall be closed out without the need for additional action by the city, unless the life of the district is further extended under s. 304-96.

e. Provide funding for additional public improvements only to the extent that the district's indebtedness can still be retired within the maximum statutory life for the district.

4. JOINT REVIEW BOARD. The project plan amendment prepared under sub. 2 shall not be effective unless approved by the joint review board established pursuant to s. 66.1105(4m), Wis. Stats.

304-96. Tax Incremental Districts – Extension to Fund Affordable Housing and Improvements to the City's Housing Stock.

1. EXTENSION REQUIRED. As permitted by s. 66.1105 (6)(g), Wis. Stats., after the date on which a tax incremental district created by the city pays off the aggregate of all of its project costs, including any project costs relating to an amendment to the district's project plan under s. 304-95-2, the life of the district shall be extended for one year if:

a. The common council adopts a resolution extending the life of the district for one year. The resolution shall specify how the city intends to use the additional tax incremental revenues to improve its housing stock. The commissioner of city development shall prepare this resolution.

b. The city clerk forwards a copy of the common council resolution to the Wisconsin department of revenue, notifying it that it is required to continue to authorize the allocation of tax increments to the district under s. 66.1105(6)(a), Wis. Stats.

2. USE OF FUNDS FROM DISTRICT LIFE EXTENSION. If the city receives tax increments from the extension of the life of a tax incremental district under this section, it shall use at least 75 percent of the increments received for the benefit of affordable housing in the city. The remaining portion of the increments shall be used by the city to improve its housing stock.

304-97. City Financial Assistance to For-Profit Institutions of Higher Education.

1. DEFINITION. In this section:

a. "Direct financial assistance" means the value of below-market land sales, any direct subsidies or city expenditures for private improvements targeted specifically to a project. It includes the value of tax increment financing and below-market-rate loans provided by the city.

b. "Found in violation" means paid a fine or changed policy or practice at the direction of the U.S. department of education to comply with a federal regulation, regardless of admission of culpability.

2. LIMITATION ON ASSISTANCE. No city direct financial assistance shall be provided to any for-profit institution of higher education, including any for-profit college, university or institute and any proprietary institution of higher education as defined in 34 CFR s. 600.5, or to any developer of a project that will include selling or leasing real estate to, or constructing a facility for, a for-profit institution of higher education, unless the following criteria are met:

a. For a for-profit institution of higher education seeking city direct financial assistance, the institution shall certify to the department of city development that it, and any other institution owned and operated by the same company as the applicant institution, is in compliance with all applicable U.S. department of education regulations set forth in 34 CFR 600. The institution shall further certify that it, and any other institution owned and operated by the same company, has not, during the previous 3 years, been found in violation of any provision of 34 CFR 668.

b. For a developer seeking city direct financial assistance for a project that will include selling or leasing real estate to a for-profit institution of higher education, the developer shall certify to the department of city development that the institution, and any other institution owned and operated by the same company as the institution buying or leasing the real estate, is in compliance with all applicable U.S. department of education regulations set forth in 34 CFR 600, and has not, during the previous 3 years, been found in violation of any provision of 34 CFR 668.

3. DURATION OF LIMITATION. In the case of direct financial assistance in the form of tax incremental financing or a loan, the limitation of sub. 2 shall be in effect until the tax incremental district is closed or the loan is completely repaid.

4. INCLUSION IN AGREEMENTS. The limitation of sub. 2 shall be clearly stated in each loan agreement, development agreement or lease agreement pertaining to city direct financial assistance to a for-profit institution of higher education or to any developer of a project that involves selling or leasing real estate to, or constructing a facility for, a for-profit institution of higher education.

LEGISLATIVE HISTORY
CHAPTER 304

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 304	cr	881930	3/7/89	3/25/89
304-1-5	cr	051296	2/7/2006	2/24/2006
304-3-1-a	am	930096	5/25/93	6/12/93
304-3-1-a	am	980942	10/30/98	11/18/98
304-3-1-b	rn to 304-3-1-c	980103	5/27/98	6/13/98
304-3-1-b	cr	980103	5/27/98	6/13/98
304-5-2-0	am	930451	7/27/93	8/13/93
304-6	cr	110766	11/4/2011	11/23/2011
301-6-1-c	rc	130364	7/23/2013	8/10/2013
301-6-2	am	130364	7/23/2013	8/10/2013
304-6-3-0	am	120361	7/24/2012	8/10/2012
304-6-3-b	am	130364	7/23/2013	8/10/2013
304-6-3-c	am	120361	7/24/2012	8/10/2012
304-6-3-c	am	130364	7/23/2013	8/10/2013
304-6-3-d	cr	130364	7/23/2013	8/10/2013
304-6-4-0	am	120361	7/24/2012	8/10/2012
304-6-4-b	am	120361	7/24/2012	8/10/2012
304-6-4-b	am	130364	7/23/2013	8/10/2013
304-6-5-0	am	120361	7/24/2012	8/10/2012
304-6-5-a	am	130364	7/23/2013	8/10/2013
304-6-5-d	rc	130364	7/23/2013	8/10/2013
304-7-1	am	930097	5/25/93	6/12/93
304-7-2-e	am	961318	12/17/96	1/9/97
304-7-2-f	am	050735	10/18/2005	11/4/2005
304-18	cr	000325	6/30/2000	7/20/2000
304-24	cr	930380	7/6/93	7/23/93
304-24-5-d	am	030504	11/14/2003	1/1/2004
304-24-5-d	am	040518	9/21/2004	1/1/2005
304-24-7-a	am	030504	11/14/2003	1/1/2004
304-24-7-a	am	040518	9/21/2004	1/1/2005
304-25[1]	rp	940095	5/17/94	6/4/94
304-25	cr	080034	9/2/2008	11/5/2008
304-25-3	am	891786	5/29/90	7/15/90
304-25-7	rn to 304-25-9	891786	5/29/90	7/15/90
304-25-7	cr	891786	5/29/90	7/15/90
304-25-9	rc	901494	1/22/91	2/1/91
304-25-10	cr	901494	1/22/91	2/1/91
304-25.5	cr	090465	12/22/2009	1/9/2010
304-26	cr	060462	7/31/2006	8/12/2006
304-26.5	cr	090376	3/2/2010	3/19/2010
304-26.5	rc	110139	7/6/2011	7/23/2011
304-26.5	rc	121591	7/2/2013	7/23/2013
304-27-2-c	rc	891614	1/16/90	2/3/90
304-27-4-0	am	891614	1/16/90	2/3/90
304-27-4-a-0	rc	891614	1/16/90	2/3/90
304-27-4-b and c	am	891614	1/16/90	2/3/90

[1] Date of repeal effective was contingent upon date exposition district imposed and commenced collection of a room tax under s. 66.75(1m)(a), Wis. Stats. The district commenced collection of the tax 1/1/95.

304-27.5	rn from 320-29	111233	1/18/2012	2/4/2012
304-28	cr	891612	12/19/89	12/24/89
304-28.5	cr	931862	4/26/94	5/13/94
304-28.5-5	am	960380	7/30/96	8/16/96
304-28.5-6	rn to 304-28.5-7	961524	5/13/97	5/31/97
304-28.5-6	cr	961524	5/13/97	5/31/97
304-29-3-d	am	941625	2/14/95	3/3/95
304-29-4-a-2	am	931078	11/11/93	12/19/93
304-29.5	cr	121597	5/21/2013	6/11/2013
304-30	cr	900963	11/6/90	11/23/90
304-30-2-c	am	941797	6/6/95	6/23/95
304-30-3-a	am	941797	6/6/95	6/23/95
304-30-3-c	rp	941797	6/6/95	6/23/95
304-31	rn to 304-32	060775	11/10/2006	1/1/2007
304-31	cr	060775	11/10/2006	1/1/2007
304-31.5	cr	090459	9/22/2009	10/9/2009
304-31.5-2	am	140397	7/22/2014	8/8/2014
304-31.5-4	am	130736	11/1/2013	1/1/2014
304-31.5-6	cr	100438	9/21/2010	10/7/2010
304-36	cr	101433	5/3/2011	5/20/2011
304-38	cr	030524	7/31/2003	8/19/2003
304-38.5	cr	160843	11/1/2016	11/18/2016
304-45	am	121803	7/23/2013	8/10/2013
304-46	cr	110766	11/4/2011	11/23/2011
304-46	rp	130364	7/23/2013	8/10/2013
304-48	cr	961687	3/4/97	3/20/97
304-48	rc	020093	5/14/2002	6/1/2002
304-48-2-c	rc	971769	3/20/98	4/4/98
304-48-3-c	am	980963	12/18/98	1/1/99
304-48-5	am	971769	3/20/98	4/4/98
304-49	rc	060444	2/6/2007	2/23/2007
304-49-1-c	rn to 304-49-1-d	140612	10/14/2014	10/31/2014
304-49-1-c	cr	140612	10/14/2014	10/31/2014
304-49-1-d	rn to 304-49-1-e	140612	10/14/2014	10/31/2014
304-49-1-f	cr	140910	10/14/2014	10/31/2014
304-49-2	rc	090162	7/28/2009	8/14/2009
304-49-2-0	am	900641	10/16/90	11/2/90
304-49-2-b-1	am	101307	4/12/2011	4/29/2011
304-49-2-d	cr	900641	10/16/90	11/2/90
304-49-3	am	101307	4/12/2011	4/29/2011
304-49-3	rc	140612	10/14/2014	10/31/2014
304-49-3.5	cr	900641	10/16/90	11/2/90
304-49-4	am	980963	12/18/98	1/1/99
304-49-4	am	990863	10/19/99	11/5/99
304-49-4	rc	090162	7/28/2009	8/14/2009
304-49-4-b	am	101307	4/12/2011	4/29/2011
304-49-4.5	cr	140612	10/14/2014	10/31/2014
304-49-5-b	rn to 304-49-5-c	131142	1/22/2014	2/8/2014
304-49-5-b	cr	131142	1/22/2014	2/8/2014
304-49-6	am	85-1551	5/29/90	6/15/90
304-49-6	rn to 304-49-7	140910	10/14/2014	10/31/2014
304-49-6	cr	140910	10/14/2014	10/31/2014
304-49-6-0	rc	950143	4/2/96	5/1/96
304-49-6-a	rc	950143	4/2/96	5/1/96

304-49-6-a-1	am	960621	7/30/96	8/16/96
304-49-6-a-1	am	970301	1/20/98	1/24/98
304-49-6-b	am	980963	12/18/98	1/1/99
304-49-6-c	cr	901739	7/28/92	8/14/92
304-49-6-c	rc	950178	7/28/95	8/16/95
304-49-6-c-1	am	921872	4/8/93	4/28/93
306-49-6-c-1	am	931118	11/24/93	12/15/93
304-49-6-c-3	am	931118	11/24/93	12/15/93
304-49-6-c-3	am	980963	12/18/98	1/1/99
304-49-6-c-5	am	980963	12/18/98	1/1/99
304-49-6-c-6	am	980963	12/18/98	1/1/99
304-49-6-c-6	am	990863	10/19/99	11/5/99
304-49-6-c-7	am	921872	4/8/93	4/28/93
304-49-6-c-7	am	931118	11/24/93	12/15/93
304-49-6-c-8	am	980963	12/18/98	1/1/99
304-49-7	rn to 304-49-8	140910	10/14/2014	10/31/2014
304-49-7.5	cr	900088	9/25/90	10/12/90
304-49-8	rc	950143	4/2/96	5/1/96
304-49-8	rn to 304-49-9	960336	6/25/96	7/13/96
304-49-8	cr	960336	6/25/96	7/13/96
304-49-8	am	980963	12/18/98	1/1/99
304-49-8	rn to 304-48-9	140910	10/14/2014	10/31/2014
304-49-8-0	am	090162	7/28/2009	8/14/2009
304-49-9	rn to 304-49-10	960336	6/25/96	7/13/96
304-49-9	am	980963	12/18/98	1/1/99
304-49-9	rn to 304-49-10	140910	10/14/2014	10/31/2014
304-49-10	rn to 304-49-11	920569	11/20/92	12/11/92
304-49-10	cr	920569	11/20/92	12/11/92
304-49-10	rn to 304-49-11	960336	6/25/96	7/13/96
304-49-10	rn to 304-49-11	140910	10/14/2014	10/31/2014
304-49-11	am	912458	5/26/92	6/12/92
304-49-11	rn to 304-49-12	920569	11/20/92	12/11/92
304-49-11	am	930451	7/27/93	8/13/93
304-49-11	rn to 304-49-12	950143	4/2/96	5/1/96
304-49-11	cr	950143	4/2/96	5/1/96
304-49-11	rn to 304-49-12	960336	6/25/96	7/13/96
304-49-11	rn to 304-49-12	140910	10/14/2014	10/31/2014
304-49-11-c	cr	960336	6/25/96	7/13/96
304-49-12	rn to 304-49-13	950143	4/2/96	5/1/96
304-49-12	rn to 304-49-13	960336	6/25/96	7/13/96
304-49-12	rn to 304-49-13	001267	1/16/2001	2/2/2001
304-49-12	cr	001267	1/16/2001	2/2/2001
304-49-12	rn to 304-49-13	140910	10/14/2014	10/31/2014
304-49-13	rn to 304-49-14	960336	6/25/96	7/13/96
304-49-13	rn to 304-49-14	001267	1/16/2001	2/2/2001
304-49-13	rn to 304-49-14	011621	5/14/2002	6/1/2002
304-49-13	cr	011621	5/14/2002	6/1/2002
304-49-13	rn to 304-49-14	140910	10/14/2014	10/31/2014
304-49-14	rn to 304-49-15	001267	1/16/2001	2/2/2001
304-49-14	rn to 304-49-15	011621	5/14/2002	6/1/2002
304-49-14	rc	140910	10/14/2014	10/31/2014

304-49-15	am	001458	2/27/2001	3/16/2001
304-49-15	rn to 304-49-16	011621	5/14/2002	6/1/2002
304-49-17	cr	020935	11/6/2002	11/23/2002
304-50	cr	060444	2/6/2007	2/23/2007
304-50-1	rc	090954	12/22/2009	1/9/2010
304-50-1-0	am	141331	12/16/2014	1/10/2015
304-50-2	am	141331	12/16/2014	1/10/2015
304-50-7	am	120871	11/8/2012	11/29/2012
304-50-9.5	cr	090954	12/22/2009	1/9/2010
304-50-9.5	rc	120871	11/8/2012	11/29/2012
304-50-10	am	090954	12/22/2009	1/9/2010
304-50-11	am	090954	12/22/2009	1/9/2010
304-50-13	am	100119	5/25/2010	6/12/2010
304-51	am	912458	5/26/92	6/12/92
304-51	rp	060444	2/6/2007	2/23/2007
304-57-1	rc	961786	4/22/97	5/9/97
304-59	rp	101499	5/3/2011	5/20/2011
304-61	rp	101499	5/3/2011	5/20/2011
304-65	am	930451	7/27/93	8/13/93
307-71-d	rp	130366	9/24/2013	10/11/2013
304-81	cr	940843	10/18/94	11/4/94
304-81-1-b	am	030712	9/23/2003	10/10/2003
304-81-2-a-1-a	am	030712	9/23/2003	10/10/2003
304-81-2-a-1-b	am	030712	9/23/2003	10/10/2003
304-81-2-b-1-d	am	030712	9/23/2003	10/10/2003
304-81-2-c-1	am	030712	9/23/2003	10/10/2003
304-81-3-b-1	rc	030712	9/23/2003	10/10/2003
304-81-4-0	am	031671	4/13/2004	4/30/2004
304-81-4-b	am	030712	9/23/2003	10/10/2003
304-81-4-b	am	120997	4/30/2013	5/17/2013
304-81-4-d-2	rp	131546	4/22/2014	5/9/2014
304-81-4-h	cr	031671	4/13/2004	4/30/2004
304-81-4-i	cr	120997	4/30/2013	5/17/2013
304-81-5-0	am	031671	4/13/2004	4/30/2004
304-81-6-b	am	030712	9/23/2003	10/10/2003
304-81-7-d-2	am	030712	9/23/2003	10/10/2003
304-81-7-d-2	am	030504	11/14/2003	1/1/2004
304-81-7-d-2	am	040518	9/21/2004	1/1/2005
304-81-7-d-2	am	070424	6/10/2008	6/27/2008
304-81-7-d-3	rp	030712	9/23/2003	10/10/2003
304-81-7-d-3	rn to 304-81-7-d-5	070424	6/10/2008	6/27/2008
304-81-7-d-3	cr	070424	6/10/2008	6/27/2008
304-81-7-d-4	rn to 304-81-7-d-3	030712	9/23/2003	10/10/2003
304-81-7-d-4	cr	070424	6/10/2008	6/27/2008
304-81-9-a	am	030712	9/23/2003	10/10/2003
304-83	cr	041157	11/21/2007	12/12/2007
304-83	rp	131016	11/26/2013	12/17/2013
304-83-2-b-0	am	091533	4/13/2010	4/30/2010
304-83-2-b-3	cr	091533	4/13/2010	4/30/2010
304-91	cr	980965	10/30/98	11/18/98
304-91-4	am	030504	11/14/2003	1/1/2004
304-91-4	am	040518	9/21/2004	1/1/2005
304-93	cr	031616	2/22/2005	3/11/2005
304-95	cr	090623	9/22/2009	10/9/2009
304-95	rc	120347	7/24/2012	8/10/2012
304-95-1	am	140419	7/22/2014	8/8/2014

304-95-3-d	am	130460	9/24/2013	10/11/2013
304-96	cr	130460	9/24/2013	10/11/2013
304-97	cr	120737	6/11/2013	6/28/2013

CHAPTER 305
CITY CLERK

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SUBCHAPTER 1
GENERAL PROVISIONS

305-1. Notification of Tax Refund, etc. It shall be the duty of the city clerk forthwith to notify the commissioner of assessments in writing, of the cancellation, remission or annulling of any tax or assessment, or of the refunding of the amount thereof, which notice shall specify the amount and year of the tax or assessment, the reason why the same was cancelled, annulled, or remitted, or the amount thereon refunded, and all other material information relating thereto, and it shall be the duty of the commissioner to keep in the office a record of all material facts so communicated to him or her by the clerk.

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SUBCHAPTER 2
LEGISLATIVE REFERENCE BUREAU

305-30. Reference and Research Duties and Responsibilities. The legislative reference bureau shall:

1. Report upon the laws and ordinances relating to any subject upon which the bureau may be requested to report by any common council member or committee, or the mayor, or the head of any city department, or any city board or commission; and accumulate data with respect to the operation and effect of such laws and ordinances.

2. Collect all available information relating to any matter which may be the subject of proposed legislation by the common council.

3. Prepare all bills or ordinances for introduction into the common council except for traffic control regulations; zoning and subdivision regulations; establishment of width and grade of streets, alleys and sidewalks; salary and position ordinances; and those matters drafted by the city attorney.

4. Maintain and secure a collection of public documents and research and reference materials as may have bearing on any issue under discussion or consideration by public officials of the city, and provide access to such collection so that it is accessible to city officials and open to inspection and use for reference purposes to the general public.

5. Provide budget analysis for the common council and all council committees.

6. Provide fiscal analysis for the common council and all council committees on matters that are or may be for consideration before the common council.

305-31. Duties Relating to the Milwaukee Code. The legislative reference bureau shall:

1. Keep and maintain a loose leaf or otherwise flexible set of all sections of the Milwaukee code, whether currently in force or superseded.

2. Supervise the preparation and printing of such compilations of particular chapters or sections of the Milwaukee code as may be required from time to time.

3. Keep in connection with repealed or otherwise superseded ordinances adequate records and references to numbering in previous revisions, compilations or printed volumes to permit the tracing of the history of any provision of the Milwaukee code to its original enactment.

4. Prepare and keep in loose leaf form, arranged numerically, all sections of the code heretofore in force which have been repealed, amended or superseded by subsequent enactment, with notes relating to each section, subsection or paragraph, and reference to numbering in previous revisions, compilations or printed volumes, and to keep indexes thereof.

5. Prepare a definite plan for the order, classification, arrangement and printing of the code and present to the common council in such ordinance or ordinances such consolidation or revision relating to the code or any portion from time to time.

6. Periodically submit to the common council non-substantive revision ordinances to renumber provisions of the code, correct and standardize cross-references, clarify effective dates, delete redundant or superfluous text, correct or improve grammar, correct names or titles, eliminate discriminatory language and similar technical amendments.

7. Correct spelling and typographical errors in the printed code, provided the errors were not contained in the text when approved by the common council.

8. Act and perform in the same manner with respect to the city charter as is provided in this section for the code.

305-32. Official Depository for City Documents. The legislative reference bureau is the official depository of copies of city documents as identified in this section. The head of each city department, board and commission shall promptly submit the following to the bureau:

1. Three copies of each report. In this subsection "reports" includes studies, bulletins, circulars, brochures, pamphlets or similar items issued by any city department, board and commission regardless of the medium on which it is produced. "Reports" also includes consultants' reports, but excludes materials such as forms, general correspondence, interoffice and intraoffice memoranda or materials of a similar nature.

2. One copy of minutes and bylaws. In this subsection:

a. "Minutes" refers to the summaries or transcriptions of meetings held by city boards, committees, task forces and commissions.

b. "Bylaws" refers to the rules adopted by any board or commission for its governance and the conduct of meetings.

3. Three copies of annual reports or any statement of its activities for the preceding year as soon as printed or otherwise available.

SUBCHAPTER 3
LOBBYING

305-41. Purpose. The common council declares that the operation of an open and responsible government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to any officials of the executive or legislative branch their opinions on legislation, on pending administrative and other policy decisions, and on current issues. Essential to the continued functioning of an open government is the preservation of the integrity of the governmental decision-making process. In order to preserve and maintain the integrity of the process, the common council determines that it is necessary to regulate and publicly disclose the identity, expenditures and activities of persons who engage in, who hire others, or are hired to engage in efforts to influence actions of the legislative and executive branches.

305-43. Definitions. In this subchapter:

1. ADMINISTRATIVE ACTION means the proposal, drafting, development, consideration or issuance of staff recommendations, whether those recommendations are required by the code of ordinances, or requested by the mayor or by a board, committee, commission or the common council. It does not include a purely ministerial action by a city official or employe and does not include action related to an enforcement action commenced by a written order, a citation or a summons and complaint.

2. CITY OFFICIAL means any individual holding a position which is designated in the city positions ordinance as being required to file a statement of economic interests under s. 303-11.

3. DESIGN PROFESSIONAL means architects, landscape architects, professional engineers, designers and land surveyors registered under ch. 443, Wis. Stats.; geologists, hydrologists and soil scientists licensed under ch. 470, Wis. Stats.; professional planners certified by the American institute of certified planners; photogrammetrists certified by the American society for photogrammetry and remote sensing; and cultural resource specialists as defined by the United States secretary of interior professional standards for archeology and historic preservation.

4. LEGISLATIVE ACTION means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment, or defeat of any resolution, ordinance, amendment, report, nomination or other matter by the common council, a common council committee or subcommittee, or by a common council member or employe of the common council acting in an official capacity. ALegislative action@ also means the action of the mayor in approving or vetoing any resolution or ordinance or portion thereof, and the action of any city official in the development of any matter or proposal for introduction to or consideration by the common council.

5. LOBBYING means any attempt to influence legislative or administrative action by oral or written communication with any city official. Lobbying shall not include appearances by any person before a city board, commission or committee.

6. LOBBYING EXPENDITURE means an expenditure related to the performance of lobbying, whether paid in the form of an advance or subsequent reimbursement.

7. LOBBYIST means any person who is employed by a principal or who contracts for or receives economic consideration other than reimbursement for actual expenses from a principal, and who lobbies on behalf of the principal for 2 or more hours within a single reporting period.

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

9. PERSON means any individual, corporation, association, firm, limited liability company, partnership, committee, club, organization or group of persons who are voluntarily acting in concert. APerson@ also includes a recognized employe organization, association and its representatives.

10. PRINCIPAL means any person who employs a lobbyist, or contracts for the

services of a lobbyist, or lobbies on behalf of his or her own corporation, association, limited liability company or partnership. APrincipal@ also includes: a government department, agency and organization of another political subdivision within the state of Wisconsin; another state; or the federal government.

11. REAL PARTY IN INTEREST means any person, other than an intermediary, for whom a lobbyist acts.

12. REGISTRANT means any person required to register under this subchapter.

13. RELATIVE means a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, spouse, fiancé, fiancée or registered domestic partner.

14. REPORTING PERIOD means either that 6-month period beginning with January 1 and ending on June 30 each year or that beginning with July 1 and ending on December 31 each year.

305-45. Lobbyist and Principal - Registration Required. 1. Any person meeting the definition of a lobbyist shall, within 15 days of meeting the definition, register with the city clerk on forms provided therefor. The forms shall include the following:

a. The full name, occupation and principal place of employment of the lobbyist, and the address, telephone number and e-mail address of the lobbyist relating to the principal place of employment.

b. The identity of the legislative or administrative matter for which the lobbyist has been retained.

c. The name, occupation, and principal place of business of the person who is directing the lobbying activities and whose interests the lobbyist is representing, and the address, telephone number and e-mail address of the person represented relating to the principal place of business.

d. Any direct or indirect economic interest in the legislative or administrative matter that the lobbyist may have, as well as the direct or indirect economic interest of the real party in interest.

e. The name, telephone number, address and e-mail address of an agent listed by the principal who shall be designated the official contact for the principal in all matters pertaining to lobbying.

f. The name, telephone number, address and e-mail address listed by the principal of any individual authorized to sign documents on behalf of the principal.

g. A statement that the registrant has received a copy of the rules and regulations relating to the provisions of this subchapter.

2. The lobbyist shall at the time of registration file with the city clerk a written authorization, signed by the principal, for the lobbyist to represent the principal. In those instances in which a lobbyist represents multiple principals, the lobbyist shall file a separate authorization for each principal.

3. In the event a principal engages in lobbying for 2 or more hours within a single reporting period, the principal shall within 15 days register with the city clerk pursuant to sub. 1.

4. Any person required to register under this section shall pay at the time of registration the fee provided in s. 81-73. Registrants employed by or who contract with or receive economic consideration from a government department, agency or organization of another political subdivision within the state of Wisconsin; another state; or the federal government shall be exempt from paying the fee, provided the registrants are solely engaged in matters of governmental interest concerning their respective governmental body and the city.

5. A registrant shall amend his or her original registration filing with the city clerk so that his or her file reflects at all times the areas of legislative and administrative action that the registrant is attempting to influence. The file shall also identify the file number of committee reports, resolutions, ordinances or administrative actions that are the subject of a registrant=s lobbying activities.

6. When appearing before a common council committee, a registrant shall orally identify him or herself as a lobbyist or principal before engaging in lobbying. At a common council, committee, board or commission meeting, a city official may require oral disclosure of whom a lobbyist is representing, the specific legislation or administrative matter for which a lobbyist has been retained, and any economic interest a lobbyist or principal may have in the matter.

7. Unless otherwise noted in this subchapter, a registrant shall notify the city clerk of any changes of the circumstances set forth in his or her original registration within 10 days of the changes taking place.

305-47. Principals= Expense Statements.

1. Every principal shall, no more than 30 days after the end of each reporting period, file with the city clerk an expense statement covering the preceding reporting period, if the principal has made lobbying expenditures of $500 or more within that reporting period. The statement shall contain the following information:

a. The total amount of lobbying expenditures made and obligations incurred for lobbying activities by the principal and all lobbyists for the principal. With respect to expenditures and obligations, the following shall be included:

a-1. Compensation to lobbyists and to the principal or officers or employees of the principal.

a-2. Lobbying expenditures made and obligations incurred for paid advertising and any other activities conducted for the purpose of urging members of the general public to attempt to influence legislative or administrative action, if the amount exceeds $500 during the reporting period.

a-3. If the amount of lobbying expenditures and obligations included in the total under this paragraph made or incurred by any one lobbyist for the principal exceeds $200 during the reporting period, the name and address of the lobbyist and the total amount of the lobbying expenditures made or obligations incurred during the reporting period shall be listed.

b. A detailed description of each subject area in which the principal attempted to influence legislative or administrative action during the reporting period, including all of the following:

b-1. The subject matter and specific issues in the proposals on which the principal attempted to influence legislative or administrative action in each subject area.

b-2. A contemporaneous record disclosing the time and resources spent on each attempt to influence legislative or administrative action in each subject area. The contemporaneous record shall be submitted on a form provided by the city clerk. This form shall include an itemization of the time spent meeting with city officials as well as any other activity which involved lobbying.

c. The name of any city official to whom the principal or any lobbyist for the principal provided reimbursement authorized under s. 303-9-2-a, and the date and amount reimbursed.

2. If a principal has made lobbying expenditures of less than $500 in a reporting period, the principal shall file a statement to that effect with the city clerk.

3. A lobbyist whose activities and expenditures are required to be reported by a principal under sub. 1, shall provide to the principal any information that the principal determines is needed to prepare the statement.

4. All accounts, bills, receipts, books, papers and other documents necessary to substantiate an expense statement filed pursuant to this section shall be obtained, organized and preserved by the principal and any lobbyist engaged by the principal for 3 years after the filing of the expense statement.

5. The following shall be exempt from filing an expense statement under this section: a government department, agency or organization of another political subdivision within the state of Wisconsin; another state; or the federal government.

6. There shall be a fee in the amount of $25 for each 30-day period or portion thereof, but not exceeding $100, for the late filing of any report required by this section.

305-49. Termination of Lobbyist Status. Upon termination of a person=s engagement or employment as a lobbyist, the principal shall notify the city clerk in writing on a form provided therefore by the city clerk.

305-51. Exceptions. 1. The provisions of this subchapter shall not apply to:

a. A city official, provided he or she is solely engaged in matters of governmental interest concerning his or her respective governmental body and the city.

b. A person who owns, publishes, or is employed by a newspaper, any regularly published periodical, a radio station, a television station, a wire service or any other bona fide news medium that, in the ordinary course of business, disseminates news, letters to the editor, editorial or other comment, or paid advertisements that directly or indirectly oppose or promote legislation or administrative action provided the person does not engage in other activities that require registration under this section and does not represent another person in connection with influencing

legislation. This paragraph does not exempt a person whose relation to the news media is only incidental to a lobbying effort or when a position taken or advocated by a media outlet, reporter or editor directly affects or seeks to influence legislation in which the media outlet, reporter or editor has a direct or indirect financial interest.

c. A person who, without compensation and not as part of or in the ordinary course of his or her regular employment, presents the position of a civic organization such as a taxpayer=s association, a community organization or other organization, however formally or informally organized. This paragraph does not exempt a person when a position taken or advocated directly impacts, affects, or seeks to influence legislation in which that person has a direct or indirect financial interest.

d. A person who presents the position of a religious organization on matters involving the religious beliefs of the organization.

e. A member of the State Bar of Wisconsin, acting on behalf of a client in an attorney-client relationship, while performing a duty or service which can be performed lawfully only by an attorney licensed to practice law in the state of Wisconsin.

f. A representative appearing on behalf of an owner before the board of review as authorized by s. 70.47(8)(b), Wis. Stats.

g. Requests for information from a city official and the furnishing of that information when the official is acting in an official capacity.

h. Requests for interpretation of existing laws or ordinances; contract or bidding inquiries; or grant applications.

i. A city employe, as defined under s. 303-3-11, who represents the position of a certified collective bargaining unit of which the employe is a member.

j. A person employed by the housing authority of the city of Milwaukee, the Milwaukee economic development corporation, the neighborhood improvement development corporation and the redevelopment authority of the city of Milwaukee, provided he or she is solely engaged in matters of governmental interest concerning his or her employer and the city.

k. A person holding a staff position for any city board, commission or committee where the members of that body are not required to file statements of economic interests under s. 303-11, provided he or she is solely engaged in matters of governmental interest concerning his or her respective body and the city.

L. A person who is a design professional, acting on behalf of a client, while performing a duty or service within the definition of the practice of his or her profession. This paragraph does not exempt a person when the performance of a duty or service directly impacts, affects or seeks to influence administrative or legislative action in which that person has a direct or indirect financial interest other than receipt of professional fees and reimbursement for actual expenses.

2. Nothing in this subchapter shall be applied to or interfere with the right of any person to communicate with the common council member who represents the district in which the person resides, whether or not this communication is made on behalf of the person or on behalf of another person.

305-53. Duties of the City Clerk. 1. The city clerk shall be the custodian of all completed registrant forms and reports. The clerk shall prepare and keep a file in which shall be entered the name and business address of each registrant as well as the general areas of legislative and administrative action and specific matters to which the lobbying activities of the registrant relate.

2. The information contained in reports filed pursuant to this section shall be compiled by the city clerk and shall be forwarded on a biannual basis to the mayor and the common council.

3. The city clerk shall make available on the city website all registration information filed under s. 305-45 and all expense statements filed under s. 305-47.

4. All reports filed pursuant to this section shall be preserved by the city clerk for a period of 7 years from the date of filing.

5. The city clerk shall make available to all interested parties a manual describing the methods of registration and reporting for registrants.

305-55. Prohibited Practices.

1. No lobbyist may:

a. Instigate legislative or administrative action for the purpose of obtaining employment in support or opposition thereto.

b. Offer or give to any city official, directly or indirectly, anything of pecuniary value if it could reasonably be expected to influence the official=s vote, actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the official.

c. Contract to receive or receive compensation dependent in any manner upon the success or failure of any legislative or administrative action.

2. No principal may engage in the practices prohibited under sub. 1. This subsection does not apply to the furnishing of transportation, lodging, food, meals, beverages or any other thing of pecuniary value which is also made available to the general public.

3. Subsection 1-b does not apply to the furnishing of anything of pecuniary value by an individual who is a lobbyist or principal to a relative of the individual or an individual who resides in the same household as the individual, nor to the receipt of anything of pecuniary value by that relative or individual residing in the same household as the individual.

4. Subsection 1-b does not apply to the furnishing of educational or informational material by a lobbyist or principal to a city official, or acceptance thereof by a city official.

5. This section does not apply to the furnishing or receipt of a reimbursement or payment for actual and reasonable expenses authorized under s. 303-9 for the activities listed in that section.

6. This section does not prohibit lodging, transportation, food, meals, beverages, money or any other thing of pecuniary value permitted and reported under ch. 11, Wis. Stats.

305-57. Allegations of Violations. 1. a. The city clerk shall accept from any individual, either personally or on behalf of an organization or governmental body, a sworn statement on a form provided by the city clerk which states the name of any person alleged to have committed a violation of this subchapter and which sets forth the particulars thereof. The city clerk shall immediately forward the sworn statement to the city attorney for review and shall forward to the accused within 10 days a copy of the sworn statement.

b. If the city attorney determines that the sworn statement does not allege facts sufficient to constitute a violation of this subchapter, the city attorney shall so notify the city clerk, the complainant and the accused.

c. If the city attorney determines that the sworn statement alleges facts that, if true, would be sufficient to constitute a violation of this subchapter, the city attorney may make a further investigation with respect to such alleged violation and prepare and file a summons and complaint in municipal court if appropriate.

2. No later than April 1 of each year, the city attorney shall file a report with the mayor and the common council concerning actions the city attorney has taken under this section and the disposition of those actions, including a summary of its determinations.

305-59. Suspension, Violations and Penalties. 1.

delinquent report. The notices shall be sent by first class, prepaid mail to the address listed by both the principal and the lobbyist in an envelope bearing the return address of the city clerk.

2. Any lobbyist who violates any provision of this subchapter shall be required to forfeit a sum not to exceed $1,000 and shall not be eligible for registration as a lobbyist for a period not to exceed 3 years.

3. Any principal who violates any provision of this subchapter shall be required to forfeit a sum not to exceed $5,000.

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LEGISLATIVE HISTORY
CHAPTER 305

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 305	cr	881930	3/7/89	3/25/89
305-1	am	921114	11/20/92	12/11/92
305-3	rp	151206	12/15/2015	1/1/2016
305-5	rp	071158	1/15/2008	2/2/2008
305-21	cr	921362	5/25/93	6/12/93
305-21	rp	040630	9/21/2004	10/8/2004
305-21-1	am	960238	6/4/96	6/21/96
305-30	rc	961523	2/11/97	2/18/97
305-31	rc	961523	2/11/97	2/18/97
305-31-19.5	cr	891785	1/16/90	2/3/90
305-32	rc	961523	2/11/97	2/18/97
305-33	rp	961523	2/11/97	2/18/97
305-34	rp	961523	2/11/97	2/18/97
305-41	cr	031604	12/21/2004	7/1/2005
305-43	cr	031604	12/21/2004	7/1/2005
305-43-3	rn to 305-43-4	050629	10/18/2005	11/4/2005
305-43-3	cr	050629	10/18/2005	11/4/2005
305-43-4	rn to 305-43-5	050629	10/18/2005	11/4/2005
305-43-5	rn to 305-43-6	050629	10/18/2005	11/4/2005
305-43-5	am	050629	10/18/2005	11/4/2005
305-43-6	rn to 305-43-7	050629	10/18/2005	11/4/2005
305-43-7	rn to 305-43-9	050629	10/18/2005	11/4/2005
305-43-7	am	050629	10/18/2005	11/4/2005
305-43-8	rn to 305-43-10	050629	10/18/2005	11/4/2005
305-43-8	cr	050629	10/18/2005	11/4/2005
305-43-9	rn to 305-43-11	050629	10/18/2005	11/4/2005
305-43-10	rn to 305-43-12	050629	10/18/2005	11/4/2005
305-43-11	rn to 305-43-13	050629	10/18/2005	11/4/2005
305-43-12	rn to 305-43-14	050629	10/18/2005	11/4/2005
305-45	cr	031604	12/21/2004	7/1/2005
305-45-4	am	050629	10/18/2005	11/4/2005
305-47	cr	031604	12/21/2004	7/1/2005
305-47-5	rn to 305-47-6	041545	4/12/2005	7/1/2005
305-47-5	cr	041545	4/12/2005	7/1/2005
305-47-6	am	080486	9/12/2008	1/1/2009
305-49	cr	031604	12/21/2004	7/1/2005
305-51	cr	031604	12/21/2004	7/1/2005
305-51-1-i	cr	041545	4/12/2005	7/1/2005
305-51-1-j	cr	050629	10/18/2005	11/4/2005
305-51-1-k	cr	050629	10/18/2005	11/4/2005
305-51-1-L	cr	050629	10/18/2005	11/4/2005
305-53	cr	031604	12/21/2004	7/1/2005
305-55	cr	031604	12/21/2004	7/1/2005
305-57	cr	031604	12/21/2004	7/1/2005
305-57-1-a	am	050629	10/18/2005	11/4/2005
305-59	cr	031604	12/21/2004	7/1/2005

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CHAPTER 307
COMMISSIONER OF ASSESSMENTS

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307-7	Fair Share Payment in Lieu of Taxes Program

307-1. Commissioner of Assessments; Ownership Records. The commissioner of assessments shall maintain ownership records of all property in the city and make proper reports in regard to these duties to any such office, department, bureau, division or unit. In addition, the commissioner shall report to the department of neighborhood services all changes in the use of vacant and improved parcels and all requests to subdivide or consolidate parcels.

307-2. Tax-Exempt Property Report. By March 31 of each even-numbered year, the owner of each parcel of tax-exempt property shall obtain from and return to the commissioner of assessments, a form, as provided in s. 70.337, Wis. Stats., concerning the characteristics of the tax-exempt property.

307-3. Objections To Manufacturing Property Assessments. 1. AUTHORITY. Pursuant to the authority granted under s. 70.995(8)(d), Wis. Stats., the commissioner of assessments is authorized to file an objection with the state board of assessors to the amount, valuation or taxability of any specific manufacturing property within the city.

2. FORM TO BE FILED. The commissioner of assessments shall file a written report to the common council on an annual basis the status of any objections filed under this section.

307-4. Board of Review. 1. CREATION. There is created a board of review under s. 70.46, Wis. Stats., consisting of 9 members appointed by the mayor for 5-year terms and confirmed by the common council. Members shall be city residents and may not occupy any public office or be publicly employed. Members shall be compensated for their services as determined by the common council.

2. DUTIES. The board shall perform the duties prescribed for the board in ch. 70, Wis. Stats. The commissioner of assessments shall staff the board.

3. PANELS. At the discretion of the chair of the board of review, the board of review may sit in panels of at least 3 members each under the following terms and conditions:

a. The presence of 3 board of review members shall constitute a quorum.

b. The chair shall assign the members to panels and, as so far as practicable, rotate the membership of the panels.

c. The chair shall preside over any panel of which he is a member and shall designate the presiding members of other panels.

d. Each panel shall perform its duties independently of the other.

307-5. Confidentiality of Income and Expense Information. Whenever the assessor, in the performance of his or her duties, requests and obtains income and expense information pursuant to s. 70.47(7)(af), Wis. Stats., or any successor statue thereto, then, such income and expense information that is provided to the assessor shall be held by the assessor on a confidential basis, except, however, that said information may be revealed to and used by persons in the discharge of duties imposed by law; in the discharge of duties imposed by office including, but not limited to, use by the assessor in performance of official duties of the assessor's office and use by the board of review in performance of its official duties; or pursuant to order of a court. Income and expense information provided to the assessor under s. 70.47(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is, per s. 70.47(7)(af), Wis. Stats., not subject to the right of inspection and copying under s. 19.35(1), Wis. Stats.

307-6. Service Charges for Inspection and Appraisal. In order to recover costs associated with inspection and appraisal of new construction, remodeling and additions, the commissioner of assessments is authorized to assess and collect service charges for providing inspections and appraisals.

307-7. Fair Share Payment in Lieu of Taxes Program. 1. PURPOSE. There is created a fair share payment in lieu of taxes program in which the city seeks voluntary payments from owners of tax-exempt properties in recognition of the services those properties receive from the city. Payments received through this program are intended to diversify the city's revenue sources, compensate the city for lost revenues resulting from the large and growing portion of the city's land area that is tax-exempt, and reduce the subsidy of service provision to tax-exempt properties by owners of taxable properties. By creating this program, the city seeks to generate the additional revenues needed to maintain the high level of services it provides to residents, businesses and visitors, even during times of limited financial resources and challenging city budgets.

2. DEFINITIONS. In this section:

a. Commissioner" means the commissioner of assessments.

b. Owner" means a tax-exempt organization or institution that owns or intends to acquire real property in the city of Milwaukee.

c. PILOT" means a fair share payment in lieu of taxes.

3. ADMINISTRATIVE AUTHORITY. The commissioner of assessments is authorized and directed to carry out the program established in this section, with assistance to be provided by other city departments as noted.

4. PROCEDURE. a. Initiation. The procedure described in this subsection shall be initiated by the commissioner whenever the commissioner receives a new application for property tax exemption or whenever the department of city development notifies the commissioner that an owner has demonstrated its intent to expand, improve, replace or acquire a facility, as evidenced by an application for a building permit, certificate of occupancy, zoning change, special use permit or variance.

b. Communication With Tax-Exempt Owner. The commissioner shall contact the owner regarding the possibility of a voluntary agreement to make payments in lieu of taxes to the city. As part of this communication, the commissioner shall provide the owner with a "new PILOT project profile form" on which the owner is asked to provide the information about the tax-exempt institution and its existing and proposed facilities that is necessary for development of a PILOT.

c. Submission Requirements. The commissioner shall ask the owner to submit both the new PILOT project profile form and the master plan for the project.

d. Discussion Between City and Owner Representatives. Once the owner submits the new PILOT project profile form and a project master plan showing both existing and proposed facilities, the commissioner shall discuss the formulation of a PILOT agreement and the amount of the annual payment with the owner.

e. Guidelines for Establishing PILOT Amount. The PILOT amount shall be based on the value of the entire tax-exempt property, including both existing facilities and new construction, and the amount of tax revenue the city forgoes because of the tax-exempt status of the property. In establishing the PILOT amount, the commissioner shall employ the following guidelines, while recognizing that each institution and property has unique characteristics that may make adjustments necessary:

e-1. Value. The commissioner shall estimate the value of the entire tax-exempt property, including both existing facilities and new construction, using standard appraisal methodologies that the commissioner deems most appropriate.

e-2. Calculation of PILOT Amount. The suggested PILOT amount shall be calculated by multiplying the value of the owner's property by the city's current tax rate and dividing by 1,000. The tax rates of other local taxing jurisdictions, including but not limited to Milwaukee county, Milwaukee public schools, Milwaukee area technical college and Milwaukee metropolitan sewerage district, shall not be included when performing this calculation.

f. PILOT Agreement. Once the owner has agreed in principle to make a PILOT, the commissioner shall draft a PILOT agreement between the city and the owner. If the owner's tax-exempt property contains multiple buildings or facilities and the owner anticipates multiple alterations to these buildings or facilities, the agreement may take the form of a comprehensive agreement that applies to all buildings and facilities on the property. The provisions of a PILOT agreement may include, but shall not be limited to, the following:

f-1. The parties agree that the city will provide the owner's property with public services typically funded by the property tax, such as fire

and police protection, street maintenance and street lighting.

f-2. The owner of the tax-exempt property understands that it may still be subject to special assessments, special charges, special taxes or fees charged by the city pursuant to the city's statutory authority.

f-3. The owner agrees to pay an annual PILOT for the tax-exempt property. The method of calculating the PILOT shall be specified, as shall the technique for annually adjusting the PILOT for inflation.

f-4. The owner shall pay the entire PILOT on or before January 31 of the year following the tax year for which the PILOT was calculated. Alternatively, the owner may pay one-tenth of the PILOT on or before January 31, with another one-tenth being paid in each of the following 9 months.

f-5. The city may use the PILOT revenues for whatever purposes it deems appropriate.

f-6. The owner shall make a good-faith effort to satisfy its PILOT obligations. In the event of non-payment or partial payment, the city shall not place a tax lien on the property. Nor shall the tax-exempt status of the owner's property be affected by the owner's non-payment or partial payment of the PILOT.

f-7. The city reserves the right to grant or deny the owner's application for tax-exempt status, pursuant to s. 70.11, Wis. Stats. If the city grants tax-exempt status, the city may review, reconsider and, if necessary, alter that tax-exempt status each January. If part or all of the property does not qualify for tax-exempt status, the impact on the PILOT shall be specified.

f-8. The agreement shall be for a period of 5 years. It shall be automatically terminated upon the loss of tax-exempt status by the owner's property. The agreement may also be terminated if either party gives the other party 30 days written notice of termination. Upon termination, the owner shall remain liable for any outstanding PILOT payments due and payable under the agreement.

f-9. The owner shall agree to allow the city to inspect its property upon reasonable written request and to allow the city to inspect documents that are relevant to exemption and valuation determinations.

f-10. The agreement shall be considered void from the date of its execution if the owner does not become the holder of legal title to the property by December 31 of the first tax year to which the PILOT would apply or if the commissioner determines that the property is not tax-exempt.

f-11. If the agreement is not terminated prior to the date that is 5 years after the date of execution of the agreement, the agreements is automatically renewed for another 5-year period, with the same terms and conditions as the original agreement unless either party notifies the other of a request to change those terms and conditions.

g. Execution of Agreement. The PILOT agreement shall be executed when the owner of the tax-exempt property, the commissioner, the comptroller, the mayor, the city clerk and the city attorney have signed the document that has been drafted pursuant to par. f. In addition, common council approval shall be required for any PILOT agreement in which the initial annual payment is at least $100,000.

5. FAIR SHARE PROGRAM AWARENESS CAMPAIGN. The commissioner shall develop, implement and continuously maintain a campaign to create awareness of the fair share payment in lieu of taxes program among both property owners requesting exemption from property taxes and current owners of tax-exempt properties.

6. IMPACT OF PROGRAM PARTICIPATION ON TAX-EXEMPT STATUS. The decision of the owner of a tax-exempt property to participate or not participate in the fair share payment in lieu of taxes program shall have no effect on the property's tax-exempt status.

7. PAYMENTS RECEIVED. The comptroller shall treat all PILOT payments received by the city as general fund revenues.

LEGISLATIVE HISTORY

CHAPTER 307

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 307	cr	881930	3/7/89	3/25/89
307-0	am	921114	11/20/92	12/11/92
307-1	am	921114	11/20/92	12/11/92
307-1	am	931078	11/11/93	12/19/93
307-1	am	980963	12/18/98	1/1/99
307-2	cr	911602	12/20/91	1/14/92
307-2	rc	991456	2/8/2000	2/25/2000
307-2-1	am	921114	11/20/92	12/11/92
307-3	cr	891404	11/17/89	12/9/89
307-3	rn to 307-4	980420	7/24/98	8/12/98
307-3	cr	980420	7/24/98	8/12/98
307-3-2	am	921114	11/20/92	12/11/92
307-4-1	am	040978	11/23/2004	12/14/2004
307-4-1	am	051188	1/18/2006	2/4/2006
307-4-4	cr	071290	4/9/2008	5/1/2008
307-4-4	rp	101527	5/3/2011	5/20/2011
307-4-5	cr	071290	4/9/2008	5/1/2008
307-4-5	rp	101527	5/3/2011	5/20/2011
307-4-6	cr	071290	4/9/2008	5/1/2008
307-4-6	rp	101527	5/3/2011	5/20/2011
307-4-3	cr	040978	11/23/2004	12/14/2004
307-5	cr	990558	7/29/99	1/1/2000
307-6	cr	040491	11/12/2004	1/1/2005
307-7	cr	041042	12/21/2004	1/13/2005

CHAPTER 308
CITY DEVELOPMENT

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308-1. Department of City Development.

1. CREATED. There is created a department of city development which shall have the same status and standing as any other city department.

2. FUNCTIONS, POWERS AND DUTIES. The department of city development shall have the following authority, functions and responsibilities:

a. To develop comprehensive plans and programs designed to promote the overall development of the city.

b. To provide assistance and programs to further the economic development of the city.

c. To create and manage adequate public housing to meet the needs of the city's residents.

d. To actively manage and promote the conservation and redevelopment of property in the city, and other activities or projects related to community development.

e. To coordinate the use of land and recommend changes in land use patterns.

f. To provide real estate, relocation and other services to other city departments and agencies.

g. To administer city youth initiative services.

h. To perform such other duties and functions as are assigned to the department or the commissioner elsewhere in this code.

i. To contract with various departments and agencies for the performance of duties and responsibilities relating to the powers provided for in this section. The powers herein provided for shall be exercised subject to the approval of the common council or the housing authority, or the redevelopment authority, or the city plan commission, as the case may be.

j. To provide assistance related to housing activities that encourage reinvestment in residential property as part of an overall neighborhood economic stabilization strategy.

k. To attend to the operation, maintenance and repair of improvements upon land acquired by tax deed by the city in order that the premises may be rented and kept rented until sold, otherwise disposed of or appropriated.

3. COMMISSIONER. a. Authority. The department of city development shall be under the supervision and direction of a commissioner who shall be known as the commissioner of city development. He shall be paid a salary as the common council shall by ordinance determine.

c. Jurisdiction. c-1. The commissioner of the department of city development shall have supervision, control and direction over all matters related to community development, city planning, urban renewal and real estate (except demolition and vacant lot maintenance).

c-2. The commissioner shall have such powers and duties with respect to redevelopment and public housing as from time to time may be delegated to him or her by either the common council, redevelopment authority, housing authority or city plan commission, as the case may be.

c-3. The commissioner of the department of city development is authorized to issue parking citations to illegally parked motor vehicles. Pursuant to sub. 6-b, the commissioner may designate special deputies within the department, including employes of the housing authority of the city of Milwaukee, to issue the citations to illegally parked motor vehicles on property under the ownership and control of the housing authority of the city of Milwaukee.

d. To Act as Executive Director. Said commissioner of city development shall serve as the executive director of the redevelopment authority of the city of Milwaukee, executive director of the housing authority of the city of Milwaukee, and the executive secretary of the city plan commission of the city of Milwaukee, subject to the approval of the aforesaid agencies.

e. State Compliance. Nothing contained in this section shall be considered to mean that the position of executive director of the redevelopment authority, the position of executive director of the housing authority, or the position of executive secretary of the city plan commission, are transferred to the department of city development. The duties and responsibilities set forth by either the statutes or by other ordinances shall not be affected by any transfer provided for in this section.

6. ORGANIZATION. a. Departmental Divisions. The commissioner of the department of city development shall be empowered to establish divisions and sections within the department and shall make such assignments of personnel under his or her supervision and direction as he or she shall deem appropriate. Assignments may include designations of supervisory personnel for each of the divisions within the department, subject, however, to the provisions of the positions ordinance. In doing so, the commissioner shall cooperate with and receive the assistance of the department of employe relations.

b. Special Deputies and Their Authority. The commissioner of city development may from time to time appoint and designate competent persons within the department of city development to act for and in his stead in specified matters, as special deputy commissioner of city development without additional compensation. Such appointments shall be in writing and copies thereof filed with the city clerk and city comptroller setting forth the specific acts each such deputy is authorized to perform in the name of the commissioner. Such authority may be revoked or amended in the same manner. Within the scope of their specified authority, such deputies may perform any and all acts required by law of the commissioner. The commissioner shall be responsible for all acts of such deputies and may require that additional bonds be furnished to assure their faithful performance thereof.

7. ANNUAL BUDGET AND OPERATIONS. An annual budget shall be established for the department of city development. The commissioner is authorized to execute all vouchers, requisitions, transfers or other documents required in the performance of his duties and in carrying out the function of his department. The commissioner is also authorized to designate in writing and to delegate to appropriate staff the execution of all the above mentioned operations.

8. CITY SERVICE RULES. The personnel of the department of city development shall be selected, appointed and shall serve under the provisions of city service rules and procedures.

9. BENEFITS RETAINED. All employes of the city plan commission, housing authority and redevelopment authority who were transferred to the department of city development shall in all respects retain their civil service status, their pension rights and all other privileges and prerogatives which they possessed as employes at the time of transfer.

10. ANNUAL REPORT REQUIRED. The commissioner of the department of city development shall keep a record of all his acts and doings, which at all times shall be open to the inspection of the common council, any member thereof, or of any committee appointed by said council. He shall make a detailed annual report of the acts and doings of the department of city development to the common council, and oftener when required by the common council.

11. EXPENDITURE AUTHORITY; CAPITAL ACCOUNTS. Neither the department of city development nor any employe of the department may expend $100,000 or more from any department of city development-administered capital improvement account, other than an account for tax incremental district financing, for a single project or a single property without common council approval. As provided in s. 304-31.5-4, in the case of an expenditure of this magnitude from the housing infrastructure preservation fund, the approval of the special joint committee on the redevelopment of abandoned and foreclosed homes established by common council file number 080644 shall also be required.

308-5. Disposal of Abandoned Personalty on City-Owned Real Estate. 1. CONTROL AND DISPOSITION OF UNCLAIMED OR ABANDONED PERSONALTY. For personalty abandoned or unclaimed for 30 days after taking possession of same by the city, on city-owned real estate managed by the department of city development under s. 308-1, the city may, in

accordance with s. 66.0139 (2), Wis. Stats., dispose of the same by any means determined to be in the best interest of the city, as determined by the department of city development, including disposal by sale open to the public, by auction (in person or by internet), by private sale, by trade, by gift, by donation, by destruction, or as waste or refuse. The city may also retain any such abandoned or unclaimed personalty for its own use. If the personalty is not disposed of in a sale open to the public, the city, by its department of city development, shall maintain the inventory and record required by s. 66.0139 (2), Wis. Stats. Pursuant to s. 66.0139 (2), Wis. Stats., if the disposal is in the form of a sale, all receipts from the sale, after deducting the necessary expenses of keeping the personalty and conducting the sale, shall be paid into the treasury of the city.

2. ABANDONED TENANT PERSONALTY. a. For any personalty of a city tenant abandoned under s. 704.05, Wis. Stats. on city-owned real estate managed by the department of city development under s. 308-1, sub. 1 does not apply, and disposal of the personalty by the city shall be by any means determined to be in the best interest of the city, as determined by the department of city development. If the personalty is prescription medication or prescription medical equipment, the department of city development shall meet the holding and return requirements in s. 704.05 (5)(am), Wis. Stats. If the personalty is a manufactured home, a mobile home, or a titled vehicle, the department of city development shall give the notice required by s. 704.05 (5)(b)2, Wis. Stats.

b. Disposal may be by sale open to the public, by auction (in person or by internet), by private sale, by trade, by gift, by donation, by destruction, or as waste or refuse. The city may also retain any such abandoned or unclaimed personalty for its own use.

c. If the disposal is in the form of a sale, all receipts from the sale, after deducting the necessary expenses of keeping the personalty and conducting the sale, shall be paid into the treasury of the city, unless the common council, by resolution, directs the same to be sent to the Wisconsin department of administration, pursuant to s. 704.05 (5) Wis. Stats., for deposit in the appropriation under s. 20.505 (7)(h), Wis. Stats.

3. OTHER RIGHTS. The rights and remedies in this section are not exclusive and do not prevent the city from resorting to other available rights at law, including other rights in ch. 704, ch. 795 and s. 799.45, Wis. Stats.

4. EXCEPTIONS. The provisions of this section are not applicable to dispositions under s. 66.0139 (3), (4) or (5), Wis. Stats. or under s. 105-65, 105-122, s. 105-123, s. 110-36 or s. 310-29 of the code.

308-21. City Development, Annexation.

1. Section 62.07 (1) (a) and (b), (3), (4) and (6), Wis. Stats., 1949, and acts amendatory thereof and supplementary thereto, relating to annexation to territory and matters relevant thereto, are adopted by the common council and made applicable to the city of Milwaukee. Nothing contained herein shall in any way act to invalidate, by repeal of enabling legislation or otherwise, any annexation commenced previous to the effective date hereof under any other provisions of law, or to repeal or terminate the effect of such law prior to the completion of such annexation; provided that, except as hereinbefore stated, all ordinances or parts of ordinances contravening the provisions of this section are repealed.

2. All matters pertaining to annexation, detachments, or consolidations, including but not limited to giving assistance to property owners and electors seeking annexation or consolidation, shall be the duty and responsibility of the department of city development.

308-22. Environmental Audit Required Prior to Disposition or Acquisition of Property.

1. DEFINITIONS. In this section:

a. "Commissioner" means the commissioner of the department of city development.

b. "Environmental audit" means conducting and evaluating a series of studies regarding a property to determine if there are any potential or actual environmental hazards or hazardous substances present on the premises, or in any structure located on the premises. Environmental audits shall be identified as follows:

b-1. A phase I audit shall be the initial determination of a property's environmental status which shall include, but not be limited to:

b-1-a. A background check of the property's land use history.

b-1-b. An inspection of the site.

b-1-c. An inspection of the interior of each building on the property, provided legal access is obtainable. Such inspection may be performed, but shall not be required, if, historically, each building was used only as a tavern, restaurant, office, grocery store, department store, health clinic, church, theater, day care center,

microbrewery, barber shop, beauty salon, sporting goods store, video store, hotel, multi-family dwelling with more than 4 units, or membership organization meeting room, hall or recreation or eating facility.

b-1-d. A surface soil gas survey.

b-1-e. A search for the location and contents of any underground storage tanks.

b-2. A phase II audit shall include sampling and analysis of site materials to determine the nature and extent of the contamination.

b-3. A phase III audit shall include the actions necessary to eliminate the contamination.

2. ENVIRONMENTAL AUDIT.

a. Required. Prior to the city's sale or acquisition of any property, including properties in the in rem process, except those with one to 4 residential units, a Phase I environmental audit shall be conducted by the department of city development, in conjunction with the departments of neighborhood services and health.

b. Other Audits. The commissioner may authorize an environmental audit of any property to be purchased or sold or otherwise acquired by the city, including 1-4 family residential structures, if it appears that hazardous materials or substances are present on the premises, within any structure or building on the premises, or in the immediate vicinity of the property, prior to its being offered for sale or acquisition.

c. Exceptions. The city may purchase, sell or otherwise acquire property without conducting an environmental audit as required in this subsection provided approval of the common council, in the form of a 3/4 vote of all its members, has been obtained.

d. Coordinator. The health department's environmental scientist shall coordinate all environmental audits, in conjunction with the departments of neighborhood services and city development, and shall review the results, determine the environmental status of the property and present a written report to the commissioner.

e. Additional Environmental Audits. If the results of the phase I environmental audit indicate a need for further analysis of any potential environmental hazard associated with a property, the department of city development shall commence a phase II audit, and, if necessary, a phase III audit on behalf of the city, before the property is advertised for sale, or before an offer to purchase is accepted. The results of the audits shall be presented in a written report to the commissioner.

f. Reports to be Made Available. Any report concerning an environmental audit of city owned property shall be made available to prospective buyers and the general public, upon request.

g. Liability. Anyone who intends to acquire property from the city shall, prior to the closing of the property transfer, be required to sign a waiver holding the city harmless from any undetected or unknown environmental hazard that may be present in or on the property.

h. Acceptance of Real Estate As Gift. The city shall not accept any real estate property from any party as a gift without a satisfactory environmental audit of the property being performed by a professional contractor of the city's choice, at the donor's expense, prior to the city taking title to the property

.i. Security for City Owned Properties With Hazardous Materials. All city owned properties that have been determined to contain hazardous materials or wastes shall be secured to ensure that unauthorized entry is eliminated.

j. Land Acquisition for the Milwaukee School Board. The department of facilities and maintenance of the Milwaukee public schools shall administer the necessary environmental audits for property acquisition by the city for the Milwaukee school board.

308-28. Procedure for Vacating a Street or Alley. 1. ABUTTING PROPERTY OWNERS OR COMMON COUNCIL TO INITIATE. Pursuant to s. 62.73, Wis. Stats., vacation of any street or alley under the control of the city may be initiated either by a petition to the common council signed by the owners of all property which abuts the street or alley proposed for vacation or by a resolution adopted by the common council. Vacation may be initiated by common council resolution only if the city, one of its affiliated agencies or another governmental unit is the owner of property abutting the street or alley proposed for vacation, or if the vacation is a necessary component of a publicly-supported project of the city, one of its affiliated agencies or another governmental unit.

2. FILING OR FORWARDING OF PRELIMINARY VACATION APPLICATION OR VACATION INITIATION RESOLUTION. A preliminary application for vacation of a street or alley may be submitted by any owner of property which abuts the street or alley proposed for vacation. Such application shall be filed with the department of city development and shall be accompanied by the appropriate fee specified in s. 81-116-1. Alternatively, whenever the common council adopts a resolution initiating vacation proceedings, the city clerk shall forward a copy of the resolution to the department of city development.

3. DEPARTMENT OF CITY DEVELOPMENT TASKS. Upon receipt of a preliminary application for vacation of a street or alley, or a resolution initiating a vacation, the department of city development shall:

a. Prepare and submit to the city clerk, for introduction by the common council, a resolution vacating the street or alley proposed for vacation. If the vacation was initiated by common council resolution and the council desires to waive the charges identified in s. 81-116-1-c, the vacation resolution shall identify a specific alternative funding source, including a budgetary account number, to cover the costs associated with the vacation.

b. Forward a copy of the application or resolution to the department of public works for completion of the tasks specified in sub. 4.

4. DEPARTMENT OF PUBLIC WORKS TASKS. Upon receipt of a preliminary vacation application, or resolution initiating a vacation, from the department of city development, the department of public works shall complete the following tasks:

a. Prepare a map and legal description of the area to be vacated, said map and description to be used in processing the vacation proposal. Such map shall also show the boundaries of all properties which abut the area to be vacated and the tax key numbers of such properties.

b. If the vacation procedure was initiated by an application from a property owner, attach to the map and legal description one or more separate sheets of paper that list all tax key numbers shown on the map, along with the names of the owners of record of the corresponding properties as specified in the records of the commissioner of assessments. Next to each name there shall be a space for the property owner's signature and a space for notarization of such signature. This combination of map, legal description and ownership information shall constitute a vacation petition.

c. Provide notice of the proposed vacation to each private utility serving the area in question.

d. Transmit copies of the map and legal description, along with a request for written comments on the proposed vacation, to each division of the department of public works and to the fire department. The department of public works shall prepare a single, coordinated report containing comments and other information provided by its divisions and the fire department. The coordinated report shall include a statement of the costs that will be incurred by the city as a result of the vacation, including, but not limited to, costs of easement preparation, pavement and light removal, closing of intersections, utility relocation or abandonment and equity in catch basins and street trees. In addition, the coordinated report shall include a benefit assessment for the proposed vacation prepared by the department of public works in accordance with s. 66.0703, Wis. Stats.

e. Transmit the completed map, legal description, list of tax key numbers and property owner names (if required) and coordinated report to the department of city development. The department of public works shall make its best effort to provide all of these items to the department of city development within 30 days of receipt of the preliminary vacation application, and, in the case of a vacation initiated by an application from an abutting property owner, may transmit the vacation petition to the department of city development before transmitting the coordinated report so as to expedite the process of collecting signatures on the petition.

5. COMPLETION OF APPLICATION. If a vacation petition was prepared pursuant to sub. 4-b, the department of city development shall, upon receipt of such petition from the department of public works, provide a copy of the vacation petition to the person who submitted the application so that said person may collect the notarized signatures of all

owners of abutting property. Once all signatures have been collected, they shall be submitted along with the map and legal description to the department of city development and shall constitute a completed application for vacation of a street or alley.

6. PROCESSING OF VACATION PROPOSAL. Upon receipt of the map, legal description and coordinated report from the department of public works (in the case of a vacation initiated by common council resolution) or the completed vacation application described in sub. 5 (in the case of a petitioner-initiated vacation), the department of city development shall proceed to perform each of the following:

a. File a notice of the pendency of the application or proposal for vacation in the office of the Milwaukee county register of deeds.

b. If the vacation proposal was initiated by common council resolution, prepare a written report on the proposed vacation and submit such report to the city plan commission and the common council. This report shall include a summary of the comments, easement requests and vacation-related costs, if any, identified in the coordinated report of the department of public works, as well as the department of city development's evaluation of whether the vacation would be detrimental or beneficial to the public and to the city in terms of such factors as property access, traffic circulation, future land development and future use of the street or alley to be vacated.

c. If the vacation was initiated by a petition signed by the owner or owners of abutting property, mail written notice to the petitioner of any benefit assessment and vacation-related costs for the proposed vacation, as identified by the department of public works pursuant to sub. 4-d. Such notice shall indicate that the department of city development will schedule a proposed vacation for city plan commission action only after it has received full payment from the petitioner of any benefit assessment and vacation-related costs. The department of city development shall forward the required payment to the department of public works. Following receipt of the required payment, the department of city development shall schedule the proposed vacation for plan commission action and prepare the report required by par. b. In the event that the common council does not adopt the resolution vacating the street or alley, the city clerk shall inform the department of public works of such fact and the department shall return such deposited monies to the petitioner.

7. NOTICE OF HEARING. Owners of record of all property which abuts upon the street or alley proposed for vacation shall be notified by the city clerk of the common council committee hearing in the manner specified in s. 62.73, Wis. Stats. If only a portion of a street or alley is proposed for vacation, the city clerk shall notify owners of record of all property in the block in which that portion of the street or alley is located. The city clerk shall use the most current property ownership information available from the commissioner of assessments.

8. RECORDING OF RESOLUTION. Whenever the common council has adopted a vacation resolution, the department of city development shall record a certified copy of the resolution, together with the map and legal description of the area vacated, with the Milwaukee county register of deeds and mail a copy of the resolution to the petitioner.

308-33. Claims in Condemnation.

1. JURISDICTION. The department of city development shall have jurisdiction over all claims presented to the city for damages because of the taking or using of private property by the city for public purposes. The department of city development shall establish such forms as are necessary to administer the provisions of this section, and shall be authorized to distribute such forms to such departments, boards, commissions or persons. The department of city development shall consider all claims arising from condemnation proceedings instituted under subch. II, ch. 32, Wis. Stats., or under any other law under which the city is authorized to condemn, or arising by reason of negotiations under threat of condemnation under any such law. The department of city development may establish rules not inconsistent with this section to govern procedure.

2. COMPENSABLE ITEMS, ETC. For the purposes of this subsection, the definitions set forth shall apply, and compensable items for damage shall include those set forth herein under sub. 2:

a. Definitions. a-1. In this section a "person" means:

a-1-a. Any individual, partnership, corporation or association which owns a business concern; or

a-1-b. Any owner, part owner, tenant or sharecropper operating a farm; or

a-1-c. An individual who is the head of a family; or

a-1-d. An individual not a member of a family.

a-2. "Family" means 2 or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption or legal guardianship.

a-3. "Displaced person" means any person who moves from real property on or after July 1, 1970 as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, which is subsequently acquired, in whole or in part, for public purposes, as the result of the acquisition for public purposes of other real property on which such person conducts a business or farm operation.

a-4. "Business" means any corporation, partnership, individual, other private entity, including a nonprofit organization, engaged in some type of business, professional, or institutional activity, necessitating fixtures, equipment, stock in trade or other tangible property for carrying on the business, profession or institution.

a-5. "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

a-6. "Comparable dwelling" means one which, when compared with the dwelling being taken, is substantially equal concerning all major characteristics and functionally equivalent with respect to: the number of rooms, area of living space, type of construction, age, state of repair, type of neighborhood and accessibility to public services and places of employment. "Comparable dwelling" shall meet all of the standard building requirements and other code requirements of the city and be decent, safe and sanitary.

b. Moving Expenses; Actual. The displaced person shall be compensated for his actual and reasonable expenses in moving himself, his family, his business, or his farm operation, including personal property. Such relocation payments are limited only to new locations within 50 miles of the original site and within the state.

c. Moving Expenses; Optional Fixed Payments. c-1. Dwellings. Any displaced person who moves from a dwelling and who elects to accept the payments authorized by this subdivision in lieu of the payments authorized in par. b may receive a moving expense allowance determined according to a schedule established by the department of city development not to exceed $200 and dislocation allowance of $100, such schedule to be approved by the common council.

c-2. Business and farm operations. Any displaced person who moves or discontinues his business or farm operation and who elects to accept payment authorized under this subdivision in lieu of the payment authorized under par. b may receive a fixed payment in an amount equal to the average net earnings of the business or farm operation, or $5,000, whichever is the lesser. In the case of a business, no payment shall be made under this subsection unless the city is satisfied that the business:

c-2-a. Is not able to be relocated without a substantial loss of its existing patronage; and

c-2-b. Single commercial enterprise. It is not part of a commercial enterprise having at least one other establishment, not being acquired by the city which is engaged in the same or a similar business.

c-2-c. For the purpose of this subdivision, the term "average annual net earnings" means 1/2 of any net earnings of the business of farm operation, before payment of federal, state and local income taxes, during the 2 taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project. "Average annual net

earnings" includes any compensation paid by the business or farm operation to the owner, his spouse or his dependents during such 2-year period. To be eligible for the payment authorized by this subdivision, the business or farm operation shall make its state and federal income tax returns available and its financial statements and accounting records available for audit to determine the payment authorized by this subsection.

d. Replacement Housing. In addition to amounts otherwise authorized the city shall make a payment to the owner of real property acquired for a project which is improved by a single, 2-family, or 3-family dwelling actually owned and occupied by the owner for not less than one year prior to the initiation of the attempt to purchase such property. Such payment, not to exceed $5,000, shall be the amount which, when added to the acquisition payment, equals the average price required for a comparable dwelling as determined by the department of city development. In the determination of such amount there shall be considered a comparable dwelling, adequate to accommodate the displaced owner, reasonably accessible to public services and places of employment, and available on the private market. Such payment shall be made only to a displaced owner who purchases and occupies a decent, safe and sanitary dwelling within one year subsequent to the date on which he moves from the dwelling acquired for the project. In addition to amounts otherwise authorized in this section, the city shall make a payment to any individual or family displaced from any dwelling not eligible to receive a payment under par. b, which dwelling was actually and lawfully occupied by such individual or family for not less than 90 days prior to the initiation of the attempt to purchase such property. Such payment, not to exceed $1,500, shall be the amount which is necessary to enable such person to lease or rent for a period not to exceed 2 years, or to make the down payment on the purchase of a comparable dwelling and adequate to accommodate such individual or family in areas not generally less desirable in regard to public utilities, public and commercial facilities and places of employment.

e. Expenses Incidental to Transfer of Property. In addition to amounts otherwise authorized herein, the city shall reimburse the owner of real property acquired for a project for all reasonable and necessary expenses incurred for:

e-1. Recording fees, transfer taxes and similar expenses incidental to conveying such property.

e-2. Penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if the mortgage is recorded or has been filed for recording as provided by law on the date the plan or improvement of such project is adopted by the city under subch. II, ch. 32, Wis. Stats.

e-3. The pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting of title in the city or the effective date of possession of such real property by the city, whichever is earlier.

e-4. The cost of realigning personal property on the same site in partial takings or where realignment is required by reason of elimination or restriction of existing used right of access.

e-5. Net rental losses resulting from vacancies during the year preceding the taking of the property, provided that such loss is limited to the amount that exceeds the average annual rental losses caused by vacancies during the first 4 years of the 5-year period immediately preceding the taking; and such rental loss was caused by the proposed public land acquisition.

e-6. Expenses incurred for plans and specifications specifically designed for the property taken and which are no value elsewhere because of the taking.

f. Refinancing Costs. All expenses incurred by the owner to finance the purchase of another property substantially similar to the property taken provided that:

f-1. At the time of the taking the land condemned was subject to a bona fide mortgage or was held under a vendee's interest in a bona fide land contract; and

f-2. Such mortgage or land contract has been executed in good faith prior to the date of the adoption of the plan of improvement adopted by the city under subch. II, ch. 32, Wis. Stats. Such expenses shall include:

f-2-a. Reasonable fees, commissions, discounts, surveying costs and title evidence costs necessary to refinance the balance of the debt at the time of taking it actually incurred.

f-2-b. Increased interest costs above that provided in the former financing. The computation of the increased interest costs shall be based upon and limited to:

f-2-b-i. A principal amount of indebtedness not to exceed the unpaid debt at the date of taking.

f-2-b-ii. A term not to exceed the remaining term of the original mortgage or land contract at the date of taking.

f-2-b-iii. An interest rate not to exceed the prevailing rate charged by mortgage lending institutions doing business in the vicinity.

f-2-b-iv. The present worth of the future payments of increased interest computed at the same rate of interest as in subd. 2-b-iii.

g. Damages Not Included. Nothing herein shall be construed as creating in any condemnation proceedings brought under the provisions of subch. II, ch. 32, Wis. Stats., any element of damages.

h. Records. The department of city development shall maintain records for each project requiring a relocation payment plan. The records shall contain such information as is necessary to carry out the provisions herein; and such records shall be preserved for a period of not less than 3 years after the conclusion of the project to which the records pertain.

i. Costs. i-1. The costs of relocation payments and services shall be computed and paid by the city and included as part of the total project cost.

i-2. If there is a project cost sharing agreement between the city and another unit or level of government, the costs of relocation payments and services shall be shared in the same proportion as other project costs, unless otherwise provided. This direct proportion formula may be changed to take advantage of federal relocation subsidies.

3. FILING OF CLAIM FORMS. All claims must be filed on forms prepared by the department of city development, and the department of city development shall not consider any claim filed more than 2 years after the date of taking of the property for public use. For the purpose of applying this section, the "date of taking" means the date at which legal possession was transferred to the city by the terms of a negotiated sale, or the date fixed by the board of assessment as the date that title passed to the city under the provisions of subch. II, ch. 32, Wis. Stats., or the date under which such property is transferred to the city by operation of law under any other law used by the city in such condemnation. If such claim has been proved to the satisfaction of the department of city development to be a bona fide claim, and that it accurately reflects the costs incurred by those persons entitled to make such claim and that the same is compensable under this section, the department of city development shall authorize a check to be drawn directly out of the project funds for the project involved without the intervention of a common council resolution for payment. The department of city development shall keep a written report of the receipt of each claim and the disposition thereof, and such records shall be deemed to be public records.

4. DEPARTMENTAL COOPERATION. The department of city development is authorized to call upon any employe, officer, board or commission of the city for aid and assistance in carrying out of its duties and functions and to make such investigations as are necessary in the furtherance of its duties and responsibilities.

5. APPEALS. Any person making a claim as provided by this section who shall feel aggrieved by reason of the fact that such claim is disallowed, or by reason of the amount thereof allowed or disallowed, may request the department of city development to refer such claim to the common council, and upon receipt thereof the common council shall refer such claim to one of its standing committees for hearing and recommendation. The city clerk shall cause a notice to be sent prior to such hearing to such claimants, stating the time and place of such hearing. Thereupon, after receiving the recommendation of its committee, the common council may by resolution take such further action as is deemed necessary by it. The decision of the common council shall be final, and if the common council shall authorize payment, the department of city development shall authorize a check to be drawn payable to the claimant directly out of project funds

without the intervention of a common council resolution. If the common council shall deny the claim, the department of city development shall not thereafter consider the same claim.

6. AUTHORITY. This section shall be effective to vest authority in the department of city development to receive, adjudicate and pay condemnation claims to all persons displaced on or after July 1, 1970, wherever title to the property involved vested in the city.

7. RELOCATION PLAN TO BE FILED. Whenever proceedings are instituted under subch. II, ch. 32, Wis. Stats., the provisions herein shall be applicable.

a. The city shall not proceed with any property acquisition activities or any project which may involve acquisition of property and displacement of persons, business concerns, or farm operations until the department of city development has filed in writing a relocation plan and relocation assistance service plan and has both such plans approved by the common council.

b. The relocation assistance service plan shall contain evidence that reasonable and appropriate steps have been taken to:

b-1. Determine the cost of any relocation payments and services or the methods that are going to be used to determine such costs.

b-2. Assist owners of displaced business concerns and farm operations in obtaining and becoming established in suitable business locations or replacement farms.

b-3. Assist displaced owners or renters in the location of comparable dwellings.

b-4. Supply information concerning programs of federal, state and local governments which offer assistance to displaced persons and business concerns.

b-5. Assist in minimizing hardships to displaced persons in adjusting to relocation.

b-6. Secure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may effect the implementation of the relocation program.

b-7. Determine the approximate number of persons, farms, or businesses that will be displaced and the availability of decent, safe and sanitary replacement housing.

b-8. Assure that, within a reasonable time prior to displacement, there will be available, to the extent that may reasonably be accomplished, housing meeting the standards as provided in sub. 2-a-6. The housing, so far as practicable, shall be in areas not generally less desirable in regard to public utilities, public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced and equal in number to the number of such displaced families or individuals and reasonably accessible to their places of employment.

LEGISLATIVE HISTORY
CHAPTER 308

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 308	cr	881930	3/7/89	3/25/89
308-1-2-g	rn to 308-1-2-h	920988	11/12/92	12/20/92
308-1-2-g	cr	920988	11/12/92	12/20/92
308-1-2-g	rp	991247	11/29/99	1/1/2000
308-1-2-g	cr	060775	11/10/2006	1/1/2007
308-1-2-h	rn to 308-1-2-k	980963	12/18/98	1/1/99
308-1-2-h	cr	980963	12/18/98	1/1/99
308-1-2-h	rp	120914	11/8/2012	1/1/2013
308-1-2-i	cr	980963	12/18/98	1/1/99
308-1-2-i	rp	120914	11/8/2012	1/1/2013
308-1-2-j	rn to 308-1-2-h	120914	11/8/2012	1/1/2013
308-1-2-j	cr	980963	12/18/98	1/1/99
308-1-2-k	rn to 308-1-2-i	120914	11/8/2012	1/1/2013
308-1-2-L	cr	020593	11/8/2002	1/1/2003
308-1-2-L	rn to 308-1-2-j	120914	11/8/2012	1/1/2013
308-1-2-m	cr	101499	5/3/2011	5/20/2011
308-1-2-m	rn to 308-1-2-k	120914	11/8/2012	1/1/2013
308-1-3-c	am	921842	6/15/93	7/2/93
308-1-3-c	rc	980963	12/18/98	1/1/99
308-1-3-c-1	am	120914	11/8/2012	1/1/2013
308-1-3-c-3	rn to 308-1-3-c-4	981447	2/9/99	2/26/99
308-1-3-c-3	cr	981447	2/9/99	2/26/99
308-1-3-c-4	rp	120914	11/8/2012	1/1/2013
308-1-6-a	am	891611	12/19/89	1/13/90
308-1-11	cr	130995	12/17/2013	1/9/2014
308-5	cr	120871	11/8/2012	11/29/2012
308-22	cr	912282	6/16/92	7/3/92
308-22-1-b-1-c	am	961921	4/22/97	5/9/97
308-22-2-a	am	980963	12/18/98	1/1/99
308-22-2-d	am	980963	12/18/98	1/1/99
308-23	rp	060444	2/6/2007	2/23/2007
308-23-4	cr	001267	1/16/2001	2/2/2001
308-28	cr	980680	9/23/98	10/10/98
308-28-1	am	001458	2/27/2001	3/16/2001
308-28-4-d	am	001458	2/27/2001	3/16/2001
308-28-7	am	001458	2/27/2001	3/16/2001
308-51	rp	980963	12/18/98	1/1/99
308-51-2-b	rc	960239	6/4/96	6/21/96
308-51-2-d-8	cr	921842	6/15/93	7/2/93
308-52	cr	921842	6/15/93	7/2/93
308-52	rp	980963	12/18/98	1/1/99
308-52-5	rn to 308-52-6	940843	10/18/94	11/4/94
308-52-5	cr	940843	10/18/94	11/4/94
308-52-6	rn to 308-52-7	940843	10/18/94	11/4/94
308-71	rc	901979	5/14/91	6/1/91
308-71	rn to 200-61	041316	2/1/2005	2/18/2005
308-71-1-a	am	961950	7/11/97	7/30/97
308-71-1-a	am	980963	12/18/98	1/1/99
308-71-2-e	am	010105	5/30/2001	6/16/2001
308-71-3-a	am	960229	6/4/96	6/21/96

308-71-3-a	rc	971381	1/20/98	2/6/98
308-71-3-a-1	am	980963	12/18/98	1/1/99
308-71-4-f	am	980963	12/18/98	1/1/99
308-71-5-0	am	980963	12.18/98	1/1/99
308-71-5-b-0	rn to 308-71-5-b-1	960621	7/30/96	8/16/96
308-71-5-b-1	rn to 308-71-5-b-2	960621	7/30/96	8/16/96
308-71-10-b	am	980963	12/18/98	1/1/99
308-71-12-b	am	980963	12/18/98	1/1/99
308-71-14	am	961950	7/11/97	7/30/97
308-71-15-a	am	980963	12/18/98	1/1/99
308-81	rp	090276	7/28/2009	1/1/2010
308-81-1.5	cr	901979	5/14/91	6/1/91
308-81-3	rc	010758	10/12/2001	10/31/2001
308-81-3	rc	051188	1/18/2006	2/4/2006
308-81-7-g	rn to 308-81-7-h	941691	3/8/95	3/25/95
308-81-7-g	cr	941691	3/8/95	3/25/95
308-81-7-g	am	050088	6/14/2005	7/1/2005
308-81-8-0	am	001704	5/8/2001	5/25/2001
308-81-8-a	am	970344	7/11/97	7/30/97
308-81-8-a	am	980694	10/30/98	11/18/98
308-81-8-a	rc	001704	5/8/2001	5/25/2001
308-81-8-b-0	am	980694	10/30/98	11/18/98
308-81-8-c	am	030891	11/25/2003	12/16/2003
308-81-8-d	am	980963	12/18/98	1/1/99
308-81-8-e	am	000441	7/25/2000	8/11/2000
308-81-8-f	cr	000441	7/25/2000	8/11/2000
308-81-8.5	cr	030891	11/25/2003	12/16/2003
308-81-9-0	am	980963	12/18/98	1/1/99
308-81-9-a	am	980694	10/30/98	11/18/98
308-81-9-c	am	970344	7/11/97	7/30/97
308-81-9-d	am	980963	12/18/98	1/1/99
308-81-9-f	am	970344	7/11/97	7/30/97
308-81-9g	am	081377	2/10/2009	2/27/2009
308-81-9-i	rc	980694	10/30/98	11/18/98
308-81-9-i	am	980963	12/18/98	1/1/99
308-81-10.5	am	970344	7/11/97	7/30/97
308-81-10.5-a	am	980963	12/18/98	1/1/99
308-81-10.5-c	am	980963	12/18/98	1/1/99
308-81-10.5-d	am	980963	12/18/98	1/1/99
308-81-10.5-f	am	980963	12/18/98	1/1/99
308-81-10.5-g	am	000197	7/25/2000	8/11/2000
308-81-11	am	980694	10/30/98	11/18/98
308-81-11	am	980963	12/18/98	1/1/99
308-81-12	rn to 308-81-13	941691	3/8/95	3/25/95
308-81-12	cr	941691	3/8/95	3/25/95
308-81-12-0	am	980963	12/18/98	1/1/99
308-81-12-0	am	050088	6/14/2005	7/1/2005
308-81-12-a	am	980963	12/18/98	1/1/99
308-81-12-a	am	050088	6/14/2005	7/1/2005
308-81-12-f-0	am	970344	7/11/97	7/30/97
308-81-12-g	am	970344	7/11/97	7/30/97
308-81-12-g	am	980963	12/18/98	1/1/99
308-81-13	rn to 308-81-14	941691	3/8/95	3/25/95
308-81-14	rc	941691	3/8/95	3/25/95
308-81-14	rp	081377	2/10/2009	2/27/09

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CHAPTER 309
PUBLIC WORKS

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309-1. Department of Public Works.

1. DUTIES. a. The department of public works shall be responsible for all matters relating to the design, construction, maintenance and operation of the physical properties of the city of Milwaukee including the streets, street appurtenances, alleys, pedestrian ways, malls, bridges, public buildings, water works, and storm and sanitary collection facilities, parking, the landscaping of public space and the maintenance of vacant, city-owned lots. The department is also responsible for citation processing contract administration, parking checker, tow desk and night parking call-in desk functions, solid waste collection and disposal, street cleaning, snow and ice control and removal, and operation and maintenance of the city's centralized fleet of motor vehicles.

b. Pursuant to ch. 800, Wis. Stats., the commissioner of public works and the commissioner's designees may issue citations for nonmoving traffic violations pursuant to the citation procedure in s. 50-25. The commissioner of public works and the commissioner's designees are deemed traffic officers for the purpose of regulating and enforcing nonmoving traffic violations.

2. COMMISSIONER. The department shall be under the supervision of the commissioner of public works. The commissioner shall appoint the directors of the various divisions in the department, except the division of infrastructure services. The commissioner shall have supervision over the division directors and all department employes, except as otherwise provided by s.8-07 of the charter. The commissioner shall have charge and custody of all physical property of the city, other than records, not assigned to some other officer or employe.

3. ORGANIZATION. The department shall consist of the divisions of administrative services, infrastructure services, operations and water works.

309-10. Marking of City-owned Cars and Equipment. All automotive and other equipment belonging to the city under the control of the department of public works operations division except those automobiles designated by the director of the division and used by the common council, the mayor's office, the city attorney's office, the office of the commissioner of public works, the department of city development, the health department, the department of neighborhood services (one car), the director of the operations division, the commissioner of health, the city engineer and the city treasurer (one car), shall be prominently marked on each side thereof, with the words "CITY OF MILWAUKEE", and an identifying number on the rear with the letters "DPW", and the same number on the front with the number only. In lieu thereof, similarly designated automobiles used by the harbor commission may bear its "PORT OF MILWAUKEE" insignia and the identifying number of the operations division.

309-20. Selling Compressed Natural Gas to the Public. The department of public works may sell compressed natural gas to the public. The price for compressed natural gas sold shall

be set by the commissioner of public works and periodically updated as needed to reflect changes in underlying costs. The price shall include:

1. The cost of the compressed natural gas itself.

2. All applicable taxes.

3. All pro rata share of fueling station operating and maintenance costs.

4. A fleet overhead factor determined by the commissioner.

5. The cost of credit card processing or other direct sale costs.

6. Three cents per gasoline gallon equivalent unit.

309-22. Selling Electric Vehicle Recharging Services to the Public. The department of public works may sell electric vehicle charging services to the public. The price for recharging services shall be set by the commissioner of public works and periodically updated as needed to reflect changes in underlying costs. The price shall include:

1. The cost of the electricity itself.

2. All applicable taxes.

3. A pro rata share of the capital, operating and maintenance costs of the recharging station.

4. A recharging station site fee equal to the pro rata share to out-of-pocket site costs plus a reasonable estimate made by the commissioner of public works of revenues lost by the city, if any, had the site been used in a manner consistent with comparable property.

5. The cost of credit card processing or other direct sale costs.

6. A premium of 1.5% kilowatt hour of cost of the electricity itself.

309-30. Fees for Construction Plans and Specifications. The department may charge fees for the reproduction and distribution of plans and specifications for the construction of paving projects; water main work; sewer work; building, bridge and recreational facility work; and other public works projects.

309-38. Apprenticeship and On-The-Job Trainee Requirements for Construction Contracts. 1. DEFINITIONS. In this section:

a. "Apprentice" means any person, 16 years of age or over, who shall enter into a written contract of service where he or she is to receive from or through his or her employer, in consideration for his or her services, in whole or in part, instruction in any trade, craft or business. Apprenticeship agreements shall be governed by ch. 106, Wis. Stats.

b. "Construction" means either new construction work or repair work on any roads, bridges, sewers, streets, alleys, buildings or any other public work whatsoever.

c. "Contract" means a binding agreement executed by the city in which the city is committed to expend or does expend its funds or other resources.

d. "Contracting department" means any city department, agency, board or commission that has contracting responsibilities.

e. "Contractor" means a separate distinguishable business entity participating or seeking to participate in the performance of a contract.

2. REQUIREMENTS. The specifications for every construction contract in excess of $100,000 entered into by the city shall contain, where appropriate:

a. A requirement that the contractor employ apprentices and on-the-job trainees in the performance of the contract and of all subcontracts entered into by the contractor in accordance with the maximum ratio of apprentices to journeymen established by the Wisconsin department of workforce development, and give fair consideration to all segments of the population, including women and minorities,

b. In the case of contracts greater than $500,000, where appropriate, all of the following requirements:

b-1. One-quarter of the apprentices and on-the-job trainees required under par. a, as measured in worker hours, shall be unemployed or underemployed residents of the city, as defined in s. 309-41. For every worker hour exceeding the requirements of this paragraph, one-and-a-half hours shall be credited toward the requirements of s. 309-41-2-a.

b-2. Of the apprentice and on-the-job trainee worker hours required under par. b-1, at least 40 percent shall be attributable to unemployed or underemployed residents residing in zip codes established as high-poverty, as determined by the city clerk on January 1 every three years beginning in 2017, in consultation with the department of administration and based on income guidelines established by the U.S. department of housing and urban development for poverty relief and housing block grant programs.

c. In determining whether the requirements of par. a and b are appropriate for

insertion in specification for a particular contract, the contracting department may consider the nature of the work, whether the contract is of short duration, and whether the work will involve trades which do not have apprentices or on-the-job trainees.

3. MONITORING AND ENFORCEMENT. The contracting department shall:

a. Determine whether the work involves trades that have apprentices or on-the-job trainees and the appropriate level of participation of apprentices and on-the-job trainees per trade for inclusion in the contract specifications.

b. Monitor the performance of each contract with respect to the ratio of apprentices to journeymen employed on the project during performance of the contract.

c. Require all contractors and subcontractors to maintain records concerning its apprenticeship program, which shall be retained for 3 years after the contractor has received final payment under the contract. These records shall be made available to the contracting department for inspection upon reasonable notice.

d. Require all contractors and subcontractors to submit within 10 days following completion of the work or every 3 months, whichever comes first, contract time reports showing compliance with any contract requirements imposed in accordance with this section.

4. SANCTIONS. Every construction contract effected by this section shall contain language indicating that if any documents submitted to the contracting department by a contractor, subcontractor, bidder or individual contain any false, misleading or fraudulent information, or if a contractor or subcontractor fails to comply with the provisions of this section, the contracting department may direct the imposition of any of the following sanctions:

a. Withholding of payments.

b. Termination, suspension or cancellation of the contract in whole or in part.

c. After a due process hearing, denial of the right to participate in future contracts awarded by the city for 2 years.

309-39. Public Building Contracts.

1. ADVERTISING FOR BIDS. For those public contracts calling for the construction, repair, remodeling or improvement of public buildings, the commissioner of public works is authorized to call for bids for a single contract or up to 6 separate branches of work. Contracts shall be awarded based on the lowest responsible bidder for each contract to be let.

2. BRANCHES OF PUBLIC BUILDING WORK. For the purposes of this section, branches of public work consist of:

a. General construction, including but not limited to: site work and landscaping; concrete work; masonry work; structural steel and miscellaneous metals; carpentry work; moisture control; windows, doors, glass and glazing; interior finishes; building equipment; and furnishings.

b. Roofing.

c. Heating, ventilating and air conditioning.

d. Plumbing.

e. Electrical, except as required for elevators.

f. Elevators.

309-41. Participation of City Residents in Public Works Contracts. 1. DEFINITIONS. In this section:

a. "Construction" means either new construction work or repair work on any roads, bridges, sewers, streets, alleys, buildings or any other public work whatsoever.

b. "Contract" means a binding agreement executed by the city in which the city is committed to expend or does expend its funds or other resources.

c. "Contractor" means a separate and distinguishable business entity participating or seeking to participate in the performance of a contract.

d. "Department" means the department of public works or other city department administering a city construction contract.

e. "Resident" means a person who maintains his or her place of permanent abode within the city. Domiciliary intent is required to establish that a person is maintaining his or her place of permanent abode in the city. Mere ownership of real property is not sufficient to establish domiciliary intent. Evidence of domiciliary intent includes, without limitation, the location where the person votes, pays personal income taxes or obtains a driver's license.

f. "Unemployed or underemployed" means that the resident has worked less than 1200 hours in the preceding 12 months or has not worked in the preceding 30 days or, regardless of employment status, has household income at or below the federal poverty guidelines as adjusted by the Wisconsin

department of public instruction to define eligibility for reduced lunch in public schools.

g. "Worker hours" means the total hours worked on a construction contract by skilled and unskilled construction trade workers, whether those workers are employed by the contractor or any subcontractor. In determining the total worker hours to be furnished at a construction site, the number of hours devoted to all tasks customarily performed on a construction site shall be included, whether or not such tasks are performed on the construction site. "Worker hours" includes work performed by persons filling apprenticeships and participating in on-the-job training programs and excludes the number of hours of work performed by all non-Wisconsin residents.

2. REQUIREMENTS. All construction contracts and other contracts as the commissioner of public works may determine, which are funded in whole or in part by city, state or federal funds, where appropriate and consistent with law, shall contain:

a. A requirement that 40% of the worker hours, subject to the provisions of sub. 3-a-2, shall be performed by unemployed or underemployed residents, and that contractors and subcontractors shall give fair consideration to all segments of the population including women and minorities.

b. A provision in which the contractor certifies that it knows of the provisions of this section and intends to comply with them.

c. A requirement that contractors and subcontractors maintain personnel records listing the name, and address, race and gender of all employes utilized for each contract, and any records demonstrating that the employes utilized by the contractor in meeting the requirements of this section are residents. These records shall be maintained for 7 years after the contractor has received final payment under the contract, and shall be made available to the department for inspection upon reasonable notice.

d. A requirement that at least one quarter of the worker hours required in par. a be performed by unemployed or underemployed residents who maintain their permanent residence in zip codes established as high-poverty, as determined by the city clerk on January 1 every three years beginning in 2017, in consultation with the department of administration and based on income guidelines established by the U.S. department of housing and urban development for poverty relief and housing block grant programs.

e. A requirement that all contractors and subcontractors utilize a local workforce development agency as a first-source option for recruiting applicants for both new and replacement employment, as provided in s. 355-11.

3. ADMINISTRATION. The department shall be responsible for the planning, implementation and enforcement of this section.

a. Planning and Implementation. Prior to the commencement of any construction or other project covered by this section, the department shall:

a-1. Identify the approximate number of job positions and worker hours involved in the project.

a-2. Determine the appropriate level of participation of unemployed or underemployed residents of the city for inclusion in the contract specifications. The appropriate level of participation shall be presumed to be 40%, unless the department determines there is sufficient reason to impose a lesser requirement. However, the commissioner of public works may require greater levels of participation if the commissioner finds that such levels may be warranted for certain contracts. Up to one-third of required worker hours may be achieved by documenting the use of unemployed or underemployed residents on projects undertaken by the contractor where such compliance is not required, or by hiring unemployed or underemployed residents on a full-time permanent basis for non-construction job categories connected to the project. Such adjustments must be proposed in an affidavit on a form provided by the department setting forth the facts upon which the request for adjustment is based.

b. Monitoring and Enforcement. The department shall:

b-1. Monitor compliance with the provisions of this section.

b-2. Require all contractors and subcontractors, prior to commencement of the work, to submit affidavits on forms supplied by the department from employes utilized to meet the requirements of this section, stating that the employe is both unemployed or underemployed and is a resident.

b-3. Require all contractors and subcontractors to submit within 10 days following completion of the work or every 3 months, whichever comes first, contract time reports listing workers by name, race, gender,

residential address, work classification and hours worked.

b-4. Arrange for an independent audit with respect to the residents preference program, to be performed every 3 years, by a certified accounting firm licensed to perform audits in the state of Wisconsin or by the city comptroller.

b-5. Maintain racial demographics and residency information regarding job positions in all construction contracts administered by the department.

b-6. Ensure that all data required for reporting under this section are maintained in a centralized labor or contract compliance software system, as provided in s. 370-3-5.

b-7. Maintain, and verify every 3 years in coordination with the workforce development coordinator, a list of residents qualified under this section, including information relating to skills and sector-specific work experience.

3.5. EXCEPTIONS. a. If a contractor cannot meet the participation requirements of sub. 2-a, the appropriate level of participation may, at the discretion of the department, be met by utilizing unemployed or underemployed residents to work on concurrent projects in any Wisconsin county, provided those residents began their employment on projects in the city.

b. For every worker hour exceeding the requirements of sub. 2-d, one-and-a-half hours shall be credited toward meeting the requirements of sub. 2-a.

4. ANNUAL REVIEW. The residents preference program established by this section shall be reviewed by the common council, in consultation with the mayor, and the residents preference program review commission on or before October 1 of each year, to review the necessity for the continuation of the program and, if necessary, adjust the requirements of the program in an attempt to reduce the disparity between the unemployment statistics among different zip codes in the city and between the city as a whole and the Milwaukee metropolitan area.

5. ANNUAL PROGRAM REPORT. The department, in coordination with the office of small business development, the department of city development and the residents preference program review commission, shall prepare, on or before October 1 of each year, a residents preference program report on the city's success in achieving the goals of the program. The performance report shall include the following:

a. The number and dollar amount of all construction contracts let

b. The number and dollar amount of construction contracts which incorporated a residency requirement and the percentage of unemployed resident worker hours required.

c. If not all construction contracts included a residency requirement or if some contracts contained a requirement of less than 40% of worker hours, the department shall state the reason for this difference.

d. The number and dollar amount of non-construction contracts which incorporated a residency requirement, along with a summary of the reasons for not incorporating a residency requirement in some or all of those contracts.

e. Full disclosure of the department's reasons for adjusting the participation percentage goal for individual contracts or groups of contracts.

f. The percentage of total hours worked by city, non-city and non-state residents on construction contracts which included the residency requirement.

g. Information to assist the common council in its annual reappraisal of the residents preference program, including the number of individual participants by job type, the number of new residents hired during the year under the program and the number of program participants who advanced to apprenticeships and on-the-job training programs.

h. Unemployment rates in the city and the Milwaukee metropolitan area and the sources of the statistics.

i. Recommendations regarding the necessity for continuation of the program and methods of making the program more successful.

j. Information relating to worker hours by zip code, race, gender, trade and hourly wage.

6. ADOPTION OF RESOLUTION. As soon as practicable after review of the residents preference program as provided in sub. 4, the common council shall adopt a resolution stating the results of its reappraisal of the necessity for continuance of the residents preference program and the required participation percentage goals. The department shall prepare said resolution for common council consideration each year.

7. SANCTIONS. Every city contract awarded under this section shall contain language indicating that if any document submitted to the department by a contractor, subcontractor, bidder or individual contains any

false, misleading or fraudulent information, or if a contractor or subcontractor fails to comply with this section, the department may direct the imposition of any of the following sanctions:

a. Withholding of payments.

b. Termination, suspension or cancellation of the contract in whole or in part.

c. After a due process hearing, denial of right to participate in future contracts awarded by the city for 2 years.

8. PENALTY. Any person, firm or corporation knowingly engaging in fraud, misrepresentation or in any attempt, direct or indirect, to evade the provisions of this section by providing false, misleading or fraudulent information shall, upon conviction, forfeit not less than $2,000 or more than $5,000 together with the costs of prosecution, and upon default of payment, shall be imprisoned in the county jail or house of correction not to exceed 90 days, or until the forfeiture costs are paid.

309-51. Rules for the Administration of the Metropolitan Sewerage District User Charges.

1. OVERALL RESPONSIBILITY FOR ADMINISTERING USER CHARGES. The commissioner of public works shall administer the sewer user charge. He shall apply the rules contained herein and make such amendments subject to approval by the utilities and licenses committee of the common council as may be required from time to time for proper application of the charge.

2. RESPONSIBILITIES OF THE CITY OFFICERS AND DEPARTMENTS ADMINISTERING USER CHARGES. a. Superintendent of Water Works. The superintendent of water works shall be responsible, under the commissioner of public works, for the administration of the sewer user charge. The superintendent of water works shall provide the department of administration with the account numbers for all properties which are included in the list of water accounts. Account numbers shall be provided for additions and deletions to the list as they are received. The superintendent of water works shall collect the sewer user charge and transmit the revenue therefrom to the city treasurer together with water revenues as received. The superintendent of water works shall approve the payment of bills submitted by city departments for expenses incurred in the application of the sewer usercharge. In addition, the department shall perform the following duties:

a-1. Determination of user charge administration expenses. Account for expenses of all administrative charges to sewer user accounts, and make payments to the water department, department of administration, the city comptroller and other departments for reimbursable accounts charges.

a-2. Billing and collecting. a-2-a. The sewer user charge shall be levied against water accounts and all other sewer users and shall be calculated by the water department, city comptroller, and the metropolitan sewerage district including the volumetric charge, the connection charge and the city of Milwaukee administrative charge.

a-2-b. The residential sewer user charge may be added to the water bill or billed to sewer users as a separate charge and shall be due and payable in the same manner as water bills. The commercial and industrial bills for sewer user charges will be billed approximately one month after the billing for water.

a-2-c. An interest penalty and late charge of 3% on outstanding balances will be charged on all past due accounts each quarter. This fee may be waived by the water department where deemed warranted by special circumstances. Charges that remain unpaid for 2 full quarters on October 1st shall be deemed delinquent. A penalty of 10% will be charged on the outstanding balances that are deemed delinquent. Such delinquent user charges and 10% penalty shall be reported to the city comptroller for placement on the tax roll.

a-2-d. Billing and collecting. When partial payments of the combined city services user bill are made, the property owner may direct in writing how the partial payment is to be applied to the combined bill. If there is no written direction, the partial payment shall be applied to the water charges first. Any portion of the partial payment remaining after the water charges are paid for shall be applied to the metropolitan sewerage user district charges, the local sewerage charges, the storm water management charges, the solid waste charge, the extra garbage cart charge and the snow and ice removal cost recovery charge, in that order; and then late charges for the solid waste charge, the snow and ice removal cost recovery charge and the extra garbage cart charge. Any overpayment of the combined bill shall be applied to the water charge on the account for the property.

a-3. User charges. a-3-a. The residential and noncertified commercial user charge shall be based on the volumetric charge,

and the connection charge, as billed to the city of Milwaukee by the Milwaukee metropolitan sewerage district, plus the city of Milwaukee administrative charge. The basis of the volumetric portion of the residential sewer use charge for the entire year may vary. The sewer use charge in the winter quarter shall be based upon actual water consumption. The winter quarter shall mean the quarterly billing period ending in February, March or April. The sewer use charge in the 3 subsequent quarterly billing periods shall be based upon actual water consumption, or the winter quarter water consumption, whichever is less. In the event the winter quarter water consumption is 21Ccf or less, then 21Ccf, or the actual water consumption, whichever is less, shall be the basis of the sewer use charge in any of the 3 subsequent quarterly billing periods. The charge to non-certified commercial users shall be based upon water consumption each billing period. The charge to certified users shall be the amounts as received on individual invoices from the Milwaukee metropolitan sewerage district, plus the city of Milwaukee administrative charge.

a-3-b. Where city of Milwaukee residents receive their water retail from suburban utilities, the water department shall obtain the water consumption data and bill the property for sewer user charge, regardless of to whose sewer the property is connected. Where city of Milwaukee residents have sewers connected to suburban sewers, the resident will be billed by the city of Milwaukee based on water consumption. Where suburban residents receive their water retail from the city of Milwaukee, the water department shall provide water consumption data to such suburbs.

a-3-c. Where water consumption data is exchanged under sub. 2-a-3-b. the water department shall bill the cost of the city of Milwaukee administration charges to such suburbs based on a determination by the water department.

a-3-d. A residential sewer user who obtains water from a private well shall submit to the superintendent of water works by April 1 of each year a form prescribed by the superintendent in which the residential user declares the number of people residing in the household. A residential sewer user shall receive sewer user charge bills for the ensuing 4quarters based on the city average water consumption for the number of people residing in the household. If such form is not submitted, the bill shall be based on 2 persons more than the average number of people residing in a city of Milwaukee household. The city average water consumption and the average number of people residing in a household shall be determined by the metropolitan sewerage district.

a-4. Review of petitions for relief from sewer user charges. When petitions for relief from the sewer user charge are received by the water department, it shall evaluate them and, if substantiated, make necessary adjustments to make the charge reasonable and equitable in the judgment of the water department. To that end, the water department shall direct the department of administration to make the necessary adjustments in the sewer user charge accounts receivable and associated billing files.

b. City Engineer. The city engineer shall review those petitions for relief from the sewer user charge which are referred from the Milwaukee water works. Upon completion of each review, he shall report to the Milwaukee water works on his findings and recommend what action should be taken relative to the petition.

c. Milwaukee Water Works. The Milwaukee water works shall prepare the bills for the combined water-sewer user charge billing and shall prepare and maintain such programs as are required for the computation and proper billing and collections of the sewer user charge to all accounts. Such programs shall provide for billing in accordance with s. 309-53 and these rules. The water works shall maintain records of accounts receivable and provide all information required by the city comptroller. It shall also compute the distribution of cash received between water and sewer user charges as required by these rules.

d. City Comptroller. The administrative functions of the city comptroller shall include, but are not limited to, the following:

d-1. Establish sewer user rates as required by s. 309-53.

d-1-a. Sewer user rates shall provide for the recovery of the city of Milwaukee cost of administration for sewer use charges, known as the city of Milwaukee administrative charge. Total estimated costs of administering the sewer user charge will be allocated to all sewer users on the basis of equivalent meters.

d-1-b. The city administrative charge will be added to the volumetric charge and the connection charge as determined by the metropolitan sewerage district in order to establish the total sewer user rates to be charged to all classes of sewer users. The sewer user rates so determined will be adjusted

by surpluses or deficits of the sewer user charge fund in an equitable manner.

d-2. Calculate certified commercial and all industrial rates based on billings to the city by metropolitan sewerage district, plus cost of administration, which shall be based on water department meter size for the property served.

d-3. Account and report for sewer user charges and cash receipts of residential, commercial and industrial accounts on the city's accounting records.

d-4. Make payments to the metropolitan sewerage district pursuant to the invoice of sewer user charges.

d-5. Following annual submission of all delinquent user charges by the water department, the city comptroller shall certify to the commissioner of assessments delinquent accounts to be placed on the tax roll, which shall be collected in the same manner as real estate taxes as provided by law.

e. City Treasurer. The city treasurer shall receive revenues from the sewer user charge and shall also collect delinquent accounts when such delinquent accounts have been placed on the tax roll as herebefore provided.

f. Neighborhood Services. The department of neighborhood services is designated as the department responsible for notifying the metropolitan sewerage district, the water department and the department of administration of any changes in status of commercial and industrial properties which may require a different classification for user charge purposes.

309-53. Metropolitan Sewerage District Use Charges. 1. PURPOSE. a. The wastewater of this municipality is collected and treated in whole or in part by the wastewater system operated by the Milwaukee metropolitan sewerage district (the district). The purpose of this section is to enable this municipality to establish and collect from users within the municipality those charges which represent the proportionate contribution by such users both to:

a-1. The cost of operating and maintaining the system; and

a-2. That part of the cost of past and future capital improvements in the system not defrayed by an ad valorem tax on real property.

b. The charges in par. a-1 and 2 are required to enable the district to become and remain eligible for federal grants for wastewater facility capital improvements.

2. INCORPORATION OF DISTRICT RULES AND REGULATIONS, CHAPTER 17

a. Applicability. The following sections and related appendices of district rules and regulations, Chapter 17 promulgated by the district, as now in effect and as the same may be amended incorporated by reference and shall be in full force and effect as though set forth in their entirety herein.

a-1. Section 1701.20 Definitions.

a-2. Section 1701.040 Municipal Transfer of Data.

a-3. Section 1701.041 Estimated Volume of Discharge.

a-4. Section 1701.050 User Transfer of Data.

a-5. Section 1701.051 Discharge Factor Certification.

a-6. Section 1701.052 Wastestrength Certification.

a-7. Section 1701.053 Certification Procedures.

a-8. Section 1701.054 Verification.

a-9. Section 1701.055 Audit Control of User Connections.

a-10. Section 1701.056 Appeal Provisions.

a-11. Section 1702.010 Purpose of the User Charge System.

a-12. Section 1702.020 User Charge Billing Basis.

a-13. Section 1702.030 Wholesale User Charge Billing Basis.

a-14. Section 1702.040 Unit Costs of Treatment.

a-15. Section 1703.010 Purpose of the Local Capital Cost Recovery (LCR) System.

a-16. Section 1703.020 LCR Billing Basis.

a-17. Section 1703.030 Wholesale LCR Billing Basis.

a-18. Section 1703.040 Unit Costs of LCR.

a-19. Section 1704.010 Purpose of the Industrial Cost Recovery (ICR) System.

a-20. Section 1704.020 ICR Billing Basis.

a-21. Section 1704.030 Wholesale ICR Billing Basis.

a-22. Section 1704.040 Unit Costs of ICR.

b. Definitions. For purposes of this section "residential structure" as defined in district rules and regulations, Chapter 17, means any building accommodating exclusively one, 2, 3 or 4 residential units.

3. USERS CHARGES. There is imposed a charge on each user in this municipality who discharges wastewater, directly or indirectly, into the wastewater system operated by the district. The charge shall be in the amount specified for the various classes of users:

a. Residential Users. The residential user charge shall be based on a volumetric charge to be calculated by dividing the wholesale residential user charge (the charge by the district to the municipality), excluding connection charges, by the total volume of residential water consumption. Individual residential user charges shall be calculated by multiplying the user's volume of water consumption times this volumetric charge plus the user's number of residential structures times the connection charge.

b. Noncertified Commercial Users. The retail noncertified commercial user charge shall be based on a volumetric charge to be calculated by dividing the wholesale noncertified commercial user charge (the charge by the district to the municipality), excluding connection charges, by the total volume of noncertified commercial water consumption.
Individual noncertified commercial user charges shall be calculated by multiplying the user's volume of water consumption times this volumetric charge plus the user's number of service connections times the connection charge.

c. Discharge Certified Commercial Users. Each retail discharge certified commercial user charge shall be equal to each wholesale discharge certified commercial user charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

d. Wastestrength Certified Commercial Users. Each retail wastestrength certified commercial user charge shall be equal to each wholesale wastestrength certified commercial user charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

e. Noncertified Industrial Users. Each retail noncertified industrial user charge shall be equal to each wholesale noncertified industrial user charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

f. Discharge Certified Industrial Users. Each retail discharge certified industrialuser charge shall be equal to each wholesale discharge certified industrial user charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

g. Wastestrength Certified Industrial Users. Each retail wastestrength certified industrial user charge shall be equal to each wholesale wastestrength certified industrial user charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

4. LOCAL CAPITAL RECOVERY CHARGES. There is imposed a local capital recovery (LCR) charge on each industrial user in this municipality whose function is described by the Standard Industrial Classification (SIC) Division D, LCR User. The LCR charge shall be in the amount specified for the various classes of LCR users:

a. Noncertified Industrial Users. Each retail noncertified industrial LCR charge shall be equal to each wholesale noncertified industrial LCR charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

b. Discharge Certified Industrial Users. Each retail discharge certified industrial LCR charge shall be equal to each wholesale discharge certified LCR charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

c. Wastestrength Certified Industrial Users. Each retail wastestrength certified industrial LCR charge shall be equal to each wholesale wastestrength certified industrial LCR charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

5. INDUSTRIAL COST RECOVERY CHARGES. There is imposed an industrial cost (ICR) charge on each ICR user, as defined in district rules and regulations, Chapter 17, in this municipality. The ICR charge shall be in the amount specified for the various classes of ICR users:

a. Noncertified Industrial Users. Each retail noncertified industrial ICR charge shall be equal to each wholesale noncertified industrial ICR charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

b. Discharge Certified Industrial Users. Each retail discharge certified industrial ICR charge shall be equal to each wholesale discharge certified industrial ICR charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

c. Wastestrength Certified Industrial Users. Each retail wastestrength certified industrial ICR charge shall be equal to each wholesale wastestrength certified industrial ICR

charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

6. BILLING. a. User, LCR and ICR charges shall be billed quarterly or monthly as determined by the water works. Payment of such bills shall be made within 20 days after mailing by the municipality. In the event that such bill is not paid when due, a penalty of 3% on outstanding balances will be charged on all past due accounts billed quarterly, and a penalty of 1% on the outstanding balances will be charged on all past due accounts billed monthly. The quarterly bills for residential users shall be based upon water consumption in the winter quarter or water consumption in each succeeding quarter, whichever is less. Winter quarter@ shall mean the quarter ending in February, March or April. In the event the winter quarter water consumption is 21Ccf or less, then 21Ccf, or the actual water consumption, whichever is less, shall be the basis of the sewer use charge in any of the 3 subsequent quarterly billing periods.

b. All bills shall be payable at the Milwaukee water works, Zeidler municipal building, 841 North Broadway, or the office of the city treasurer, 200 East Wells Street.

c. In the event a user fails to certify data or in the event a user's certification is materially inaccurate or in the event there has been a substantial change in data since the date of the user's last certification, the district shall notify the user that the verification data determined by the district pursuant to s. 1701.054 of district rules and regulations, Chapter 17, shall be used to determine the charge due for the current billing period and all future billing periods until the user submits a new certified statement.

d. Should inspection or verification by the district reveal that any statement certified by a user is materially inaccurate, the district shall determine the proper charge due and forward the new computation to the municipality in order that a bill for the deficiency may be sent. This deficiency billing shall be retroactive to the date or dates when the bills based upon the inaccurate certification were originally due and interest charges shall be applied to each deficiency as provided in par. a.

e. Unpaid User, LCR and ICR charges shall be a lien upon the property served and shall be enforced as provided in s 66.0821(4)(c), Wis. Stats.

f. Any person who violates, disobeys, omits, neglects or refuses to comply with any action required pursuant to district rules and regulations, Chapter 17, shall forfeit not less than $10, nor more than $200 for each offense, together with the cost of prosecution. Each day that a violation continues to exist shall constitute a separate offense. Such forfeitures are in addition to the user, LCR and ICR charges due the municipality.

7. LOCAL SEWERAGE CHARGES. In addition to the charges imposed pursuant to subs. 1 to 6 with respect to the usage of the wastewater system of the district, this municipality is also empowered pursuant to ss. 62.11(5) and 66.0821(4)(a), Wis. Stats., to establish and impose sewer charges necessary to meet the capital and operating and maintenance expenses of its local sewer system. Such charges may be imposed by a separate ordinance.

309-54. Sewer-Related Charges.

1. PURPOSE AND FINDINGS.

a. Sewerage System Generally. The wastewater and storm water of the city of Milwaukee is collected and conveyed in the city owned operated and maintained sewerage system. This section permits the city to fund the recovery of the costs as defined by s. 66.0821(4)(a), Wis. Stats., related to the construction, reconstruction, improvement, extension, operation, maintenance, repair and depreciation of the sewerage system, and for the payment of all or part of the principal and interest of any indebtedness incurred for those purposes, including replacing fund advances or payments made by the city's general fund. These costs shall be paid out of revenue derived from a local sewerage charge, pursuant to s. 66.0821(3), Wis. Stats., and s. 12-27 of the city charter.

b. Storm Water Management System. The common council finds that management of storm water and other surface water discharge within the city of Milwaukee is a matter that affects the health, safety and welfare of the city, its citizens and businesses. Failure to effectively manage storm water may create, among other things, erosion of lands, damage to homes and businesses, and sedimentation and environmental damage to waterways within the city. In order to protect the health, safety and welfare of the public, the common council establishes a storm water management charge to support operation and maintenance of the storm water management components of the city sewerage system. The city may use storm water management charge revenues to, without limitation by reason of enumeration, acquire,

construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such facilities as are deemed to be proper and reasonably necessary for management of storm water and other surface water discharge within the city. The common council further finds that those elements of the storm water management system that provide for the collection and disposal of storm water are of benefit to all real property within the city of Milwaukee, including property not presently served by that system. The costs of operating and maintaining the storm water management system and financing necessary repairs, replacement, improvements and extensions of the system should, to the maximum extent possible, be allocated in direct relationship to contributions of storm water to the system.

2. DEFINITIONS. In this section:

a. City sewerage system means a sewer system owned, operated and maintained by the city of Milwaukee, consisting of sanitary, combined and storm sewers.

b. Developed property means real property other than:

b-1. Vacant property which has not been altered from its natural state by dredging, filling, removal of trees and vegetation or other activities which have disturbed or altered the topography or soils of the property; or

b-2. Vacant property that is not, or could not reasonably, be served by any subdivision improvements that allow egress.

c. Dwelling means any building which contains one or more dwelling units and no other principal use, as defined in s. 295-201-465.

d. Dwelling unit means a singular unit or apartment providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

e. Equivalent residential unit@ or ERU means the average impervious area of residential developed properties located within the city, as calculated by the department of public works and established by common council resolution.

f. ERU rate means a fee which is charged on each ERU and which is established by common council resolution.

g. Impervious area means the number of square feet of hard-surfaced areas which either:

g-1. Prevent or retard the entry of water into soil mantle, as it entered under normal conditions as undisturbed property; or

g-2. Cause water to run off the surface in greater quantities or at an increased rate of flow from that present under naturalconditions as undisturbed property, including, but not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, athletic courts and other paved surfaces.

h. Local sewerage charge means the sewerage charge as provided in sub. 3 imposed on each user who discharges waste water, directly or indirectly, into the city sewerage system.

i. Nonresidential developed property@ means any developed property other than residential developed property.

j. Operating costs means all costs of the city sewerage system within the scope of costs described under s. 66.0821(4)(a), Wis. Stats.

k. Residential developed property means developed property that contains one or more dwellings each containing one to 4 dwelling units. This term does not include a mobile home park as defined in s. 295-201-381.

L. Sewer maintenance fund means the fund created pursuant to sub. 8.

m. Storm water management charge means the charge provided in sub.5 to pay for operations, maintenance, extension, replacement and debt service for the city's storm water management system.

n. Vacant improved property means vacant property that is, or could reasonably be, served by any subdivision improvements that allow egress.

o. Water consumption data means data respecting water consumption as collected by the Milwaukee water works.

3. LOCAL SEWERAGE CHARGE.

a. There is imposed a local sewerage charge on each user who discharges wastewater directly or indirectly into the city sewerage system. This charge shall recover the operating costs of the city sewerage system. In recovering these costs, the charge will be based upon water consumption, adjusted for the volume and character of water returned to the sewer system as provided for in pars. b to e.

b. Water consumption of users shall be determined using the water consumption data.

c. Non-certified Non-residential Users. Water consumption shall be the annual water consumption data.

d. Certified Non-residential Users. Water consumption shall be the adjusted water

consumption data identified through the certification process of the Milwaukee metropolitan sewerage district with respect to computation of sewer user charges under s. 200.59, Wis. Stats.

e. Residential Users. Residential water consumption shall be based as described in s. 309-53-6-a.

f. Identifiable items of operating costs specifically attributable to one or more particular non-residential users shall be charged back to those non-residential users as part of their local sewerage charge.

g. The common council shall adopt a resolution on an annual basis establishing the local sewerage charge imposed in accordance with this section.

4. LOCAL SEWERAGE CHARGE FOR WATER DISCHARGED INTO THE CITY SEWERS BUT NOT PURCHASED FROM THE MILWAUKEE WATER WORKS. For any property supplied with water, either in whole or in part, from any well or source other than the Milwaukee water works and discharging all or portions of such water into the city sewerage system, there shall be a local sewerage charge, separate from and in addition to any sewer service charge based on the consumption of water from the Milwaukee water works. All such wells or other sources of supply shall be identified and registered with the superintendent of the Milwaukee water works in accordance with s. 309-51-2-a-3-d. The local sewerage charge shall be imposed upon such properties in accordance with:

a. The volumetric water usage determined pursuant to s. 309-51-2-a-3; and

b. The resolution adopted by the common council pursuant to sub. 3-g establishing the local sewerage charge.

5. STORM WATER MANAGEMENT CHARGE. a. There is imposed a storm water management charge on each and every developed property or vacant improved property, other than public rights-of-way, public streets, public alleys and public sidewalks, within the city.

b. The storm water management charge for each dwelling on a residential developed property shall be the ERU rate. For any nonresidential developed property or vacant improved property, the storm water management charge shall be computed based on the total impervious area of the property divided by the ERU multiplied by the ERU rate.

c. The common council shall adopt a resolution on an annual basis establishing the ERU and ERU rate. The ERU rate may, subject to common council approval, be adjusted not more than one additional time per year on the basis of cost recovery experience.

6. OVERALL RESPONSIBILITY FOR ADMINISTERING SEWER-RELATED CHARGES. The commissioner of public works shall administer the local sewerage charge and the storm water management charge. He or she may formulate and promulgate rules which shall be applicable with respect to the administration and collection of each charge, and may make amendments thereto, subject to approval by the appropriate common council committee, as may be required from time to time for proper application of these charges. The commissioner shall also be responsible for reviewing and granting requests for adjustments of the storm water management charge for individual properties.

7. RESPONSIBILITY OF CITY OFFICERS AND DEPARTMENTS ADMINISTERING SEWER-RELATED CHARGES.

a. Superintendent of Water Works. The superintendent of water works shall be responsible, under the commissioner of public works, for the administration of the local sewerage charge and the storm water management charge. The superintendent shall collect the charges and transmit the revenues herefrom to the city treasurer, together with water, solid waste and snow and ice removal revenues received.

b. City Treasurer. The city treasurer shall receive revenues from the local sewerage charge and the storm water management charge, and shall also collect delinquent accounts when such delinquent accounts have been placed on the tax roll as provided for in this section. All revenues, including interest, from the local sewerage charge and the storm water management charge shall be placed in the sewer maintenance fund unless otherwise provided by law.

c. City Comptroller. The city comptroller shall certify to the commissioner of assessments delinquent accounts to be placed on the tax roll, which shall be settled and collected as provided in ch. 19 of the city charter. The comptroller shall keep separate accounts of all the funds, receipts and payments on account of the local sewerage charge and the storm water management charge within the sewer maintenance fund.

8. SEWER MAINTENANCE FUND. There is created for the city of Milwaukee a separate fund, to be called the sewer maintenance fund.

a. All revenue, including interest, derived from the local sewerage charge and the storm water management charge shall be placed in the sewer maintenance fund, unless otherwise provided by law, and shall be used to defray operating costs related to the city sewerage system and to pay costs of operation, maintenance, extension, replacement and debt service for the city's storm water management system. Reserves generated by net operating income in prior years may be used to offset sewer-related costs in subsequent years, including any debt service pertaining to general obligation borrowing for sewers, provided the sewer maintenance fund reserves enough cash on hand to support at least 60 days of operating expenditures.

b. The sewer maintenance fund shall be kept in the city treasury in the custody of the city treasurer, and shall be disbursed by him or her on vouchers drawn for the same in the manner provided in this section.

9. BILLING AND COLLECTING. a Local Sewerage Charge. The local sewerage charge shall be levied against water accounts and all other sewer users and shall be calculated by the water works. The charge shall be added to the water bill and shall be due and payable in the same manner as the water bill.

b. Storm Water Management Charge. The storm water management charge shall be levied against the water account of each property to which it applies and shall be calculated by the water works. The charge shall be added to the city services user bill and shall be due and payable in the same manner as the water bill. The storm water management charge shall be a quarterly service charge determined by the provisions of this section and the ERU and ERU rate which are established and changed from time to time by resolution of the common council.

c. Past-Due Accounts. An interest penalty and late charge of 3% on outstanding balances will be charged on all past due accounts each quarter. This fee may be waived by the water works where deemed warranted by special circumstances. Charges that remain unpaid for 2 full quarters on October 1 shall be deemed delinquent. Such delinquent use charges and 10% penalty shall be reported to the city comptroller for placement on the taxroll.

d. Partial Payments. When partial payments of the combined city services user bill are made, the property owner may direct in writing how the partial payment is to be applied to the combined bill. If there is no written direction, the partial payment shall be applied to the water charges first. Any portion of the partial payment remaining after the water charges are paid for shall be applied to the metropolitan sewerage district charges, the local sewerage charges, the storm water management charges, the solid waste charge, the extra garbage cart charge and the snow and ice removal cost recovery charge, in that order; and then late charges for the solid waste charge, the snow and ice removal cost recovery charge and the extra garbage cart charge. Any overpayment of the combined bill shall be applied to the water charge on the account for the property.

10. ADJUSTMENT OF STORM WATER MANAGEMENT CHARGE. The commissioner of public works may grant an adjustment to a storm water management charge for a particular property in accordance with the provisions of this subsection and the storm water management charge adjustment policy adopted by resolution of the common council.

a. Eligibility. The commissioner may grant an adjustment of the storm water management charge to any property owner except the owner of a dwelling containing one to 4 units.

b. Application. An application for adjustment of the storm water management charge shall be made in writing on a form prescribed by the commissioner and filed with the department of public works. The application shall set forth, in detail, the grounds upon which the adjustment is sought; it shall be the burden of the applicant to demonstrate by a preponderance of evidence that an adjustment of the charge is warranted. In addition, the applicant may be required to provide, at his or her own expense, supplemental information requested by the commissioner, including, but not limited to, survey data approved by a registered professional land surveyor and engineering reports approved by a professional engineer. Failure to provide required information shall be grounds for denial of the adjustment request.

c. Action by Commissioner. The commissioner shall issue a written decision as to whether the request for adjustment has been granted, denied, or granted in part and modified in part within 20 business days of receipt of the

application. The written decision shall set forth the reason or reasons for such decision.

d. Appeal. Any person aggrieved by the decision of the commissioner with respect to an application for storm water management charge adjustment may appeal such decision to the administrative review appeals board within 30 days of notice of such decision. The board shall act on the appeal in accordance with s. 320-11 and applicable state law.

11. SAVING CLAUSE. It is the intent of the common council that the provisions of this section relating to a sewer maintenance fund, local sewerage charge, storm water management charge and the application of revenues from these charges are separable. If any provision or part of this section be held unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of any other provisions or part of the section, which other provisions and parts shall remain in full force and effect.

12. APPEAL PROCEDURE. a. Filing of Complaint. Whenever any local sewerage charge or storm water management charge is imposed in accordance with this section, and the person required to pay such charge feels aggrieved as a result of the imposition or collection of such charge, such person shall pay the charge when it becomes due, but shall pay it "under protest." Within 20 days following such payment, such person may file with the commissioner of public works a complaint to the effect that such person is aggrieved by the imposition and collection of the local sewerage charge or the storm water management charge, his or her specific reasons for objection and the amount of the overcharge complained of.

b. Determination by Commissioner. If, upon review by the commissioner of public works, it is determined that all or any part of any local sewerage charge or storm water management charge paid under protest is not just or reasonable, the commissioner shall institute necessary procedures to refund the amount of the overcharge. In the event that any person feels aggrieved by the determination of the commissioner, such person may, within 10 days, appeal to the common council. The common council shall make such determination as is just and reasonable.

c. Alternative Appeal Procedure. Notwithstanding the appeal procedure provided in pars. a and b, and as an alternative right of appeal, any person required to pay the local sewerage charge or the storm water management charge shall have the unconditional right to file a complaint with the public service commission as provided in s. 66.0821(5)(a), Wis. Stats.

309-61. Operation of Parking Facilities.

1. CONTRACT REQUIRED. a. All attendant operated city permanent parking structures and all non-permit, non-metered city surface parking lots shall be either managed by or leased to private contractors at the discretion of the commissioner of public works. If the city cannot obtain reasonable terms and conditions, the parking facilities or surface lots may be managed by the city, with approval by the common council, until such time as the commissioner of public works determines that an adequate contract or lease with a private firm can be secured.

b. Pursuant to s. 7-22 of the charter, all contracts for managing city permanent parking structures shall be awarded and administered by the commissioner of public works to the lowest responsible bidder in the manner provided in s. 7-14 of the charter and shall be for a minimum duration of 3 years with up to 2 one-year extensions allowable. All contracts for management of city parking structures shall be re-bid not less than every 5 years. All leases for operating non-permit, non-metered city-owned surface parking lots shall be awarded and administered by the commissioner of public works to the highest responsible bidder after competitive bidding, on the basis of lump sum bids payable in equal monthly installments. All leases shall be for a minimum duration of one year, with up to 4 one-year extensions allowable. All leases for operating city-owned surface parking lots shall be re-bid not less than every 5 years. Any variation to contract or lease terms in this paragraph shall be approved by the common council.

c. All contracts for managing city permanent parking structures shall specify that the management firm must contract for and provide mobile, uniformed security guard service in all of the structures. The security guards must drive in marked security vehicles which display a yellow/amber light on the top of the vehicle to be easily identifiable by parking patrons. The guards must patrol all ramps with the vehicle and must walk into and check each of the structures' stairwells during their tours of duty. Each guard must carry a portable radio with communication capabilities to at least one cashier per structure and to a 24-hour security base station for additional backup if required.

d. All contracts for managing city permanent parking structures shall provide that at least one human operator be on the premises of each permanent parking structure managed to assist patrons whenever the structure is in operation. Each human operator shall be employed or contracted by the management firm. This provision shall apply to all contracts entered into or extended after September 15, 2014.

2. PARKING RATES. Upon recommendation by the commissioner of public works and approval by the common council, the specifications for every contract for management of city parking structures shall contain a range of minimum to maximum rates to be charged. The schedule shall be established from time to time by the common council. All non-permit, non-metered city surface parking lot leases shall incorporate the maximum rate to be charged by the lessee under the direction of the commissioner of public works. The commissioner shall have authority to raise or lower rates within the approved range as market conditions and other factors warrant. Suggested rate changes outside the approved range shall be approved by the common council. The range of minimum to maximum rates to be charged shall be as follows:

a. Parking structures at MacArthur Square, 4th & Highland, 724 N. Plankinton and 1000 N. Water:

a-1. 1st half hour - $1.00 to $4.00.

a-2. Daily maximum and special event - $5.00 to $25.00.

a-3. Early bird and non-event night and weekend - $3.00 to $15.00.

a-4. Monthly: unreserved - $55.00 to $150.00; reserved - $95.00 to $175.00.

b. Non-permit, non-metered city surface parking lot lease maximum rates:

b-1. Daily parking - $7.50.

b-2. Evening parking - $6.00.

b-3. Monthly day - $75.00.

b-4. Monthly evening - $60.00.

b-5. Monthly 24 hours - $100.00.

c. All contracts and leases shall provide that only the amount of spaces provided for by the design capacity of the facility shall be rented at any one time. Only passenger automobile, motor cycle, moped and bicycle parking shall be allowed unless otherwise specifically provided for in the design of the facility.

3. INSURANCE AND DEPOSITS.

a. All contracts and leases shall require the maintenance of policies of insurance as shall be determined by the city attorney, and shall require the contractor or lessee to defend and save harmless the city, its employes, officers and agents from all losses or expense by reason of liability imposed by law for damages because of bodily injury to any person in or on account of damages to property including the loss of use thereof which might occur in the operation of the parking facility. Policies shall provide for cancellation only after 60 days notice to be given to the city in writing. A certificate of insurance and a copy of the policy shall be filed by the contractor or lessee with the commissioner of public works. The amount and kinds of insurance to be providedfor each parking facility shall be determined by the city attorney and shall be adequate to protect the interests of the city.

b. All parking contracts including leases shall require a performance bond or a letter of credit as determined by the commissioner of public works. The amount of the deposit, bond or letter of credit required shall be determined by the commissioner and shall be adequate to fully protect the city under the provisions of the contract or lease. All bonds or letters of credit shall be reviewed and approved by the city attorney and subsequently filed with the commissioner of public works.

309-71. Assessment and Collection of Board-up Expenses Incurred by the Department of Public Works. The costs incurred by the commissioner of public works in boarding and securing from unlawful entry, open or unsecured structures may be assessed and collected as a special charge. Delinquencies placed upon the tax rolls shall be subject to payment and settlement as provided in ch. 19 of the city charter.

309-72. Notice and Appeal Procedures for Special Charges. 1. Prior to the imposition of a special charge to recover the cost for current services to property rendered by the department of public works, the commissioner of public works shall mail a notice to the last known address of the owner of record of the subject property informing the owner of the amount to be recovered as a special charge. The notice shall also inform the owner that he or she has 30 days from the date the notice was mailed to appeal the necessity or amount to the administrative review appeals board under the provisions of s. 320-11. No cost incurred in accordance with this section shall be placed on

the tax bill as a special charge until the latest of the following:

a. The expiration of the time to appeal to the administrative review appeals board as specified in this section.

b. The administrative review appeals board's affirmation, in whole or in part, of the amount to be imposed as a special charge.

c. The conclusion of a judicial review, filed in accordance with s. 68.13(1), Wis Stats., that affirms in whole or in part the decision of the administrative review appeals board.

2. APPLICABILITY. The notice and appeal procedure specified in this section shall apply unless another procedure is otherwise specified for the recovery of a special charge for a particular type of service rendered.

309-83. Snow and Ice Removal Cost Recovery Charge. 1. PURPOSE. The purpose of this section is to permit the city as authorized under s.66.0627, Wis. Stats., to recover costs relating to snow and ice removal through means of a snow and ice removal cost recovery charge.

2. CHARGE. a. There is imposed a snow and ice removal cost recovery charge to be collected on all property for such service previously rendered.

b. The common council shall adopt a resolution on an annual basis establishing the snow and ice removal cost recovery charge imposed in accordance with this section. The recovery charge may, subject to common council approval, be adjusted no more than once additionally per year on the basis of cost recovery experience.

3. OVERALL RESPONSIBILITY FOR ADMINISTERING THE SNOW AND ICE REMOVAL COST RECOVERY CHARGE. The commissioner of public works shall administer the snow and ice removal cost recovery charge. He or she may formulate and promulgate rules which shall be applicable with respect to the administration and collection of the snow and ice removal cost recovery charge, and may make amendments thereto, subject to approval by the public safety committee as may be required from time to time for proper application of the snow and ice removal cost recovery charge.

4. RESPONSIBILITY OF CITY OFFICERS AND DEPARTMENTS ADMINISTERING THE SNOW AND ICE REMOVAL COST RECOVERY CHARGE.

a. Superintendent of Water Works. The superintendent of water works shall be responsible, under the commissioner of public works, for the administration of the snow and ice removal cost recovery charge. The superintendent shall collect the charge and transmit the revenue therefrom to the city treasurer together with solid waste water and local sewerage revenues as received.

b. City Treasurer. The city treasurer shall receive revenues from the snow and ice removal cost recovery charge and shall also collect delinquent accounts when such delinquent accounts have been placed on the tax roll in a manner consistent with state law and the provisions of ch. 19 of the city charter.

c. City Comptroller. The city comptroller shall certify to the commissioner of assessments delinquent accounts to be placed on the tax roll for payment, settlement and collection as provided in state law and in the manner of other delinquent special charges under the provisions of ch. 19 of the city charter. The comptroller shall keep separate accounts of all the funds, receipts and payments on account of the snow and ice removal cost recovery charge.

5. BILLING AND COLLECTING. The snow and ice removal cost recovery charge shall be levied against the water account and shall be calculated by the water works. The charge shall be added to the city services user bill and shall be due and payable in the same manner as water bills.

a. An interest penalty and late charge of 3% on outstanding balances will be charged on all past due accounts each quarter. This fee may be waived by the water works where deemed warranted by special circumstances. Charges that remain unpaid for 2 full quarters shall be deemed delinquent. Such delinquent user charges and 10% penalty shall be reported to the city comptroller for placement on the tax roll.

b. When partial payments of the combined city services user bill are made, the property owner may direct in writing how the partial payment is to be applied to the combined bill. If there is no written direction, the partial payment shall be applied to the water charges first. Any portion of the partial payment remaining after the water charges are paid for shall be applied to the metropolitan sewerage district charges, the local sewerage charges, the storm water management charges, the solid waste charge, the extra garbage cart charge and the snow and ice removal cost recovery charge, in that order; and then late charges for the solid waste charge. Any overpayment of the combined bill shall be applied to the water charge on the account for the property.

6. SAVING CLAUSE. It is the intent of the common council that the provisions of this section relating to a snow and ice removal cost recovery charge, and the application of revenue from this charge are separable. If any provision or part of this section be held unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of any other provisions or part of the section which other provisions and parts shall remain in full force and effect.

7. APPEAL PROCEDURE.

a. Whenever any snow and ice removal cost recovery charge is imposed in accordance with this section, and the person required to pay such charge feels aggrieved as a result of the imposition or collection of such charge, such person shall pay such charge when the same shall become due, but shall pay it under protest. Within 20 days following such payment, such person may file with the commissioner of public works a complaint to the effect that such person is aggrieved by the imposition and collection of such snow and ice removal cost recovery charge, his or her specific reasons for objection and the amount of the overcharge complained of.

b. If, upon review by the commissioner of public works, it is determined that all or any part of any snow and ice removal cost recovery charge paid under protest is not just or reason.nable, the commissioner shall institute necessary procedures for a refund. If any person feels aggrieved by the determination of the commissioner, the person may file a complaint with the administrative review appeals board, pursuant to s. 320-11.

LEGISLATIVE HISTORY
CHAPTER 309

Abbreviations:
am = amended | ra = renumbered and amended | rn = renumbered
cr = created | rc = repealed and recreated | rp = repealed

Section	Action	File	Passed	Effective
Ch. 309	cr	881930	3/7/89	3/25/89
309-1-1	am	991247	11/29/99	1/1/2000
309-1-1	am	041396	2/22/2005	3/11/2005
309-1-1-a	rc	120800	11/2/2012	1/1/2013
309-1-1-a-1	am	070737	11/9/2007	11/30/2007
309-1-1-a-1	rc	120800	11/2/2012	1/1/2013
309-1-1-b	am	991569	2/29/2000	3/17/2000
309-1-2	am	891613	12/19/89	1/13/90
309-1-2	rc	951008	12/19/95	1/13/96
309-1-3	am	891613	12/19/89	1/13/90
309-1-3	am	911321	12/20/91	1/14/92
309-1-3	rc	951008	12/19/95	1/13/96
309-1-3	am	961315	12/17/96	1/9/96
309-1-3	am	010858	12/17/2001	1/1/2002
309-1-4	rn to 309-2	911321	12/20/91	1/14/92
309-2	am	911321	12/20/91	1/14/92
309-2	am	912458	5/26/92	6/12/92
309-2	am	920987	11/20/92	12/20/92
309-2	am	931078	11/11/93	12/19/93
309-2	am	941048	11/29/94	1/1/95
309-2	rp	951008	12/19/95	1/13/96
309-3	rp	951008	12/19/95	1/13/96
309-3-0	am	891613	12/19/89	1/13/90
309-3-1-0	am	891613	12/19/89	1/13/90
309-3-1-c	am	891613	12/19/89	1/13/90
309-3-1-d	cr	891613	12/19/89	1/13/90
309-3-1-e	cr	941048	11/20/94	1/1/95
309-3-2	am	891613	12/19/89	1/13/90
309-3-3	rp	891613	12/19/89	1/13/90
309-5	rp	951008	12/19/95	1/13/96
309-5-0	am	891613	12/19/89	1/13/90
309-5-1	am	891613	12/19/89	1/13/90
309-5-1	am	920987	11/20/92	12/20/92
309-5-1	am	931078	11/11/93	12/19/93
309-5-2	am	891613	12/19/89	1/13/90
309-5-3	rp	891613	12/19/89	1/13/90
309-7	rp	951008	12/19/95	1/13/96
309-7-0	am	891613	12/19/89	1/13/90
309-7-1	am	891613	12/19/89	1/13/90
309-7-2	am	891613	12/19/89	1/13/90
309-7-3	rp	891613	12/19/89	1/13/90
309-9	rp	951008	12/19/95	1/13/96
309-9-0	am	891613	12/19/89	1/13/90
309-9-1-a	am	891613	12/19/89	1/13/90
309-9-1-b-1	am	891613	12/19/89	1/13/90
309-9-1-b-2	am	891613	12/19/89	1/13/90
309-9-1-b-3	am	891613	12/19/89	1/13/90
309-9-2	am	891613	12/19/89	1/13/90
309-9-3	rp	891613	12/19/89	1/13/90
309-10	am	891613	12/19/89	1/13/90

309-10	rc	951008	12/19/95	1/13/96
309-10	am	961315	12/17/96	1/9/96
309-10	am	980963	12/18/98	1/1/99
309-10	am	991247	11/29/99	1/1/2000
309-10	am	010858	11/9/2001	1/1/2002
309-11	rp	951008	12/19/95	1/13/96
309-11-0	am	891613	12/19/89	1/13/90
309-11-1	am	891613	12/19/89	1/13/90
309-11-1	am	931078	11/11/93	12/19/93
309-11-2	am	891613	12/19/89	1/13/90
309-11-3	rp	891613	12/19/89	1/13/90
309-13	rp	951008	12/19/95	1/13/96
309-13-0	am	891613	12/19/89	1/13/90
309-13-1	am	891613	12/19/89	1/13/90
309-13-2	am	891613	12/19/89	1/13/90
309-13-3	rp	891613	12/19/89	1/13/90
309-15	rp	951008	12/19/95	1/13/96
309-15-0	am	891613	12/19/89	1/13/90
309-15-1	am	891613	12/19/89	1/13/90
309-15-1	am	911321	12/20/91	1/14/92
309-15-1	am	941048	11/29/94	1/1/95
309-15-2	am	891613	12/19/89	1/13/90
309-15-3	rp	891613	12/19/89	1/13/90
309-17	rp	951008	12/19/95	1/13/96
309-17-1-a	am	920987	11/20/92	12/20/92
309-17-1-a	am	931078	11/11/93	12/19/93
309-17-3	rp	891613	12/19/89	1/13/90
309-20	cr	111516	5/22/2012	6/12/2012
309-21	rp	110735	12/20/2011	1/12/2012
309-21-1	am	970111	5/13/97	5/31/97
309-21-2	am	970111	5/13/97	5/31/97
309-22	cr	120040	6/12/2012	6/29/2012
309-23	am	891613	12/19/89	1/13/90
309-23	rp	110735	12/20/2011	1/12/2012
309-25	am	970111	5/13/97	5/31/97
309-25	rp	110735	12/20/2011	1/12/2012
309-27	rp	110735	12/20/2011	1/12/2012
309-31	rp	110735	12/20/2011	1/12/2012
309-33	am	920586	7/28/92	8/14/92
309-33	am	941852	4/2/96	4/20/96
309-33	am	001458	2/27/2001	3/16/2001
309-33	am	970111	5/13/97	5/31/97
309-33	rp	110735	12/20/2011	1/12/2012
309-35	rp	110735	12/20/2011	1/12/2012
309-37	rp	110735	12/20/2011	1/12/2012
309-38	cr	911330	3/3/92	3/20/92
309-38-0	am	080218	3/25/2009	8/8/2009
309-38-2	rc	151474	6/14/2016	1/1/2017
309-38-2-a	am	961523	2/11/97	2/28/97
309-38-3-a	rn to 309-38-3-b	080218	3/25/2009	8/8/2009
309-38-3-a	cr	080218	3/25/2009	8/8/2009
309-38-3-b	rn to 309-38-3-c	080218	3/25/2009	8/8/2009
309-38-3-d	cr	151474	6/14/2016	1/1/2017
309-39	rc	921869	3/23/93	4/9/93
309-41	cr	872263	6/25/91	7/13/91
309-41-0	am	931232	12/22/93	1/14/94
309-41-1-a	rn to 309-42-2-b	922134	5/25/93	6/12/93

309-41-1-a	cr	922134	5/25/93	6/12/93
309-41-1-a	rp	080218	3/25/2009	8/8/2009
309-41-1-b	rn to 309-41-1-c	922134	5/25/93	6/12/93
309-41-1-b	rn to 309-41-1-a	080218	3/25/2009	8/8/2009
309-41-1-c	rn to 309-41-1-d	922134	5/25/93	6/12/93
309-41-1-c	rn to 309-41-1-b	080218	3/25/2009	8/8/2009
309-41-1-d	rn to 309-41-1-e	922134	5/25/93	6/12/93
309-41-1-d	rn to 309-41-1-c	080218	3/25/2009	8/8/2009
309-41-1-d	am	151474	6/14/2016	1/1/2017
309-41-1-e	rn to 309-41-1-f	922134	5/25/93	6/12/93
309-41-1-e	rn to 309-41-d	080218	3/25/2009	8/8/2009
309-41-1-f	am	922134	5/25/93	6/12/93
309-41-1-f	rp	922134	5/25/93	6/12/93
309-41-1-f	ra to 309-41-1-e	080218	3/25/2009	8/8/2009
309-41-1-f	rc	080218	3/25/2009	8/8/2009
309-41-1-f	am	151474	6/14/2016	1/1/2017
309-41-1-g	am	920660	1/15/93	2/4/93
309-41-1-g	am	941852	4/2/96	4/20/96
309-41-1-g	rn to 309-41-1-f	080218	3/25/2009	8/8/2009
309-41-1-g	cr	080218	3/25/2009	8/8/2009
309-41-2-0	am	931232	12/22/93	1/14/94
309-41-2-0	am	151474	6/14/2016	1/1/2017
309-41-2-a	am	920660	1/15/93	2/4/93
309-41-2-a	am	922134	5/25/93	6/12/93
309-41-2-a	am	941852	4/2/96	4/20/96
309-41-2-a	am	970134	5/13/97	5/31/97
309-41-2-a	am	080218	3/25/2009	8/8/2009
309-41-2-c	am	920660	1/15/93	2/4/93
309-41-2-c	am	922134	5/25/93	6/12/93
309-41-2-c	am	080218	3/25/2009	8/8/2009
309-41-2-d	am	922134	5/25/93	6/12/93
309-41-2-d	rp	080218	3/25/2009	8/8/2009
309-41-2-d	cr	151474	6/14/2016	1/1/2017
309-41-2-e	cr	151474	6/14/2016	1/1/2017
309-41-3-a-0	am	931232	12/22/93	1/14/94
309-41-3-a-1	am	931232	12/22/93	1/14/94
309-41-3-a-1	am	151474	6/14/2016	1/1/2017
309-41-3-a-2	am	920660	1/15/93	2/4/93
309-41-3-a-2	am	922134	5/25/93	6/12/93
309-41-3-a-2	am	941852	4/2/96	4/20/96
309-41-3-a-2	am	970134	5/13/97	5/31/97
309-41-3-a-2	am	080218	3/25/2009	8/8/2009
309-41-3-b	rc	920660	1/15/93	2/4/93
309-41-3-b-2	am	922134	5/25/93	6/12/93
309-41-3-b-2	am	080218	3/25/2009	8/8/2009
309-41-3-b-3	am	151474	6/14/2016	1/1/2017
309-41-3-b-4	rc	941852	4/2/96	4/20/96
309-41-3-b-4	am	151474	6/14/2016	1/1/2017
309-41-3-b-6	cr	151055	12/15/2015	12/31/2015
309-41-3-b-6	am	151474	6/14/2016	1/1/2017
309-41-3-b-7	cr	151474	6/14/2016	1/1/2017
309-41-3.5	cr	151474	6/14/2016	1/1/2017
309-41-4	am	922134	5/25/93	6/12/93
309-41-4	am	990338	6/22/99	7/10/99
309-41-4	am	080218	3/25/2009	8/8/2009
309-41-4	am	151474	6/14/2016	1/1/2017
309-41-5	rn to 309-41-7	941852	4/2/96	4/20/96

309-41-5	cr	941852	4/2/96	4/20/96
309-41-5-0	am	151474	6/14/2016	1/1/2017
309-41-5-c	am	970623	7/25/97	8/13/97
309-41-5-c	am	080218	3/25/2009	8/8/2009
309-41-5-f	am	080218	3/25/2009	8/8/2009
309-41-5-g	am	080218	3/25/2009	8/8/2009
309-41-5-h	am	080218	3/25/2009	8/8/2009
309-41-5-j	cr	151474	6/14/2016	1/1/2017
309-41-6	rn to 309-41-8	941852	4/2/96	4/20/96
309-41-6	cr	941852	4/2/96	4/20/96
309-41-8	am	151474	6/14/2016	1/1/2017
309-51-2-a-0	am	930451	7/27/93	8/13/93
309-51-2-a-2-d	rc	120555	9/25/2012	10/12/2012
309-51-2-a-3-a	am	001188	12/15/2000	1/9/2001
309-51-2-a-3-a	am	010869	4/23/2002	1/1/2003
309-51-2-a-3-a	am	020593	11/8/2002	1/1/2003
309-51-2-a-3-d	rc	961884	4/22/97	5/9/97
309-51-2-c	am	001188	12/15/2000	1/9/2001
309-51-2-d-4	am	001188	12/15/2000	1/9/2001
309-51-2-d-5	am	921114	11/20/92	12/11/92
309-51-2-f	am	980963	12/18/98	1/1/99
309-53-6-a	am	001188	12/15/2000	1/9/2001
309-53-6-a	am	010869	4/23/2002	1/1/2003
309-53-6-a	am	020593	11/8/2002	1/1/2003
309-53-6-e	am	001458	2/27/2001	3/16/2001
309-53-7	am	001458	2/27/2001	3/16/2001
309-54	cr	970946	11/4/97	11/21/97
309-54	rc	050324	9/12/2005	1/1/2006
309-54	am	121803	7/23/2013	8/10/2013
309-54-1	am	001458	2/27/2001	3/16/2001
309-54-1-a	rc	060775	11/10/2006	1/1/2007
309-54-2-c	am	001458	2/27/2001	3/16/2001
309-54-3-d	am	001458	2/27/2001	3/16/2001
309-54-3-e	rc	001188	12/15/2000	1/9/2001
309-54-3-e	rc	010869	4/23/2002	1/1/2003
309-54-3-e	am	020593	11/8/2002	1/1/2003
309-54-6-c	am	001458	2/27/2001	3/16/2001
309-54-8-a	am	060775	11/10/2006	1/1/2007
309-54-9-d	am	050883	11/11/2005	1/1/2006
309-54-9-d	rc	120555	9/25/2012	10/12/2012
309-54-10-b	am	001458	2/27/2001	3/16/2001
309-61	cr	880716	9/24/91	10/11/91
309-61-1-d	cr	140785	9/23/2014	10/10/2014
309-61-2	rc	911308	11/5/91	11/22/91
309-61-2-a	am	050360	7/26/2005	8/12/2005
309-61-2-a-0	am	931067	11/9/93	11/30/93
309-61-2-a-1	am	000476	9/22/2000	10/11/2000
309-61-2-a-2	am	931067	11/9/93	11/30/93
309-61-2-a-2	am	960764	9/24/96	10/11/96
309-61-2-a-2	am	000476	9/22/2000	10/11/2000
309-61-2-a-3	am	931067	11/9/93	11/30/93
309-62-2-a-3	am	960764	9/24/96	10/11/96
309-61-2-a-3	am	000476	9/22/2000	10/11/2000
309-61-2-a-4	am	000476	9/22/2000	10/11/2000
309-61-2-b-1	am	000476	9/22/2000	10/11/2000
309-61-2-b-2	am	000476	9/22/2000	10/11/2000
309-61-2-b-3	am	000476	9/22/2000	10/11/2000

309-61-2-b-4	am	000476	9/22/2000	10/11/2000
309-61-2-b-5	am	000476	9/22/2000	10/11/2000
309-71	cr	931498	1/25/94	2/11/94
309-71	am	020472	7/16/2002	8/2/2002
309-71	am	121803	7/23/2013	8/10/2013
309-72	cr	020472	7/16/2002	8/2/2002
309-83	cr	010946	12/17/2001	1/1/2002
309-83	am	121803	7/23/2013	8/10/2013
309-83-2-a	am	021691	3/25/2003	4/11/2003
309-83-5-a	am	021691	3/25/2003	4/11/2003
309-83-5-b	rc	120555	9/25/2012	10/12/2012
309-83-7-a-1	rn to 309-83-7-a	150788	11/2/2015	11/19/2015
309-83-7-a-2	ra to 309-83-7-b	150788	11/2/2015	11/19/2015
309-83-7-b	rp	150788	11/2/2015	11/19/2015

CHAPTER 310
DEPARTMENT OF ADMINISTRATION

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310-1. Definitions. In this chapter:

1. CONTRACTING AGENCY means any city department, agency, board, commission or officer that has contracting authority.

2. DEPARTMENT means the department of administration.

3. FORMAL COMPETITIVE BIDDING shall have the meaning given in s. 16-01-1 of the charter.

4. PURCHASING DIRECTOR means the city purchasing director granted the authority to purchase in s. 16-05-1-a of the charter.

310-2. Department Established. There is created a department of administration, under the supervision of a director of administration, with the following responsibilities:

1. Budget and management.

2. Capital improvements administration.

3. Community development block grant administration.

4. Information and technology management

5. Intergovernmental relations.

6. Purchasing.

7. Office of small business development.

8. Citywide emergency response coordination.

9. Environmental sustainability program management.

310-3. Environmental Sustainability Director.

There is created an environmental collaboration office in the department of administration which shall be responsible for the administration, coordination and implementation of the city's environmental sustainability program. Under the direction of the department of administration, the environmental collaboration office shall be administered by an environmental sustainability director. The director of environmental sustainability shall be appointed by the director of administration and confirmed by the common council.

310-4. Chief Information Officer.

1. AUTHORITY. The chief information officer shall be responsible for coordinating information and technology management for the city of Milwaukee and is subject to the direction and control of the director of administration.

2. FUNCTIONS. The chief information officer shall:

a. Establish a city of Milwaukee information technology strategic plan in conjunction with the city information management committee.

b. Establish standards and guidelines for information and technology management.

c. Review and evaluate information technology projects

d. Serve as a resource to departments in developing and managing information technology projects.

e. Coordinate monitoring and reporting of information technology projects.

f. In partnership with departments, develop standards for e-government applications, systems and technology on a citywide basis, including transactions through the internet such as payments, service requests and applications.

g. Maintain and support the city website.

h. Work in collaboration with the department of employe relations to develop a citywide information technology training plan and programs.

i. Be responsible for municipal communications and coordinate with city departments and agencies on communications issues to promote interoperability and integration of city communication systems.

j. Coordinate with city departments and agencies in developing a draft telecommunications policy for the city, recommending this policy to the mayor and common council, and implementing this policy.

k. Inventory and review outsourcing and use of consultants by city departments and agencies for information technology functions.

L. Determine if additional boards, committees or task forces are needed to effectively manage information technology.

m. Coordinate city network services by developing a citywide plan for management, operations, and policies in conjunction with the department of public works.

3. COORDINATION AND COOPERATION WITH THE DEPARTMENT. All officials and employees of the city shall assist the department and the chief information officer in fulfilling their information and technology responsibilities and shall make available all records, documents and other materials necessary for the performance of the department's functions as provided herein. All city departments and agencies shall:

a. Comply with the information technology plans, standards, policies, guidelines and systems established by the department of administration. The department of administration may grant exceptions based on unique departmental business needs.

b. Cooperate with the department of administration in providing access to data, databases, information and systems as needed for enterprise purposes.

c. Participate in enterprise systems, applications or other technology established by the department of administration, including but not limited to e-government.

d. Involve and cooperate with the department of administration in their communications planning and implementation efforts.

4. INFORMATION TECHNOLOGY PROJECT MANAGEMENT. The department of administration shall implement an information technology project management process.

a. Departments shall submit budget requests for all information technology spending and projects from all funding sources on forms established by the department of administration as part of departmental estimates submitted pursuant to s. 18-03.

b. Departments shall ensure that information technology budget requests are consistent with the information technology strategic plan established by the department of administration.

c. The department of administration shall conduct a comprehensive analysis of information technology requests and recommend projects to the mayor for inclusion in the proposed budget pursuant to s. 18-04-2.

310-5. Records. The director of administration shall be the authority, as defined in s. 19.32(1), Wis. Stats., for records of the director's office. Each division director in the department of administration shall be the authority, as defined in s. 19.32(1), Wis. Stats., for records of their respective division.

310-6. Intergovernmental Relations.

1. AUTHORITY. The division of intergovernmental relations shall have authority to make studies and investigation, to promote programs to attack the underlying problems which face the city and to provide information with respect to fiscal matters related to the securing of a greater share of state and federal funds and to do whatever may be required in promoting for the city a greater share of state and federal fund distributions.

2. FUNCTIONS. The division of intergovernmental relations shall be under the direction and supervision of a intergovernmental relations director. The intergovernmental relations director shall be authorized to represent the city before legislative bodies of both the federal government and the state of Wisconsin as well as other political subdivisions of this state, subject to provisions of s. 350-211. The intergovernmental relations director may confer with officials and representatives of municipalities and of other political subdivisions of this state for the purpose of securing

assistance and cooperation in effectuating the purposes and objectives for which the division is created. The intergovernmental relations director may carry on educational programs, communicate in writing and make personal appearances and perform such other duties and responsibilities as in the judgment of the intergovernmental relations director shall be most beneficial to the accomplishment of the purposes and objectives herein provided. The intergovernmental relations director shall from time to time as the director determines most appropriate or as directed by the mayor or the common council, submit reports with reference to the operations of this division. It shall also be the duty and responsibility of the director to carry out programs wherever necessary to increase the city's share of federal and state contributed funds in accordance with proposals prepared from time to time by the director and approved by the common council. Annual reports and recommendations shall be required of the director to be made to the common council.

3. COORDINATION. The inter-governmental relations director shall make recommendations to the common council and mayor, as the need arises, as to those matters relating to the underlying problems faced by the city and to fiscal equity, and as to applications for state and federal grants, which would benefit from cooperative action by the common council and mayor, with those officials responsible for applications for state and federal grants who are under the jurisdiction of the county board of supervisors, the board of school directors, the board of vocational and adult education, the city and metropolitan sewerage commissions, and the social development commission of greater Milwaukee.

310-7. Control of Obsolete Material and Abandoned and Unclaimed Goods. 1. CONTROL AND DISPOSITION OF OBSOLETE MATERIAL.

a. Control. Whenever any property belonging to the city except land, shall have become obsolete, disused, worn out or scrapped, the department of administration shall take charge and control of such property and shall determine the method of disposal of such property. All responsible administrative heads of each department and board in connection with the city shall request direction from the department of administration when they identify materials, supplies or equipment which are no longer used or which have become obsolete, worn out or scrapped.

b. Disposition. If any of the material, equipment or supplies can be used by any other municipal department or the Milwaukee public schools, the department of administration is authorized to make such material, equipment or supplies available for use in that department. If the material, equipment or supplies because of its condition can no longer be used for municipal purposes, the department of administration may dispose of the same by any of the following means set forth in sub. 2-b as determined by the department to be in the best interest of the city.

2. CONTROL AND DISPOSITION OF UNCLAIMED AND ABANDONED PROPERTY.

a. Control. In accordance with s. 105-122, the department of administration shall determine the method of disposal of unclaimed or abandoned property identified as such by the chief of police with the exception of abandoned or unclaimed property to be sold on the city's behalf by an Internet auction service.

b. Disposition. The department of administration may, pursuant to s. 66.0139, Wis. Stats., dispose of any such abandoned or unclaimed property by any of the following means determined by the department to be in the best interest of the city:

b-1. The property may be sold at a public auction, including the city's Internet auction site or an Internet auction service contracting with the city.

b-2. The property may be sold without a public auction at a sale open to the public.

b-3. The property may be sold in a private sale through an agreed-upon amount of sale.

b-4. The property may be retained by the city for its own use.

b-5. The property may be donated.

b-6. The property may be destroyed.

b-7. The property may be used in trade on other property to be acquired.

c. Record Keeping. If the property is not disposed of in a sale open to the public, the department of administration shall maintain an inventory of the property, a record of the date and method of disposal, including the consideration received for the property, if any, and the name and address of the person taking possession of the property. The inventory shall be kept as a public record for a period of not less than 2 years from the date of the disposal of the property.

3. SALE PROCEEDS. The proceeds of all sales under this section shall be paid to the city treasurer and credited to the general ledger, except proceeds of sales of obsolete equipment from an enterprise funded department shall be credited to the enterprise funded department.

4. EXCEPTIONS. The provisions of this section, however, are not applicable to the disposition of unclaimed or abandoned flammable, explosive or incendiary devices, unclaimed or abandoned firearms or ammunition, unclaimed or abandoned motor vehicles or trailers and unclaimed or abandoned shopping carts.

310-12. Professional Service Contract Limitations. If a contracting agency enters into a professional service contract, as defined in s. 310-13-2-b, with any person who has retired from that department and is receiving a retirement allowance from the employes' retirement system, the combined annual value of the professional service contract and the retirement allowance may not exceed the retired person's earnable compensation, as defined under s. 36-02-12 of the charter, during the 12 months immediately preceding the retirement date, and the contract term shall not exceed a period longer than 18 months. The common council may waive these limitations by resolution for special circumstances, as it, in its sole discretion, shall determine and deem necessary.

310-13. Service Contract Wage Requirements. 1. PURPOSE. The purpose of this section is to ensure a living wage for all employees of contractors and subcontractors performing services for the city.

2. DEFINITIONS. In this section:

a. "Living wage" means, prior to March 1, 2015, an hourly wage rate of $10.10 per hour. Effective March 1, 2015, it shall mean the average of the amount required to produce, for 2,080 hours worked, an annual income equal to the U.S. department of health and human services' most recent poverty guideline for a family of 3 and family of 4 in the 48 contiguous states, as determined by the city clerk on March 1 of each year.

b. "Professional service contract" means any contract in which the majority of workers engaged in the performance of the contract perform work which:

b-1. Is predominantly intellectual and varied in nature, as opposed to work which involves routine mental, manual, mechanical or physical labor.

b-2. Requires advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher education or a hospital.

c. "Service contract" means a contract having a value exceeding $5,000 that directly engages the time and effort of a contractor whose primary purpose is to perform an identifiable task rather than to furnish an end item of supply. A "service contract" does not include a "professional service contract" under par. b., a department of public works contract subject to s. 66.0903, Wis. Stats., a contract administered by the office of community development grants administration or a contract with the Milwaukee public schools.

3. LIVING WAGE REQUIREMENT. Unless contrary to federal, state or local law, all workers, whether permanent or temporary, full-time or part-time, employed in any work performed as part of a service contract with a contracting agency, as defined in sub. 2-c, shall receive and be paid a sum of not less than the living wage in effect at the time a contract is awarded. No contractor may use the living wage requirement of this subsection to reduce the wage paid to any person employed by the contractor.

4. SERVICE CONTRACT BID AND REQUEST-FOR-PROPOSAL SPECIFICATIONS. A contracting agency shall add a digest of the provisions of this section to all specifications for service contract work upon which they call for formal competitive bids or issue requests for proposals unless the purchasing director approves the waiver of the provisions in cases where it is likely that no bids or proposals will be received without such a waiver.

5. SPECIFICATIONS FOR SERVICE CONTRACTS. No service contract, as defined in sub. 2-c, shall be entered into by a contracting agency unless the contract contains the following stipulations or their equivalent:

a. The contractor agrees to pay all workers employed by the contractor in the performance of this contract, whether on a full-time or part-time basis, a base wage of not less than living wage.

b. The contractor agrees to make a sworn report or affidavit, within 10 days following the contractor's completion of the contract, or every 3 months, whichever occurs first, and to procure and submit a like sworn report or affidavit from every subcontractor employed by

the contractor to the contracting agency regarding every person employed on or under this contract or subcontract. The affidavit or report shall include, but not be limited to, for the specified time period, the person's name, address, type of work performed, total hours worked on the service contract, hourly wage rate, gross earnings, and employer's contribution to vacation, welfare and pension trust funds. The reports or affidavits shall be accompanied by a statement that each employee has been paid in full the amount of not less than living wage and that there has not been, nor is to be, any rebate or refund of any part of said wages by the employee to the employer.

c. If any documents submitted to a contracting agency by the contractor contain any false, misleading or fraudulent information, or if the contractor fails to comply with the provisions of s. 310-13, the contracting agency may withhold payments on the contract, terminate, cancel or suspend the contract in whole or in part, or, after a due process hearing, deny the contractor the right to participate in future city contracts for a period of one year after the first violation is found and for a period of 3 years after a second violation is found.

6. POSTING OF WAGE RATE. For every service contract, as defined under sub. 2-c, the living wage required by sub. 3 shall be kept posted by the contractor at the site of the work in a prominent place where it can be easily seen and read by persons employed in the performance of the contract. In addition, a copy of the living hourly wage requirement shall be supplied to any person employed in the performance of a service contract at the request of the person within a reasonable period of time after the request.

7. MONITORING AND ENFORCEMENT. a. Responsibility. The department shall monitor and enforce all service contracts for compliance with this section except for service contracts executed by the department of public works which shall be monitored and enforced by the department of public works. The department or department of public works shall review and monitor the sworn reports or affidavits periodically submitted by service contractors, receive and investigate complaints from service contractors and service contract employees relating to compliance with this section, and impose appropriate sanctions upon any contractor who provides false information to the department or department of public works or fails to comply with the provisions of this section.

b. Employee Complaints. Any person employed in the performance of a service contract may, within one year from the date of an alleged failure to comply with sub. 3, file a written complaint with the department or department of public works regarding the service contractor's alleged failure to comply with sub. 3. No service contractor may discharge, reduce the compensation of or otherwise retaliate against any person employed in the performance of a service contract for making a complaint or for using any civil remedies to recover damages.

c. Appeals. Any service contractor or service contract employee who objects to any decision or action of the department or department of public works concerning the application or enforcement of this section may appeal the decision to the purchasing director or administrative review appeals board in the case of department of public works service contracts in a manner similar to the process provided in s. 310-19-4.

d. Sanctions. Any contractor or subcontractor engaged in a service contract who has been found by the department or department of public works to have submitted any false, misleading or fraudulent information, or to have failed to comply with the provisions of this section, may be subject to any of the following sanctions, imposed by the department or department of public works:

d-1. Withholding of payments.

d-2. Termination, suspension or cancellation of the contract in whole or in part.

d-3. After a due process hearing, denial of the right of the contractor or subcontractor to participate in future city contracts, by himself or herself, partner or agent, or by any corporation of which he or she is a member, for a period of one year after the first violation is found and for a period of 3 years after a second violation is found.

310-14. Slavery Era Business, Corporate and Insurance Disclosure. 1. PURPOSE. The purpose of this section is to promote full and accurate disclosure to the public about any slavery policies sold by any companies, or profits from slavery by industries, or their predecessors, who are doing business with the city.

2. DEFINITIONS. For the purposes of this section:

a. “Company” means any person, firm, corporation, partnership or combination of these.

b. "Contract" means any agreement, franchise, lease or concession including an agreement for any professional services, the performance of any work or service, the provision of any materials or supplies or rendering any service to a contracting agency or the public, which is let, awarded or entered into with or by any contracting agency.

c. "Enslaved person" means any person who was wholly subject to the will of another and whose person and services were wholly under the control of another and who was in a state of enforced compulsory service to another during the slavery era.

d. "Investment" means to make use of an enslaved person for future benefits or advantages.

e. "Predecessor company" means an entity whose ownership, title and interest, including all rights, benefits, duties and liabilities were acquired in an uninterrupted chain of succession by the company.

f. "Profits" means any economic advantage or financial benefit derived from the use of enslaved persons.

g. "Slavery" means the practice of owning enslaved persons.

h. "Slavery era" means that period of time in the United States of America prior to 1865.

i. "Slaveholder" means holders of enslaved persons, owners of vessels carrying enslaved persons or other means of transporting enslaved persons, merchants or financiers dealing in the purchase, sale or financing of the business of enslaved persons.

j. "Slaveholder insurance policies" means policies issued to or for the benefit of slaveholders to insure them against the death of, or injury to, enslaved persons.

3. DISCLOSURE. a. Each contractor whose company was established during the slavery era with whom the city enters into a contract, whether or not subject to formal competitive bidding, shall complete an affidavit, prior to or contemporaneous with entering into the contract verifying that the contractor has searched any and all records of the company or any predecessor company regarding records of investments or profits from slavery or slaveholder insurance policies during the slavery era. The names of any enslaved persons or slaveholders described in those records must be disclosed in the affidavit.

b. The city shall make the information contained in the affidavit available to the public, including but not limited to making the information accessible on the city's Internet accessible World Wide Web home page and provide an annual report to the common council.

4. SANCTIONS. Any contract between the city and a contractor which fails to provide the requisite affidavit or which includes material false information on such affidavit shall be rendered null and void.

310-15. Purchase of Products Made from Recycled Materials. 1. Each contracting agency shall, to the extent practicable, make purchasing decisions that maximize the purchasing of materials and products using recycled materials and recovered materials.

2. Each contracting agency shall ensure that the average recycled or recovered content of all paper purchased by the contracting agency is no less than the U.S. environmental protection agency's published recycled-content recommendations.

3. Each contracting agency that awards contracts for equipment and supplies shall, to the extent practicable, award contracts for equipment and supplies that will minimize the amount of solid waste generated by the city. Each contracting agency shall, to the extent practicable, diminish the purchase of single-use disposable products and substitute the purchase and use of multiple-use, durable products.

310-16. Placement of Vending Machines on City Property. No city department or employee or agent thereof may request and permit the placement of a vending machine in any city office or facility or elsewhere on city property, or enter into an agreement or contract for such placement, unless the placement of the vending machine, and any agreement or contract therefore, has been reviewed and approved by the city purchasing director and the commissioner of public works or the commissioner's designee.

310-17. Ethical Procurement. 1. PURPOSE. The common council finds that: a. It is in the city's best interest to procure items and services from responsible vendors and manufacturers who provide a safe, non-discriminatory work environment, and who compensate their employees with non-poverty wages.

b. Many manufacturers, both domestic and international, are engaged in practices that result in poverty wages, violations of workers' rights and unsafe and unhealthy working conditions.

c. Minimum standards for workers' and human rights should be extended to all workers, and it is the responsibility of the city of Milwaukee to ensure that it is not expending funds in ways that contribute to violation of workers' rights and the perpetuation of poverty.

d. As a participant in the marketplace, the city chooses to expend its purchasing dollars to enhance the economic and social well-being of people, while acquiring the best possible quality goods and services at the lowest cost.

2. DEFINITIONS. In this section:

a. "Apparel" means all items of clothing and cloth produced by weaving, knitting and felting, and shall include uniforms, coveralls, footwear, linens and entrance mats.

b. "Contractor" means the business entity with which a contracting agency enters into a contract.

c. "Manufacture" means to process, fabricate, assemble, treat or package.

d. "Non-poverty wage" means the following for:

d-1. Domestic manufacturers. A base hourly wage of the amount required to produce, for 2,080 hours worked, an annual income equal to the U.S. department of health and human services' most recent poverty guideline for a family of 3 in the 48 contiguous states plus either health benefits or an additional 20% in hourly wages to be adjusted by the city clerk on March 1 of each year.

d-2. Outside the United States. A nationwide wage, to be adjusted annually, that shall be comparable to the wage for domestic manufacturers in subdiv. 1, adjusted to reflect the country's level of economic development using the central intelligence agency's most recent world factbook purchasing power parity-adjusted gross domestic product per capita index.

e. "Responsible contractor" means an entity, other than a contractor or subcontractor operating as a small business enterprise as defined in s. 370-17, engaged in custodial, janitorial, security or food services that can demonstrate that neither the entity nor any parent company or subsidiary has violated any federal, state or local wage and hour or employment discrimination laws within the past 5 years, including any violation of the following:

e-1. Any federal occupational safety and health administration law or regulation.

e-2. The Equal Employment Opportunity Act of 1972.

e-3. The McNamara Service Contract Act.

f. "Responsible manufacturer" means an establishment engaged in manufacturing, distributing, laundering or dry cleaning that can demonstrate all of the following:

f-1. Compliance with all applicable local, state and national laws of the jurisdiction in which the labor is performed concerning wages and benefits and workplace health and safety. In addition, for manufacturers located outside the United States, compliance with the principles of the fundamental conventions of the International Labor Organization regarding forced labor, child labor and freedom of association.

f-2. Payment of non-poverty wages as defined in par. d-1 for domestic manufacturers and par. d-2 for manufacturers located outside of the United States to laborers in any work done as part of fulfillment of a contract with the city.

f-3. Termination of its employees only with just cause.

f-4. Establishment of a mechanism for the resolution of workplace disputes that are not regulated by the National Labor Relations Act.

g. "Service contract" means a contract subject to formal competitive bidding that directly engages the time and effort of a contractor whose primary purpose is to perform tasks related to security, janitorial, or food services, rather than to furnish an end item of supply.

h. "Violation" means findings of fault by a court or other regulatory agency.

3. REQUIREMENTS FOR APPAREL PURCHASES. a. Application. Unless contrary to federal, state or local law, contracting agencies shall award contracts to responsible manufacturers for all apparel contracts subject to formal competitive bidding. These contracts may include any or all of the following activities relating to apparel: purchase, rental, laundering and dry cleaning.

b**.** Affidavits. b-1. No contracts for items referenced in par. a shall be entered into by contracting agencies unless the lowest responsible bidders first submit to the purchasing director sworn reports or affidavits which include the following information for the specified time periods of the contracts:

b-1-a. The names and addresses of the companies and facilities in which the items have been or will be manufactured, distributed, laundered or dry cleaned

b-1-b. The names and addresses of all owners of the facilities in which the items have been or will be manufactured, distributed, laundered or dry cleaned.

b-1-c. The base hourly wage and the percent of wage level paid as health benefits for persons working at the facilities in which the items have been or will be manufactured or distributed, laundered or dry cleaned.

b-1-d. Sworn statements by the contractors that facilities identified pursuant to this paragraph are responsible manufacturers as defined in sub. 2-e.

b-1-e. Any other information deemed necessary by the purchasing director for the enforcement of this section.

b-2. Contractors shall procure and submit sworn reports or affidavits from every subcontractor employed by the contractor during the specified time period of the contract for the fulfillment of contracts covered under this section.

b-3. In the event that any information provided by the contractor or subcontractor pursuant to this paragraph changes during the specified time period of the contract, the contractor shall submit or cause to be submitted to the purchasing director sworn reports or affidavits relating to the updated information.

b-4. The purchasing director shall maintain and make available for public inspection any sworn report or affidavit submitted pursuant to this paragraph.

c. Bid specifications. Contracting agencies shall add a digest of the provisions of this section to all specifications for apparel purchasing, renting, laundering and dry cleaning upon which they solicit by formal competitive bid.

d. Specifications for apparel contracts. No contract for the purchasing, renting, laundering and dry cleaning of items of apparel covered under this section shall be entered into by a contracting agency unless the contract contains a stipulation stating that the contractor agrees to provide items from responsible manufacturers in fulfillment of the contract, and that the contractor agrees to include an equivalent stipulation in all subcontracts.

e. Monitoring and enforcement.

e-1. Responsibility. The purchasing director shall be responsible for monitoring contracts for compliance with this paragraph. The contracting agency shall review and monitor the sworn reports or affidavits submitted by contractors, receive and investigate complaints relating to compliance with this section, and impose appropriate sanctions upon any contractor who provides false information to the contracting agency or fails to comply with the provisions of this section.

e-2. Notice. The department shall provide in a timely manner on the city's website notice and related documentation regarding the following:

e-2-a. The issuance of invitations to bid and the awarding of contracts relating to items covered by this section.

e-2-b. The receipt of sworn reports or affidavits submitted pursuant to sub. 3-b.

f. Sanctions. Any contractor or subcontractor engaged in a contract who has been found by the purchasing director to have submitted any false, misleading or fraudulent information shall be referred to the district attorney for investigation. In addition, any such contractor or subcontractor who has otherwise failed to comply with the provisions of this section, may be subject to any of the following sanctions:

f-1. Withholding of payments.

f-2. Termination, suspension or cancellation of the contract in whole or in part.

f-3. After a due process hearing, denial of the right of the contractor or subcontractor to participate in future city contracts, by himself or herself, partner or agent, or by any corporation of which he or she is a member, for a period of one year after the first violation is found and for a period of 3 years after a second violation is found.

4. REQUIREMENTS FOR NON-APPAREL PROCUREMENT. a. Application. Unless contrary to federal, state or local law, contracting agencies shall award contracts to responsible manufacturers for all non-apparel items, materials, supplies and equipment that are subject to formal competitive bidding, and shall award service contracts to responsible contractors. The requirements of this paragraph shall not apply to items, materials, supplies and equipment to be furnished as part of a public works contract subject to s. 66.0903, Wis. Stats.

b. Bid specifications. No contracts for the procurement of non-apparel items or services referenced in this subsection shall be

entered into by a contracting agency unless the bidder affirms on the bid that he or she is familiar with the requirements of this subsection and affirms that he or she will comply with the requirements contained in this subsection. The request for bid shall state that failure to comply shall result in bid rejection.

c. Specifications for Service Contracts. Bids for service contracts shall include each of the following:

c-1. A certificate of insurance indicating the following coverage necessary for the contract and in amounts specified in the bid specifications: general liability, automobile liability, workers' compensation, and product liability.

c-2. Proof of any industry licenses or permits required by law for any trade or specialty area in which the bidder is seeking a contract award, including disclosure of any suspension or revocation of a license held by the company or of any director, officer or manager employed by the bidder.

c-3. A federal employer tax identification number or, for a sole proprietor, a social security number.

d. Affidavits. d-1. No contracts for non-apparel items, materials, supplies or equipment shall be entered into by contracting agencies unless the lowest responsible bidders first submit sworn reports or affidavits which identify any manufacturers to be used in fulfillment of the contract and include a statement by the bidders that the manufacturer's facilities identified pursuant to this subsection are responsible manufacturers of non-apparel items, materials, supplies and equipment that demonstrate all of the requirements contained in sub. 2-f-1 to 4.

d-2. No service contract shall be entered into by a contracting agency unless the lowest responsible bidder first submits a sworn report or affidavit which identifies any contractor to be used in the fulfillment of the contract and includes a statement by the bidder that the contractor is a responsible contractor.

e. Monitoring and enforcement. The purchasing director and any other contracting agency that executes a contract to which this subsection applies shall be responsible for monitoring contracts for compliance with this paragraph. If any information provided by the contractor or subcontractor changes during the specified period of the contract, the contractor shall submit or cause to be submitted to the purchasing director or the director's designee a sworn report or affidavit relating to the updated information.

f. Availability of Records for Inspection. The purchasing director or the director's designee shall maintain and make available for public inspection all items submitted by the contractor or subcontractor pursuant to this section, including affidavits, insurance certification, and industry licenses or permits.

g. Sanctions. Any contractor engaged in a contract who has been found by the purchasing director and any other contracting agency that executes a contract to which this subsection applies to have submitted any false, misleading or fraudulent information or has otherwise failed to comply with the provisions of this subsection may be subject to the sanctions provided in sub. 3-f, according to the following schedule:

g-1. Contractors shall be subject to withholding of payment after 30 days of non-compliance.

g-2. Contractors shall be subject to termination, suspension or cancellation of the contract in whole or in part after 60 days of non-compliance.

5. WAIVER. The requirements of this section may be waived in writing by the purchasing director if all bidders to a contract are deemed ineligible under this section.

6. APPEALS. Any contractor who objects to any decision or action of the contracting agency relative to this section may appeal the decision to the purchasing appeals board pursuant to s. 310-19.

7. PENALTIES. Any person, firm or corporation knowingly engaging in fraud, misrepresentation or in any attempt, direct or indirect, to evade the provisions of this section by providing false, misleading or fraudulent information shall, upon conviction, forfeit not less than $2,000 nor more than $5,000 together with the costs of prosecution, or upon default of payment, shall be imprisoned in the house of correction or county jail not to exceed 90 days.

310-18. Purchase of Ethanol-fueled Vehicles.

1. DECLARATION OF POLICY. It is a desirable goal of the city and a matter of legitimate concern to its government, constituents and environment, that the city reduce the burning of conventional motor vehicle fuels and increase the use of a cleaner-burning, sustainable alternative. It shall be city policy that purchasing decisions reflect that goal and

city-owned vehicles eventually be replaced with vehicles which have the capacity to operate with an ethanol content of at least 85%, to the greatest extent practicable. The city will lead by example in making economically and environmentally responsible purchasing decisions which will encourage individuals, businesses and other levels of government to do the same.

2. ETHANOL-FUELED VEHICLES. To the greatest extent practicable, the purchasing director and any other contracting agency of the city shall make purchasing decisions that maximize the purchase of vehicles which have the capacity to operate with an ethanol content of at least 85%.

310-18.3. Purchase of American-Made Vehicles. 1. DECLARATION OF POLICY. The United States federal government has a direct financial interest in preserving the American automobile industry, owning portions of some companies. There is also a lack of Americans purchasing cars made in the United States which is contributing to the collapse of the domestic auto industry and contributing to the decline in the health, safety and welfare of the nation. It is therefore a desirable goal of the city and the citizens of the United States to support the economic success of these companies.

2. DEFINITIONS. a. "American made vehicle" means a light duty vehicle having at least 51% of the monetary value of the parts manufactured in the United States, and 51% of the vehicle assembled in the United States, except in the case of a public safety vehicle, when an "American made vehicle" means a light duty vehicle having at least 51% of the monetary value of the parts manufactured in the United States.

b. "Parts" means an article, material or supply incorporated directly into a vehicle.

3. AMERICAN MADE VEHICLES. For vehicle purchases subject to formal competitive bidding, the city purchasing director and any other contracting agency of the city, unless contrary to federal, state or local law or regulations, shall purchase only American-made vehicles.

4. AFFIDAVITS. No contracts for items referenced in sub. 3 shall be entered into by contracting agencies unless the lowest responsible bidders first submit to the purchasing director sworn reports or affidavits which include a statement by the bidder that the vehicles to be supplied are American made vehicles as defined in sub. 2-a.

5. MONITORING AND ENFORCEMENT. The contracting agency shall monitor contracts for compliance with this section.

6. WAIVER. The requirements of this section may be waived in writing by the purchasing director if all bidders to a contract are deemed ineligible under this section.

7. SANCTIONS. Any contractor engaged in a contract who has been found by the contracting agency to have submitted any false, misleading or fraudulent information or who has failed to comply with the provisions of this section may be subject to the sanctions provided in s. 310-17-3-f.

310-18.5. Purchase of Neighborhood Electric Vehicles. To the greatest extent practicable, the city purchasing director and any other contracting agency of the city shall make purchasing decisions that maximize the purchase and use of neighborhood electric vehicles.

310-18.7. Electronic Waste Recycling.

1. DECLARATION OF POLICY. It is a desirable goal of the city that the city reduces the amount of electronic waste it creates. Maximum electronic waste recycling is in the best interest of the city in order to protect public health, to protect the quality of the natural environment and to conserve resources and energy. The city will lead by example by being environmentally responsible in its efforts to recycle electronic waste, which will encourage individuals, businesses and other levels of government to do the same.

2. DEFINITIONS. In this section:

a. “Electronic waste” means computer central processing units, computer monitors and monitor cables, computer mouses, computer keyboards, CRT units, laptop computers, computer hard drives, surge protector strips, uninterruptible power supplies, and other computer-related accessories, servers, printers, copy machines, facsimile machines, scanners, televisions, stereos, and related cords and cables, mobile telephones, personal digital assistants, data tapes, compact discs and other electronic devices or accessories identified by a city department, agency, committee, board or commission that is determined to be harmful to human health or the environment if disposed of in a solid waste disposal facility.

b. ”Recycling” means preparing electronic waste for use in manufacturing processes or for recovery of useable materials and delivering the material for use. “Recycling” does not include destruction by incineration or other processes or land disposal of recyclable materials.

3. ELECTRONIC WASTE. Every contracting agency shall collect the electronic waste it creates and ensure the proper disposal and recycling of such electronic waste by contacting the department of administration for direction on the proper method of disposal.

310-18.9. Purchase of Milwaukee-Made, Milwaukee County-Made and American-Made Goods.

1. DEFINITIONS. a. “American-made good” means an article that is manufactured, mined or produced in the United States and whose domestic components exceed 50% of the total cost of all components.

b. “Component” means an article, material or supply incorporated directly into an end product.

c. “Milwaukee-made good” means an article that is manufactured, mined or produced in the city of Milwaukee and whose components made in Milwaukee exceed 50% of the total cost of all components.

d. “Milwaukee county-made good” means an article that is manufactured, mined or produced in the county of Milwaukee and whose components made in Milwaukee county exceed 50% of the total cost of all components.

2. MILWAUKEE-MADE GOODS. The city purchasing director and any contracting agency of the city shall, unless contrary to federal, state or local law, trade agreement or other regulations, purchase Milwaukee-made goods for purchases subject to formal competitive bidding, except for vehicles purchased under s. 310-18.3. Contracts shall be awarded to the lowest responsible bidder proposing to supply Milwaukee-made goods provided that the bid does not exceed the lowest bid by more than 12% or $25,000, which shall be increased by 1% annually by the city clerk on March 1 of each year.

3. MILWAUKEE COUNTY-MADE GOODS. If a Milwaukee-made good is not available, the city purchasing director and any contracting agency of the city shall, unless contrary to federal, state or local law, trade agreement or other regulations, purchase Milwaukee county-made goods for purchases subject to formal competitive bidding, except for vehicles purchased under s. 310-18.3. Contracts shall be awarded to the lowest responsible bidder proposing to supply Milwaukee county-made goods provided that the bid does not exceed the lowest bid by more than 12% or $25,000, which shall be increased by 1% annually by the city clerk on March 1 of each year.

4. AMERICAN-MADE GOODS. If a Milwaukee-made or Milwaukee county-made good is not available, the city purchasing director and any other contracting agency of the city shall, unless contrary to federal, state or local law, trade agreement or other regulations, purchase American-made goods for purchases subject to formal competitive bidding, except for vehicles purchased under s. 310-18.3. Contracts shall be awarded to the lowest responsible bidder proposing to supply American-made goods provided that the bid does not exceed the lowest bid by more than 12% or $25,000, which shall be increased by 1% annually by the city clerk on March 1 of each year.

5. AFFIDAVITS. No contracts for items specified in sub. 2, 3 or 4 shall be entered into by contracting agencies unless the lowest responsible bidders first submit to the purchasing director sworn reports or affidavits which include a statement by the bidder that the goods to be supplied are Milwaukee-made, Milwaukee county-made or American-made goods.

6. MONITORING AND COMPLIANCE.

a. The contracting agency shall be responsible for monitoring compliance with this section.

b. The contracting agency shall, prior to contract execution and final payment of a contract, obtain an estimate from the successful bidder of the impact of the contract on job creation and retainment.

7. WAIVER. The requirements of this section may be waived in writing by the purchasing director if the good is not produced in the United States in a sufficient and reasonable available quantity and of a satisfactory quality.

8. EXEMPTIONS. The requirements of this section shall not apply to any of the following:

a. The purchase of a commodity that is considered to be a raw material, including salt, gravel or petroleum, or any product derived from petroleum.

b. The purchase of a commodity that is considered to be a chemical, including liquid oxygen, fluoride or anhydrous ammonia.

9. RELATION TO OTHER LAWS. No provision of this section shall relieve any bidder from compliance with other bid specifications or code provisions. Any bidder proposing to supply a Milwaukee-made, Milwaukee county-made or American-made good with a bid considered for a contract award as defined in sub. 2, 3 or 4 shall not also receive the benefit of the bid award provided in s 365-7-1.

10. REPORTING. The purchasing director shall report by April 1 annually to the common council on purchases made under this section.

11. SANCTIONS. Any person, firm or corporation who has been found by the contracting agency to have submitted any false, misleading or fraudulent information or who has failed to comply with the provisions of this section may be subject to the sanctions provided in s. 310-17-3-f.

310-19. Purchasing Appeals Process.

1. DEFINITIONS. In this section:

a. "Board" means the purchasing appeals board.

b. "Recommendation" means a recommendation of the purchasing director as to the apparent low bidder which is made after a bid opening or a reverse auction but prior to the award of a contract.

2. APPLICABILITY. This section applies only to appeals of specifications and proposed city purchases subject to formal competitive bidding.

3. SPECIFICATION APPEALS.

a. Any potential bidder, common council member or city agency which objects to the original or revised specifications may appeal the specifications by filing a written appeal with the purchasing director no later than 5 working days prior to bid opening. Appeals made by a potential bidder shall be filed with the fee specified in s. 81-102.3. No appeal received later than 5 working days prior to bid opening may be considered. Appeals shall be written, state specific objections to the specifications, be supported by technical data, test results and other information, and suggest alternate specifications.

b. Bids shall not be opened while an appeal is pending.

c. The purchasing director shall schedule a hearing before the board to be held prior to the bid opening or the beginning of a reverse auction.

c-1. All members of the board shall be sent materials sufficient for them to consider the appeal and make a prompt decision.

c-2. The appellant and all individuals and companies which have received specifications for the item being reviewed shall be notified in writing no later than 5 working days prior to the scheduled hearing, of the date, time, place and purpose of the hearing.

c-3. The board shall conduct the hearing and make a determination prior to adjournment and prior to bid opening or the beginning of a reverse auction as to whether to grant, in whole or in part, or deny the appeal. The board shall keep a tape recorded record of its deliberations and decisions.

d. If the appeal is granted, in whole or in part, the appellant and all parties notified under par. c-2 shall be notified in writing of the decision of the board, including any changes in specifications, any need to rebid and any rescheduled bid opening or reverse auction date. If the appeal is denied, the appellant shall be notified in writing of the decision of the board.

e. Within 10 working days of its decision under par. d, the board shall file with the board its written findings and conclusions in support of its decision.

4. APPEALS OF RECOMMENDATIONS. a. Following the opening of any bid or reverse auction, the purchasing staff shall make a written recommendation, based on the facts known at that point to the purchasing director, as to which bidder appears to be the lowest responsible bidder. All bidders shall be notified as to the contents of the recommendation as well as the date, time and place of the meeting at which the award will be considered.

b. Any bidder who objects to the recommendation may appeal the recommendation by filing a written appeal with the purchasing director no later than 5 working days after the date the recommendation is made. Appeals shall be filed with the fee specified in s. 81-102.3. The appeal shall state the specific objections to the recommendation,

include supporting documentation and specify an alternative recommendation.

c. If a timely appeal is not filed, the purchasing director and the board shall proceed as if no appeal was filed.

d. Immediately upon receipt of the appeal, the purchasing director shall forward the appeal to the chair of the board, who shall schedule a hearing before the board. All bidders shall be notified of the appeal, and the date, time and place of the hearing.

e. All members of the board shall be sent materials sufficient for them to consider the appeal and make a prompt decision.

f. The board shall conduct the hearing and make a determination on the appeal prior to adjournment. The board shall keep a tape recorded record of its deliberations and decisions.

g. The board may award in accordance with the recommendation of the purchasing director, make an award to another bidder determined by the board, or reject all bids. The appellant and other bidders shall be notified in writing of the board's decision.

h. Within 10 days of its decision under par. g, the board shall file its written findings and conclusion in support of its decision.

i. Notwithstanding any time limitation specified in sub. 4, when considering an award, the board may, in its discretion, schedule a hearing for its next regular or special meeting, provided that all bidders are notified at least 5 days prior to such hearing.

310-21. Milwaukee Civic Partnership Initiative.

1. CREATION, PURPOSE. There is created a Milwaukee civic partnership initiative to market city assets for advertising, sponsorship and naming rights to private businesses and nonprofit organizations.

2. ADMINISTRATION. The Milwaukee civic partnership initiative shall be administered by the department of administration which shall:

a. Develop and implement policies, rules, procedures, guidelines and regulations for the operation of the initiative.

b. Make recommendations to the common council concerning the development of a marketing strategy for the city’s assets.

c. Prepare and submit an annual report to the mayor and common council concerning the administration and activities of the initiative.

LEGISLATIVE HISTORY
CHAPTER 310

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
ch. 310	cr	881143	10/11/88	12/25/88
310-1	rn to 310-2	130100	5/13/2014	5/31/2014
310-1	cr	130100	5/13/2014	5/31/2014
310-1-0	am	892173	3/20/90	4/7/90
310-1-4	am	991247	11/29/99	1/1/2000
310-1-7	am	900674	10/13/92	1/27/93
310-1-7	rc	920985	11/12/92	12/20/92
310-1-7	rc	971310	12/16/97	1/8/98
310-1-8	cr	901187	1/22/91	2/8/91
310-1-8	rp	931078	11/11/93	12/19/93
310-1-8	rn from 310-1-9	931078	11/11/93	12/19/93
310-1-8	rp	991247	11/29/99	1/1/2000
310-1-8	rp	030504	11/14/2003	1/1/2004
310-1-8	cr	030504	11/14/2003	1/1/2004
310-1-8	am	110086	10/11/2011	1/1/2012
310-1-9	cr	901187	1/22/91	2/8/91
310-1-9	rn from 310-1-10	931078	11/11/93	12/19/93
310-1-9	rn to 310-1-8	931078	11/11/93	12/19/93
310-1-9	am	940829	11/29/94	12/16/94
310-1-9	rn to 310-1-8	991247	11/29/99	1/1/2000
310-1-9	rp	030504	11/14/2003	1/1/2004
310-1-9	am	040491	11/12/2004	12/3/2004
310-1-10	cr	901187	1/22/91	2/8/91
310-1-10	rp	920988	11/12/92	12/20/92
310-1-10	rn from 310-1-11	931078	11/11/93	12/19/93
310-1-10	rn to 310-1-9	931078	11/11/93	12/19/93
310-1-10	rp	941048	11/29/94	1/1/95
310-1-10	cr	951010	12/19/95	1/13/96
310-1-10	rn to 310-1-9	991247	11/29/99	1/1/2000
310-1-10	cr	010854	12/17/2001	1/1/2002
310-1-10	rn to 310-1-9	030504	11/14/2003	1/1/2004
310-1-10	cr	090592	11/6/2009	1/1/2010
310-1-11	cr	901187	1/22/91	2/8/91
310-1-11	rn to 310-1-10	920988	11/12/92	12/20/92
310-1-11	rn to 310-1-10	931078	11/11/93	12/19/93
310-1-11	cr	971310	12/16/97	1/8/98
310-1-11	rp	991247	11/29/99	1/1/2000
310-1-12	cr	911321	12/20/91	1/14/92
310-1-12	rn to 310-1-11	920988	11/12/92	12/20/92
310-2-5	rp	151206	12/15/2015	1/1/2016
310-2-6	rn to 310-2-5	151206	12/15/2015	1/1/2016
310-2-7	rn to 310-2-6	151206	12/15/2015	1/1/2016
310-2-8	rn to 310-2-7	151206	12/15/2015	1/1/2016
310-2-9	rn to 310-2-8	151206	12/15/2015	1/1/2016
310-2-10	rn to 310-2-9	151206	12/15/2015	1/1/2016
310-3	rp	892173	3/20/90	4/7/90
310-3	am	151342	1/19/2016	2/5/2016
310-4-3	am	130100	5/13/2014	5/31/2014

310-5	rp	892173	3/20/90	4/7/90
310-5	cr	090592	11/6/2009	1/1/2010
310-5	rn to 310-3	130100	5/13/2014	5/31/2014
310-7	am	001458	2/27/2001	3/16/2001
310-7	am	021691	03/25/2003	4/11/2003
310-7	rc	041396	2/22/2005	3/11/2005
310-7	rn to 310-4	130100	5/13/2014	5/31/2014
310-7-2-i	am	120800	11/2/2012	1/1/2013
310-9	rn to 310-5	130100	5/13/2014	5/31/2014
310-11	rn from 2-29.5	881930	3/7/89	3/25/89
310-11	am	030504	11/14/2003	1/1/2004
310-11	am	040518	9/21/2004	1/1/2005
310-11	rn to 310-6	130100	5/13/2014	5/31/2014
310-11-2	am	960621	7/30/96	8/16/96
310-11-3	rp	960621	7/30/96	8/16/96
310-11-7	am	960621	7/30/96	8/16/96
310-12	cr	110998	11/30/2011	12/17/2011
310-12	am	130100	5/13/2014	5/31/2014
310-13	cr	950181	11/6/95	11/14/95
310-13	rc	130100	5/13/2014	5/31/2014
310-13-2-a	am	131627	7/22/2014	8/8/2014
310-13-2-b	am	991247	11/29/99	1/1/2000
310-13-3	am	990130	6/2/99	6/19/99
310-13-3	am	131627	7/22/2014	8/8/2014
310-13-4	am	990130	6/2/99	6/19/99
310-13-6	am	990130	6/2/99	6/19/99
310-13-7	am	951395	1/23/96	2/9/96
310-13-7	am	991247	11/29/99	1/1/2000
310-13-8	am	990130	6/2/99	6/19/99
310-13-9-a	am	991247	11/29/99	1/1/2000
310-13-9-b	am	991247	11/29/99	1/1/2000
310-13-9-c	am	991247	11/29/99	1/1/2000
310-13-9-d-0	am	991247	11/29/99	1/1/2000
310-14	cr	050284	12/13/2005	12/30/2005
310-14-2-b	am	130100	5/13/2014	5/31/2014
310-14-3-a	am	130100	5/13/2014	5/31/2014
310-15	cr	931895	4/26/94	1/1/95
310-15	rc	130100	5/13/2014	5/31/2014
310-16	cr	050515	10/18/2005	11/4/2005
310-16	am	130100	5/13/2014	5/31/2014
310-17	cr	021338	4/15/2003	4/25/2003
310-17	rc	061257	10/23/2007	1/8/2008
310-17-0	am	130100	5/13/2014	5/31/2014
310-17-0	am	141330	5/12/2015	5/30/2015
310-17-1-a	am	130100	5/13/2014	5/31/2014
310-17-1-a	am	141330	5/12/2015	5/30/2015
310-17-1-d	am	141330	5/12/2015	5/30/2015
310-17-2-b	am	130100	5/13/2014	5/31/2014
310-17-2-d-1	am	130100	5/13/2014	5/31/2014
310-17-2-e	rn to 310-17-2-f	141330	5/12/2015	5/30/2015
310-17-2-e	cr	141330	5/12/2015	5/30/2015
310-17-2-e-3	am	130100	5/13/2014	5/31/2014
310-17-2-g	cr	141330	5/12/2015	5/30/2015
310-17-2-h	cr	141330	5/12/2015	5/30/2015
310-17-3-a	am	130100	5/13/2014	5/31/2014
310-17-3-b-1-0	am	130100	5/13/2014	5/31/2014

310-17-3-c	am	130100	5/13/2014	5/31/2014
310-17-3-d	am	130100	5/13/2014	5/31/2014
310-17-3-e-1	am	130100	5/13/2014	5/31/2014
310-17-3-f	am	130100	5/13/2014	5/31/2014
310-17-4	am	130100	5/13/2014	5/31/2014
310-17-4-0	am	141330	5/12/2015	5/30/2015
310-17-4-a	am	141330	5/12/2015	5/30/2015
310-17-4-b	am	141330	5/12/2015	5/30/2015
310-17-4-c	rn to 310-17-4-d	141330	5/12/2015	5/30/2015
310-17-4-c	cr	141330	5/12/2015	5/30/2015
310-17-4-d	rn to 310-17-4-e	141330	5/12/2015	5/30/2015
310-17-4-d	rc	141330	5/12/2015	5/30/2015
310-17-4-e	am	141330	5/12/2015	5/30/2015
310-17-4-e	rn to 310-17-4-g	141330	5/12/2015	5/30/2015
310-17-4-f	cr	141330	5/12/2015	5/30/2015
310-17-4-g	am	141330	5/12/2015	5/30/2015
310-17-5	rc	130100	5/13/2014	5/31/2014
310-17-6	am	130100	5/13/2014	5/31/2014
310-18	cr	060095	6/20/2006	7/8/2006
310-18-2	am	130100	5/13/2014	5/31/2014
310-18.3	cr	090279	10/13/2009	12/29/2009
310-18.3-3	am	130100	5/13/2014	5/31/2014
310-18.3-4	am	130100	5/13/2014	5/31/2014
310-18.3-5	am	130100	5/13/2014	5/31/2014
310-18.3-6	am	130100	5/13/2014	5/31/2014
310-18.3-7	am	130100	5/13/2014	5/31/2014
310-18.5	cr	071342	2/5/2008	2/22/2008
310-18.5	am	130100	5/13/2014	5/31/2014
310-18.7	cr	080188	6/10/2008	6/27/2008
310-18.7-3	am	130100	5/13/2014	5/31/2014
310-18.9	cr	101572	11/27/2012	2/12/2013
310-18.9 (note)	rp	131807	6/3/2014	6/20/2014
310-18.9-2	am	130100	5/13/2014	5/31/2014
310-18.9-2	am	131807	6/3/2014	6/20/2014
310-18.9-3	am	130100	5/13/2014	5/31/2014
310-18.9-3	am	131807	6/3/2014	6/20/2014
310-18.9-4	am	131807	6/3/2014	6/20/2014
310-18.9-5	am	130100	5/13/2014	5/31/2014
310-18.9-6	am	130100	5/13/2014	5/31/2014
310-18.9-7	rc	130100	5/13/2014	5/31/2014
310-18.9-9	am	130100	5/13/2014	5/31/2014
310-18.9-10	am	130100	5/13/2014	5/31/2014
310-18.9-11	am	130100	5/13/2014	5/31/2014
310-19	cr	882560	4/25/89	5/13/89
310-19	rp	900674	10/13/92	1/27/93
310-19	cr	921235	12/18/92	1/27/93
310-19-1	rc	130100	5/13/2014	5/31/2014
310-19-1-a	am	020593	11//8/2002	1/1/2003
310-19-1-c	am	101429	4/12/2011	4/29/2011

310-19-2	am	061257	10/23/2007	1/8/2008
310-19-3	am	130100	5/13/2014	5/31/2014
310-19-3-a	am	940400	6/28/94	7/16/94
310-19-3-a	am	101429	4/12/2011	4/29/2011
310-19-3-a	am	130100	5/13/2014	5/31/2014
310-19-3-b	am	101429	4/12/2011	4/29/2011
310-19-3-b	am	130100	5/13/2014	5/31/2014
310-19-3-c-0	am	020593	11/8/2002	1/1/2003
310-19-3-c-1	am	020593	11/8/2002	1/1/2003
310-19-3-c-3	am	020593	11/8/2002	1/1/2003
310-19-3-c-3	am	101429	4/12/2011	4/29/2011
310-19-3-d	am	020593	11/8/2002	1/1/2003
310-19-3-d	am	101429	4/12/2011	4/29/2011
310-19-3-e	am	020593	11/8/2002	1/1/2003
310-19-4-a	am	101429	4/12/2011	4/29/2011
310-19-4-b	am	940400	6/28/94	7/16/94
310-21	rn from 2-292	881930	3/7/89	3/25/89
310-21	rp	130100	5/13/2014	5/31/2014
310-21	cr	140518	11/5/2014	11/22/2014
310-23	rn from 2-295	881930	3/7/89	3/25/89
310-23	rp	130100	5/13/2014	5/31/2014
310-25	rn from 2-296	881930	3/7/89	3/25/89
310-21	rp	130100	5/13/2014	5/31/2014
310-21	cr	140518	11/5/2014	11/22/2014
310-25	rn from 2-297	881930	3/7/89	3/25/89
310-27	rp	130100	5/13/2014	5/31/2014
310-29	rn from 2-306	881930	3/7/89	3/25/89
310-29	rc	080490	9/16/2008	10/3/2008
310-29	rn to 310-7	130100	5/13/2014	5/31/2014
310-29-1	am	961310	12/17/96	1/9/97
310-29-2	am	001458	2/27/2001	3/16/2001
310-29-2	am	010187	6/19/2001	6/30/2001
310-29-2	am	021691	3/25/2003	4/11/2003
310-31	rn from 2-307	881930	3/7/89	3/25/89
310-31	rp	130100	5/13/2014	5/31/2014

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CHAPTER 311
SECURE STRUCTURE PLANS

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311-1 Purpose
311-3 Definitions
311-5 Inspection or Copying of Plans

311-1. Purpose. By reason of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attacks, sabotage or other hostile action, it is the intent of the common council by enactment of this chapter to protect lives and property and to preserve the peace, health, safety, and general welfare of the public.

311-3. Definitions. In this chapter:

1. DEPARTMENT means the department in which the plans were originally submitted or are currently retained.

2. PLANS means construction plans, designs, specifications and related materials filed with a city department concerning a structure.

3. SECURE STRUCTURE means a building or other structure of a type, which the department, city, county or state determines to have extraordinary security requirements, including but not limited to structures used:

a. For the safekeeping of large sums of money, negotiable instruments, securities or other valuables.

b. As a jail, correctional facility or other secure facility for persons in detention.

c. For the safekeeping or evaluation of evidence in criminal proceedings or investigations.

d. For the safekeeping of weapons, ordnance or explosives.

e. In the generation, transmission or distribution of electric power, fuels or communication.

f. As a fire department or hospital facility.

g. For the purposes of municipal government, including but not limited to water distribution pumping stations.

h. For the purposes of state or federal government.

i. For the facilitating of a large number of people, including but not limited to museums and sports venues.

j. As transportation facilities.

311-5. Inspection or Copying of Plans.

1. APPLICATION. Pursuant to s. 101.12 (5)(b), Wis. Stats., as amended, a person requesting to inspect or copy plans shall submit a written application identifying the structure or proposed structure whose plans are sought to be inspected or copied, providing the full name and address of the requestor and stating that any information obtained from the inspection or copying will not be used for any unlawful or unfair competitive purposes and that the information set forth in the application is true and accurate. The department shall promptly transmit a copy of the application to the owner of the structure and the submitter of the plans being inspected or copied.

2. RESTRICTION. Pursuant to s. 101.12 (5)(c), Wis. Stats., as amended, if a submitted application requests inspection or copying of plans for any secure structure or proposed secure structure, the department shall consider the information supplied in the application and weigh the possible harm to the public interest which may result from permitting inspection and copying of the plans against the benefits of allowing such inspection or copying. If the department determines that the possible harm to the public interest outweighs the benefit to the requestor and to the public interest of allowing such inspection or copying, it may deny the application or grant it upon such conditions as it determines are necessary to protect the public interest.

LEGISLATIVE HISTORY
CHAPTER 311

Abbreviations:
am = amended
cr = created
ra = renumbered and amended
rc = repealed and recreated
rn = renumbered
rp = repealed

Section	Action	File	Passed	Effective
ch. 311	cr	011184	1/22/2002	2/5/2002

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CHAPTER 312
POLICE DEPARTMENT

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312-01. Police Chief; Term of Office. The term of office for the chief of police shall be 4 years.

312-03. Duties of Chief of Police. 1. TO ENFORCE THE LAW. The several policemen appointed in said city shall be in subordination to and under the control and direction of the chief of police. It shall be the duty of the chief of police to cause the public peace to be preserved and to see that all the laws and ordinances of the city are enforced, and whenever any violation thereof shall come to his knowledge, he shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders. He shall cause to be made and keep a record of his proceedings which he may deem necessary. He shall be responsible for the efficiency and general good conduct of the department.

2. TO ESTABLISH WORK SHIFTS AND HOLIDAY SCHEDULES. The chief of police shall assign to each police officer work shifts of 8 consecutive hours which in the aggregate result in an average work week of 40 hours. The chief shall assign every officer 12 days off with pay in lieu of holidays per fiscal year, one 8-hour period of which shall be designated by the chief to commemorate Dr. Martin Luther King Jr.'s birthday.

3. Such work days off in lieu of holidays shall be included in computing the aforesaid average work week of 40 hours.

4. The scheduling of work shift assignments and work days off in lieu of holidays shall be controlled by the chief of police.

312-05. Not to Accept Gifts. No policeman shall accept or receive from any person while in custody, or after such person shall have been discharged, or from any such person's friends, any gratuity, reward or gift, directly or indirectly, or any article or things as compensation for damages sustained in the discharge of his duty, without a written permission from the chief of police.

312-07. Information to Outsiders. No member of the police force shall communicate to any person any information which may enable persons to escape from arrest or punishment, or enable them to dispose of or secret any goods or other valuable thing stolen or embezzled.

312-09. Information Respecting Orders. No member of the police force shall communicate, except to such persons as directed by the chief of police any information respecting any orders he may have received or any regulations that may be made for the government of the department.

312-11. Leave of Absence; Political Activity. No member of the police department shall be absent from duty or leave the city without the permission of the chief of police, nor shall any member of the police department be engaged in political activity except when off duty and not in uniform.

312-13. Auxiliary Police Service. 1. ESTABLISHED. An auxiliary police service is established to be a volunteer organization, the members thereof to be appointed by the chief of police and who shall serve without pay or remuneration for their services, to be composed of not to exceed 5,000 members, separate and distinct from the regular police department of the city. The auxiliary police shall not be deemed special police within the meaning of s. 3-01 of the city charter, and nothing contained in such section shall be applicable to the auxiliary police.

2. CHIEF OF POLICE TO HAVE COMMAND. The chief of police shall have the authority to command, train, control and supervise the auxiliary police.

3. ELIGIBILITY AND APPOINTMENT. No person shall be eligible for or deemed a member of the auxiliary police until such person has been appointed and registered as such and that person's name enrolled upon a register of members to be kept by the chief of police. No person shall become a member of the auxiliary police who is not a citizen of the United States and until such person has taken an oath subscribed to in writing to observe and obey the constitution of the United States, the laws of the state of Wisconsin, and the ordinances of the city of Milwaukee. Such oath shall further provide that such members will carry out the duties of a member of the auxiliary police service as prescribed by the chief of police of this city to the best of such member's ability. No person shall become a member of the auxiliary police who is not at least 18 years of age, with a maximum age to be determined at the discretion of the chief of police. Recruitment of said auxiliary police is to be accomplished through press releases to a news media when recruits are needed.

4. DUTIES OF MEMBERS. The duties of each member shall be to carry out the commands and directions of the chief of police and to assist the regular members of the police department of this city in the enforcement of law and the maintenance of peace and order during a period of extreme emergency arising from the imminence of or the existence of a war or major natural disaster. The chief of police may by written order establish rules and regulations to govern the training and use of the auxiliary service, to fix the specific duties of each of its members and to provide for the maintenance of discipline. The chief of police may change such orders from time to time as the needs of the auxiliary police service require, according to the chief of police's judgment. The chief of police may command members of the auxiliary police to follow the instructions or orders of the regular police officers in carrying out their duties. The chief of police may prescribe additional duties other than those enumerated herein to be performed by the auxiliary police service.

5. IDENTIFICATION. An identification card and such other insignia of evidence of identity as the chief of police may prescribe shall be issued to each member who shall carry the card and display such other evidence of identification at all times while serving as a volunteer auxiliary policeman. Such member shall surrender such card, insignia or evidence of identification upon termination of his membership.

5.5. WORKER'S COMPENSATION BENEFITS. Members of the auxiliary police service shall be provided worker's compensation benefits as set forth in s. 350-237.

6. TERMINATION OF MEMBERSHIP. The membership of any volunteer auxiliary policeman may be terminated by the chief of police at any time where the interests of the organization require such action. The decision of the chief of police as to such termination shall be final. Any member may resign from the auxiliary police service at any time by notifying the chief of police of such resignation in writing.

7. CARRYING OF WEAPONS PROHIBITED. No volunteer auxiliary police personnel shall, while on duty or in any training exercise, carry or use any weapon, except as authorized by the chief of police.

8. POWERS OF ENTRY ON PRIVATE PROPERTY RESTRICTED. No member of the auxiliary police service shall break into or otherwise forcibly enter upon any private property or enter the dwelling or habitation of another without the consent of the owner or occupant except when immediately accompanied by a regular member of the police force of this city who then and there requests the aid of such auxiliary police member to aid him in the enforcement of the law.

9. MEMBERSHIP MAY BE LIMITED. The chief of police may by order diminish or expand the membership of the auxiliary police service as the needs of the police service require within the limit hereinbefore established.

10. FALSE IMPERSONATION. Any person not being a member, who wears, carries or displays an auxiliary police service identification card or insignia or otherwise falsely represents himself or herself to be a member of the volunteer auxiliary police service shall, upon conviction thereof, forfeit a sum not to exceed $200, and in default of payment be imprisoned not to exceed 30 days.

11. The auxiliary police service shall terminate and cease to exist upon repeal of this section of the code by the common council.

312-14. Citywide Block Watch Council.

1. ESTABLISHMENT. There is created a citywide block watch council to provide crime prevention information and assistance to neighborhood block watches throughout the city of Milwaukee.

2. COMPOSITION. The council shall be composed of the 7 police district block watch council chairpersons chosen by each district block watch council.

3. RESPONSIBLITIES AND DUTIES.

a. The council shall coordinate the activities of the district block watch councils by maintaining communication and collaboration among members of law enforcement.

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

b-1. Voting on all issues that directly affect the citywide block watch program.

b-2. Implementing directives, suggestions, instructions and guidance from the Milwaukee police department.

b-3. Providing squad area block watch representatives within each police district with crime prevention materials and training opportunities.

b-4. Initiating, planning and assisting the community service division of the police department with meetings, conferences, reports and training needs.

312-15. Registers of Policemen and Arrests; Reports to Council. The chief of police shall keep in his office an official department record in which shall be entered the name of each policeman, his number and his place of residence, specifying the ward and street and the time of any removal from office or the occurring of a vacancy. He shall also keep in his office an official department record in which shall be entered the true name, if known, and if not known, a name under an alias, of every person arrested by any policeman, with the date of arrest, with such other facts as he may deem proper and necessary, and report to the common council at the end of each month the number of arrests made during such month, with the causes of arrest, and he shall also give such other information as the common council may from time to time require.

312-16. Collection of Traffic Stop Data.

1. REQUIREMENT. The police department shall collect data on the races of all occupants of motor vehicles stopped by the department, analyze the data and use the results to inform department management.

2. INFORMATION TO BE COLLECTED. To meet the intent of sub. 1, the police department shall collect the following information for each traffic stop:

a. The motor vehicle operator's home zip code, age, gender and race or ethnicity.

b. The number of occupants in the stopped vehicle and whether any occupant other than the operator is a member of a racial or ethnic minority.

c. Whether the operator or any other occupant of the motor vehicle was searched and, if so, the race or ethnicity of each person searched.

3. REPORT. The department shall provide a written report of the results of its analysis of traffic stop data to the common council each February.

312-17. Inspection of Records. The mayor, the district attorney of Milwaukee county, the city attorney and the committee on judiciary-legislation of the common council or any of them are authorized to inspect at all times any or all the books directed to be kept by the chief of police; but no person not herein named shall be permitted to examine any of said books without permission in writing from the mayor or chief of police, except that policeman may be allowed to examine the book in which shall be entered the statement of the offenses committed and of suspicious persons and places.

312-19. Badge of Office; Uniform. 1. BADGE TO BE WORN. The chief of police and policemen when on duty shall wear the badge or insignia of their office on the outside of the outermost garment over the left breast, conspicuously displaying the same so that the entire surface thereof may be seen except when caution may dictate that the same shall not be exposed.

2. UNIFORM REQUIRED. Every member of the police force of the city, except the chief of police and detectives, shall on all occasions, when on duty, unless otherwise directed by the chief of police, wear such badge or insignia and also a uniform, to be made of

such material and trimmed in such manner and style as may be prescribed by the chief of police.

3. NAME TAG. Every uniformed member of the police force of the city shall on all occasions when on duty wear on the breast of his or her outer garment a name tag containing the last name of the member. This name tag will be conspicuously displayed at all times when the member is on duty.

312-21. Copies of Police Records and Record Searches. The police department shall make certain reports and photocopying services available to the public on a user fee basis. See s. 81-38.5 for the fees therefor.

312-23. Community Safety. The police department shall:

1. In consultation with the safety commission, establish standards for the location of school crossing guards, conduct studies of locations for the placement of new crossing guard protection, the relocation of protection or discontinuation of service, and recommend to the common council the need for crossing guards based on the established standards and recommendations.

2. Administer the school crossing guard program.

3. Furnish school children, industrial workers, official and nonofficial groups with educational materials such as publications, films, radio and television spot announcements, and exhibits for the promotion of safety within the financial resources established by the common council.

4. Be responsible for seeing that the defensive driving course is conducted in accordance with the program guidelines adopted by common council resolution.

312-25. School Crossing Guards. 1. DUTIES. School crossing guards, assigned to serve as crossing guards, are authorized to direct and assist school children, other pedestrians and vehicular traffic at school crossings at times when public and private schools are in session.

2. UNIFORMS. All school crossing guards, serving as crossing guards, shall be provided with a uniform and badge as prescribed by the chief of police and which must be worn while on duty.

3. TRAINING. Training and supervision shall be provided by the police department.

312-26. Agreements for Additional Law Enforcement Services.

1. AGREEMENTS. The police department may enter into agreements for up to one year and not exceeding $50,000, for additional law enforcement services with entities that have been approved by the police chief and meet the criteria specified in sub. 2.

2. CRITERIA. a. The entity entering into an agreement with the police department for additional police services must receive the approval of the police chief for the nature and amount of police services to be funded by the agreement and meet all of the following criteria:

a-1. The entity is a tax-exempt public or quasi-public entity.

a-2. The entity owns or operates a large public venue open to the public.

a-3. The operations of the entity occasion the need for additional police services in areas adjacent to a public venue that the entity owns or operates.

b. In lieu of the criteria specified in par. a, agreements may also be entered into with entities that meet one of the following criteria:

b-1. The entity owns or operates facilities that present unique security needs occasioning the need for additional police services.

b-2. The entity is an alcohol beverage establishment licensed by the city and seeks to enhance public safety.

b-3. The entity is a 501(c) (3) corporation seeking to enhance public safety through a community crime intervention initiative.

c. Officers shall be assigned to alcohol beverage establishments pursuant to par. b-2 on a voluntary basis.

3. COMMON COUNCIL APPROVAL. Agreements for additional law enforcement services, exceeding $50,000, that have been approved by the police chief and that meet the criteria specified in sub. 2, must be reviewed and approved by the common council prior to execution.

4. REPORTING. Prior to April 1 of each year, the police department shall submit to the common council a report of all agreements for additional law enforcement services the police department entered into during the prior calendar year.

LEGISLATIVE HISTORY
CHAPTER 312

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 312	cr	881930	3/7/89	3/25/89
312-01	am	890133	5/16/89	6/3/89
312-01	am	010871	11/6/2001	11/22/2001
312-13-3	am	010905	11/27/2001	12/14/2001
312-13-5.5	am	912458	5/26/92	6/12/92
312-13-7	am	090222	7/7/2009	7/24/2009
312-14	rc	060528	2/6/2007	2/23/2007
312-14-3	rp	070109	5/8/2007	5/25/2007
312-14-4	rn to 312-14-3	070109	5/8/2007	5/25/2007
312-16	cr	140760	10/14/2014	10/31/2014
312-23	cr	891615	12/19/89	1/13/90
312-23-1	am	010854	12/17/2001	1/1/2002
312-23-1	am	040788	2/1/2005	2/18/2005
312-25	rn from: 340-25	891615	12/19/89	1/13/90
312-25-1	am	010854	12/17/2001	1/1/2002
312-25-2	am	010854	12/17/2001	1/1/2002
312-26	cr	131016	11/26/2013	12/17/2013

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CHAPTER 313
FIRE DEPARTMENT

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313-15	Superintendent of Fire and Police Alarm System
313-17	Jurisdiction
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313-21	Emergency Traffic Signal Preemption System

313-01. Fire Chief; Term of Office. The term of office for the fire chief shall be 4 years.

313-03. Powers and Duties of Chief Engineer. The chief engineer, and in the engineer's absence the assistant engineers, according to their rank, shall have command over all members of the fire department. It shall be the engineer's duty to look into the condition of all engines and other apparatus belonging to the city and used for the purpose of the fire department, and to report thereon annually, or so often as circumstances render it expedient, or when directed by the mayor or common council. And whenever any of the buildings or apparatus used for the purpose of the fire department require any alterations, additions or repairs, he or she shall report the same to the commissioner of public works or common council. He or she shall keep exact rolls of the respective companies, specifying the time of admission and discharge of each member. He or she shall also report all accidents by fire which may happen within the city, with the cause thereof, as well as can be ascertained, and the number and description of buildings destroyed or injured, together with the names of owners or occupants.

313-07. Powers and Duties of Captain. It shall be the duty of the captain of each company to see that the engines and other apparatus committed to his care, and the several buildings in which the same are deposited, and all things in and belonging to the same, are kept neat and clean and in order for immediate use. It shall also be their duty to preserve order and discipline at all times in their respective companies, and require and enforce a strict compliance with the city ordinances and the rules and regulations of the fire department.

313-09. Oath of Office. It shall be the duty of the chief engineer and each member of the fire department to be qualified by oath or affirmation that he will faithfully observe the constitution and laws of the state of Wisconsin, the charter and ordinances of the city of Milwaukee, and perform to the best of his ability all of the duties of his office; such oath or affirmation shall be filed in the office of the city clerk.

313-11. Badges, etc. The captain and members and the several companies regularly appointed shall wear such helmets, caps, badges or other insignia, as the chief engineer may direct.

313-13. Training of Out-of-city Firemen.

1. AUTHORIZATION. The chief of the fire department is authorized to permit the training of members of paid fire departments in the state of Wisconsin at the fire department bureau of instruction and training.

2. WITH CITY CLASSES. Such training shall be conducted only in conjunction with regular training classes now being conducted for members of the fire department at the discretion of the chief of the fire department without additional budget requirements and based on a minimum of interference with the fire department training program.

3. FEE. See s. 81-52 for the required fee.

313-15. Director of Fire and Police Alarm System. The director of the department of public works operations division shall be the director of the police and fire alarm systems of the city, and shall have entire control and management of the construction, maintenance, repair work and maintenance related operation of the fire and police alarm systems, and all related records, apparatus, instruments, wires, cables, batteries, telephones, and signal stations, and shall see that the systems are at all times kept in proper working order.

313-17. Jurisdiction. The superintendent of the fire and police alarm systems shall also have jurisdiction of such other matters as may from time to time be placed in his charge by the common council.

313-19. Power of Superintendent; Extra Help. Said superintendent shall have charge of and control over all employes of the police and fire alarm systems engaged in the construction, maintenance, repair work and operation thereof; provided, that the chief engineer of the fire department shall continue to have charge of the operation, the chief operator and the operators of the fire alarm switchboard, and that the chief of police shall have charge of the operation of the chief operator and operators of the police alarm switchboard.

313-21. Emergency Traffic Signal Preemption System. 1. RESPONSIBILITY. The director of the department of public works infrastructure services division shall have responsibility for administration of the city's emergency traffic control system for use by fire department vehicles for emergency runs.

2. ACCESS BY NON-CITY ENTITIES. Any non-city entity desiring to access the city's emergency traffic signal preemption system shall first obtain authorization from the common council, which shall by resolution set forth the conditions for such participation, including the amounts that the entities will be charged.

LEGISLATIVE HISTORY
CHAPTER 313

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 313	cr	881930	3/7/89	3/25/89
313-01	am	890133	5/16/89	6/3/89
313-01	am	010871	11/6/2001	11/22/2001
313-03	am	940400	6/28/94	7/16/94
313-05	rp	060322	7/12/2006	7/29/2006
313-15	am	951008	12/19/95	1/13/96
313-15	am	961315	12/17/96	1/9/97
313-15	am	010858	12/17/2001	1/1/2002
313-21	cr	930807	9/28/93	10/15/93
313-21	am	951008	12/19/95	1/13/96

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CHAPTER 314
BOARD OF FIRE AND POLICE COMMISSIONERS

TABLE

314-1 Members
314-3 Duties
314-5 Executive Director

314-1. Members. 1. STATE LAW. Pursuant to s. 62.50, Wis. Stats., the members of the board of fire and police commissioners shall be appointed by the mayor and subject to confirmation by the common council.

2. REQUIRED. a. Prior to confirmation by the common council, every person appointed a member of the board shall be subject to the same full and complete background investigation as any candidate for appointment to any position in the fire or police departments, including but not limited to verification of educational degrees, previous employment and arrest and conviction records. Such background investigations shall be conducted by the sheriff of Milwaukee county, and the written report of each investigation submitted to the common council.

b. Each newly appointed commissioner shall register for training related to the missions of the fire department and the police department within 6 months of the date of confirmation of their appointment by the common council, and shall complete said training within 12 months of the date of confirmation of their appointment by the common council.

b-1. Fire department training shall include such training and ride along programs as may be recommended by the executive director of the fire and police commission. Newly appointed commissioners who have professional experience as a firefighter are exempt from the fire department training requirement.

b-2. Police department training shall include attending the Milwaukee police citizen academy and participating in the police department ride along program, as may be recommended by the executive director of the fire and police commission. Newly appointed commissioners who have professional experience as a law enforcement officer are exempt from the police department training requirement.

b-3. The fire and police commission shall submit an annual report to the common council of training taken by fire and police commission members.

314-3. Duties. In accordance with the duties provided in s. 62.50, Wis. Stats., the board of fire and police commissioners shall:

1. Conduct a policy review of all aspects of the operations of the police and fire departments, may prescribe general policies and standards for the departments, and may inspect any property of the departments, including but not limited to books and records, required for such review.

2. Audit internal police and fire department investigations to ensure thorough, fair and credible results.

3. Monitor the citizen complaint process to ensure timely and objective resolutions.

4. Use oversight authority to identify systemic problems within the police and fire departments, identify opportunities for improvement through organizational change, and delegate authority for follow-up to the respective chief.

314-5. Executive Director. Pursuant to the authority granted to 1st class cities under s. 62.51, Wis. Stats., there is created a position of an executive director to comprise the role of executive secretary of the board. Under the direction of the board, the executive director shall act as the principal staff of the board in exercising the board's functions and

powers provided in s. 62.50, Wis. Stats., and described under s. 314-3. In addition, the executive director shall:

1. Review a complaint investigation when a citizen is dissatisfied with the outcome of an investigation that has been completed by the police or fire department.

2. Evaluate police and fire department policies, practices and patterns, including but not limited to deployment of staff, crime and fire prevention training, use of force, search, seizure, citizen interaction and communication.

3. Issue periodic public reports relating to the status and resolution of complaints, timeliness of complaint resolution, trends and patterns of concern pertaining to complaint investigations, nature and frequency of complaints and other performance indicators.

LEGISLATIVE HISTORY
CHAPTER 314

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 314	cr	060775	11/10/2006	1/1/2007
314-1-2	rn to 314-1-2-a	070345	2/5/2008	2/22/2008
314-1-2-b	cr	070345	2/5/2008	2/22/2008

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CHAPTER 315
MUNICIPAL COURT

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315-1 Municipal Court Commissioners

315-1. Municipal Court Commissioners.

1. CREATION. Pursuant to the authority of s. 755.19(1), Wis. Stats., as amended, there is established the office of municipal court commissioner.

2. APPOINTMENT AND SUPERVISION. Municipal court commissioners shall be appointed by the presiding judge of the municipal court to perform their duties as specified in s. 755.19(2), Wis. Stats., as amended, and shall be supervised by the judge whose cases the commissioner is hearing. Upon appointment, and for the duration of a commissioner's employment, a commissioner shall comply with the judicial education required by SCR ch. 33, Wisconsin supreme court rules, as amended, as applicable to municipal judges.

3. ELIGIBILITY. A municipal court commissioner shall be an attorney licensed to practice law in Wisconsin and shall have practiced as an attorney for at least 3 years immediately prior to appointment. A municipal court commissioner shall be a resident of the city of Milwaukee.

4. SALARY. The rates of pay in salary of municipal court commissioner shall be determined by the common council.

5. LENGTH OF TERM. The term of office for all municipal court commissioners appointed after September 1, 2000, but prior to May 1, 2001, shall expire April 30, 2002. The term of office for all municipal court commissioners appointed thereafter shall be 12 months, beginning on May 1 and expiring on April 30 of the following year.

6. CODE OF ETHICS. Municipal court commissioners shall comply with the provisions of ch. 303 and SCR ch. 60, Wisconsin supreme court rules, as amended, as applicable to part-time municipal judges.

7. PROHIBITION FROM LEGAL PRACTICE BEFORE THE MUNICIPAL COURT. During the period of employment as municipal court commissioner, a commissioner shall not engage in legal practice before the municipal court.

LEGISLATIVE HISTORY
CHAPTER 315

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 315	cr	971627	2/10/98	2/27/98
315-1-5	rc	000686	9/22/2000	10/11/2000

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CHAPTER 316
HOUSING TRUST FUND

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316-3 Administration
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316-7 Financing the Housing Trust Fund

316-1. Establishment; Purpose. There is established a housing trust fund to support developers and governmental entities in the acquisition, construction, rehabilitation and modification of affordable and accessible housing for low-income households, and to finance support services that assist low-income households in obtaining and maintaining affordable housing.

316-3. Administration. The housing trust fund shall be administered by the community development grants administration division of the department of administration. The community development grants administration division, guided by the recommendations of the Milwaukee housing trust fund task force approved by the common council in resolution file number 060071, shall:

1. Administer the housing trust fund.

2. Develop and implement appropriate rules, procedures, guidelines and regulations for the proper operation of the housing trust fund, including the necessary internal controls over the fund.

3. Review requests for funding from the housing trust fund and make funding recommendations to the housing trust advisory board.

4. Establish criteria and procedures for reviewing requests for funding from the housing trust fund, and for allocating funds from the housing trust fund.

5. Prepare and submit an annual report to the mayor and common council concerning the administration and activities of the housing trust fund.

316-5. Housing Trust Fund Advisory Board.

1. CREATED. a. There is created a housing trust fund advisory board consisting of the following 13 members who shall serve staggered 2-year terms:

a-1. 2 common council members appointed by the common council president.

a-2. 2 members appointed by the mayor.

a-3. The city comptroller or designee.

a-4. A non-profit developer, appointed by the common council president.

a-5. A for-profit developer, appointed by the common council president.

a-6. A representative of Continuum of Care, appointed by the agency.

a-7. A representative of a financial institution, appointed by the common council president.

a-8. A representative of the Local Initiatives Support Corporation, appointed by the agency.

a-9. A representative of the Metropolitan Milwaukee Fair Housing Council, appointed by the agency.

a-10. A representative of Independence First, appointed by the agency.

a-11. A representative of the Interfaith Conference of Greater Milwaukee, appointed by the agency.

b. The mayor shall designate the board chair and vice-chair.

c. Members need not be city residents.

2. DUTIES. Guided by the recommendations of the Milwaukee housing trust fund task force approved by the common council in resolution file number 060071, the housing trust fund advisory board shall:

a. Evaluate requests for funding from the housing trust fund after the requests have been submitted to and reviewed by the community development grants administration division.

b. Make recommendations to the common council concerning the allocation of housing trust funds based on the recommendations of the community development grants administration division.

c. Identify sources of financing the housing trust fund that may be utilized for consideration by the common council.

d. Adopt rules, guidelines and criteria to assist the board in carrying out its responsibilities.

3. STAFFING. The community development grants administration division and the city clerk's office shall provide staff support to the board.

316-7. Financing the Housing Trust Fund.

1. SOURCES. a. It is anticipated that the housing trust fund is to be funded by sources identified in common council resolution file number 060071, such as start-up funding using general obligation bonds, surplus Potawatomi Bingo Casino revenues, post-closure tax incremental district revenues, excess payments in lieu of taxes and other funding sources that may be identified by the common council and the housing trust advisory board.

b. The housing trust fund shall be initially capitalized for a maximum of $5 million in general obligation proceeds, with the resulting annual debt service being amortized by surplus Potawatomi Bingo Casino revenues, post-closure tax incremental district revenues, excess payments in lieu of taxes, and secondarily by the property tax levy. Bonds shall be issued as bond-funded projects are approved by the common council. These bonds shall be issued such that bond-sale proceeds will be used for a purpose for which the city will be exempt from the requirement to hold a referendum on the bond sale, as provided in state law. This bond sale shall be considered a one-time commitment intended to provide start-up funding for the housing trust fund.

2. DEPOSITS AND EXPENDITURES. The city comptroller shall establish the necessary accounts for the deposit and expenditure of housing trust funds.

LEGISLATIVE HISTORY
CHAPTER 316

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 316	cr	041537	11/14/2006	12/2/2006
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316-5-1-c	cr	070140	5/8/2007	5/25/2007
316-5-3	am	070140	5/8/2007	5/25/2007

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CHAPTER 320
BOARDS, COMMISSIONS AND COMMITTEES

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SUBCHAPTER 1
GENERAL PROVISIONS

320-1. Annual Report. 1. REQUIRED. All plural bodies shall submit annually to their appointing authority a statement or report of activities and progress. This report shall be in writing and due no later than February 15th of the following year. It shall be appended with supporting data and statistics as deemed necessary.

2. BY ALL BOARDS, COMMISSIONS, PLURAL BODIES. 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.

320-2. Notification of Changes. Whenever a change occurs such as the resignation of a member or election of a new chair, staff responsible for the board or committee shall submit written notification of the change to the office of the city clerk within 5 working days.

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.

SUBCHAPTER 2
BOARDS

320-11. Administrative Review Appeals Board.

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, employes, 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 appeals board consisting of 5 members which shall have the duty and responsibility of hearing appeals from initial administrative determinations or decisions of officers, employes, 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 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 nolater 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 appeals board 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 one shall represent the Milwaukee board of school directors. A majority of the 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 this city's racial and ethnic minorities.

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. Submit an annual budget request for the Milwaukee arts fund.

g. Review the designs of municipal buildings, bridges, approaches and other structures and projects in accordance with the guidelines established under sub. 4.

h. Administer the municipal art fund established by s. 304-27.

i. Submit quarterly 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 building, bridge, approach or other structure, project or public arts project is constructed, installed or altered by the city, its design shall be submitted to the board for examination and report 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 shall prepare a written report evaluating the design and transmit the report to the affected city department, the mayor and common council. The affected department may not proceed with the project until receiving approval from the common council.

5. 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.

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 Review Board.

1. CREATED. a. There is created a public transportation 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 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 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.

b. Activities of the public transportation board shall include consideration of all modes of transportation including pedestrian and bicycle transportation 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 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 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 employe relations.

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

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

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

a-10. One city employe 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

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

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

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

d. “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.

e. "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:

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

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

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

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

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

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

e-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.

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

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

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

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

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

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

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

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

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

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

g-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.

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

h. "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.

i. “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.

j. "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.

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 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. 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.

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

j. 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.

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. 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 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 ap plicant 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 ins 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 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.

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 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.

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 provideinformation 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. 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.

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 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 assaultby 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 health department 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 nonpartisian 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.

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 200 other adult residents of the district may be a candidate in the election.

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.

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 for 3 years. Any vacancy in the position of commissioner shall be filled for the unexpired term in the same manner as the original appointment.

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.

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.

320-24. Commission on Supportive Housing.

1. ESTABLISHMENT. There is created a commission on supportive housing consisting of governmental and community leaders, mental health and community advocates, and mental health consumers.

2. PURPOSE: MISSION AND POLICY.

a. Purpose. The purpose and function of the commission on supportive housing shall be to serve as a community infrastructure with the institutional commitment and the financial resources necessary for providing safe, affordable and accessible housing options with supportive services for persons with mental illness or other special needs. The commission shall establish goals and benchmarks for the effort to address housing needs for persons with mental illness and other special needs in the community, and monitor progress and hold the community accountable for meeting those goals. The commission shall also provide input regarding special needs housing to the city of Milwaukee in connection with the preparation of the consolidated plan/action plan submitted by the city to the U.S. department of housing and urban development for community development block grant, HOME, emergency shelter grants and housing opportunities for persons with AIDS funds.

b. Guiding Principles. The commission shall accomplish its mission based on the following guiding principles:

b-1. Persons with mental illness or other special needs need to be provided with housing options and supportive service plans that best fit their needs and interest, all offered within the context of recovery and support for their integration into the broader community.

b-2. The input of persons with mental illness and other special needs shall be considered as a critical component in every special needs housing policy, plan and program.

b-3. Affordable housing initiatives, especially for persons with mental illness or other special needs, shall be developed with a full understanding of the profound impact of poverty on individuals' ability to maintain permanent housing.

b-4. Affordable housing initiatives for persons with mental illness or special needs shall be developed and operated with a full understanding that, for many individuals, mental illness is a chronic condition, requiring ongoing treatment and support services, and that most individuals with severe and persistent mental illness do not have adequate, sustained access to such services. The lack of adequate, long-term services and treatment contribute to housing instability for people with mental illness or special needs.

b-5. The community's commitment to providing housing for mental illness or special needs requires the development of a sustainable infrastructure for coordination of financial resources, attraction of high-quality developers, and the maintenance of effective permanent housing options.

b-6. Housing developments serving people with mental illness or other special needs shall be subject to the same level of zoning regulation and review as all other housing developments.

b-7. Regulatory barriers to the cost-effective development and operation of permanent housing for people with mental illness or other special needs existing at the federal, state, county or city level need to be eliminated.

b-8. Resources beyond those made available by better coordination of existing local, state and federal resources are necessary for offering the best special needs housing possible; additional resources, especially funding to address supportive services, need to be developed.

3. COMPOSITION. The commission shall be comprised of 16 members:

a. The director of the department of administration or his or her designee.

b. The executive director of the housing authority of the city of Milwaukee or his or her designee.

c. A common council member appointed by the president of the common council.

d. The director of the Milwaukee county department of administrative services or his or her designee.

e. The director of the Milwaukee county department of health and human services or his or her designee.

f. A Milwaukee county supervisor appointed by the county board chair.

g. 2 members representing the philanthropic foundation community, one appointed by the mayor and confirmed by the common council; the other appointed by the Milwaukee county executive and confirmed by the board of supervisors.

h. 2 members representing the Milwaukee continuum of care, one appointed by the mayor and confirmed by the common council; the other appointed by the Milwaukee county executive and confirmed by the board of supervisors.

i. 2 members representing mental health advocacy organizations, one appointed by the mayor and confirmed by the common council; the other appointed by the Milwaukee county executive and confirmed by the board of supervisors.

j. 2 mental health consumers appointed by the administrator of the Milwaukee county division of behavioral health.

k. A citizen representative appointed by the mayor and confirmed by the common council.

L. A business representative appointed jointly by the Milwaukee county executive and the county board chair.

4. TERM OF OFFICE. a. Term. Commission members shall serve terms of 3 years, with the first terms beginning January 1, 2008, and expiring December 31, 2010.

b. Reappointment. Members of the commission may be reappointed.

c. Vacancy. When a vacancy occurs in the commission, 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. a. Meetings. The commission shall meet at least quarterly and may meet at such additional times as the commission determines or its chair directs. The commission shall elect from the commissioners a chair and vice-chair. A majority of the commissioners shall constitute a quorum for meetings of the commission. Commissioners shall receive no compensation for their services as commission members unless expressly provided for by ordinance or resolution.

b. Rules. The commission may adopt rules, guidelines and criteria to assist the commission in carrying out its responsibilities. In the absence of a commission rule to the contrary, the provisions of Robert's rules of order, latest edition, shall govern the proceedings of the commission.

6. OPEN MEETINGS. All meetings of the commission 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 housing authority of the city of Milwaukee and the Milwaukee county department of health and human services shall provide staff assistance to the commission.

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

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 Commission. 1. CREATION. There is created a safety commission consisting of 9 members appointed by the mayor for staggered 3-year terms and confirmed by the common council. Two-thirds of the members shall be residents of the city who hold no other public office or public employment. One-third of the members shall be representatives of private sector agencies and organizations providing public safety education and injury prevention training.

2. OFFICERS. The safety commission shall 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 commission to investigate, advise and report to the mayor, common council, police department and commissioner of public works and other city officials concerning the best methods of providing for the safety and convenience of the public in matters of safety and to give the greatest possible publicity as to safety precautions. The matters of safety under the review of the commission shall include, but not be limited to, motor vehicle, pedestrian, bicycle, water, fire and firearm safety and accidental poisoning.

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 serve in an advisory capacity to the police department relating to the establishment of standards for and the placement of school crossing guards pursuant to s. 312-23-1.

c. Coordination. The commission shall be responsible for the coordination of citywide cooperative public safety 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 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 to reduce the rates of accident occurrences, and comparisons and analyses of citywide public safety actions over time to determine the extent of progress being made to reduce and eliminate the public safety matters.

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 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, communi ty 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.

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.

3. 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.

4. 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.

5. 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:

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.

6. 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.

7. 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.

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

SUBCHAPTER 4
COMMITTEES

320-31. City Information Management Committee.

1. COMPOSITION. There is created a city information management committee consisting of 10 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.

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 employe 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.

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 chief information officer shall serve as its executive secretary. 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.

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.

320-45. 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 15 members, one residing in each aldermanic district. 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 October 1 to the common council for confirmation. No person shall be nominated who is scheduled to graduate before the end of the term for which he or she is being nominated.

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 November 1 to October 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. 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.

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 major 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.

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.

LEGISLATIVE HISTORY
CHAPTER 320

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 320	cr	881930	3/7/89	3/25/89
320-2	cr	051188	1/18/2006	2/4/2006
320-4	cr	051188	1/18/2006	2/4/2006
320-4.5	cr	120186	7/6/2012	7/25/2012
320-5	cr	041443	3/16/2005	4/2/2005
320-6	cr	071144	1/15/2008	2/2/2008
320-11-3	am	912458	5/26/92	6/12/92
320-11-3	rn to 320-11-3-a	960372	6/25/96	6/29/96
320-11-3	am	130629	9/24/2013	10/11/2013
320-11-3-b	cr	960372	6/25/96	6/29/96
320-11-3-b	rc	051188	1/18/2006	2/4/2006
320-11-6	rn to 320-11-6-a	081475	3/3/2009	3/20/2009
320-11-6-b	cr	081475	3/3/2009	3/20/2009
320-11-6-c	cr	081475	3/3/2009	3/20/2009
320-11-6-d	cr	081475	3/3/2009	3/20/2009
320-12	cr	891614	1/16/90	2/3/90
320-12-1	am	912412	5/26/92	6/12/92
320-12-1	am	930431	7/27/93	8/13/93
320-12-1	am	051188	1/18/2006	2/4/2006
320-12-2-j	cr	930431	7/27/93	8/13/93
320-12-2-j	rp	010687	9/25/2001	10/12/2001
320-12-3-c	am	971464	2/10/98	2/27/98
320-12-3-c	rp	020593	11/8/2002	1/1/2003
320-12-3-d	am	941797	6/6/95	6/23/95
320-12-3-d	am	971464	2/10/98	2/27/98
320-12-3-d	rp	020593	11/8/2002	1/1/2003
320-12-3-e	rn to 320-12-3-c	020593	11/8/2002	1/1/2003
320-12-3-f	rn to 320-12-3-d	020593	11/8/2002	1/1/2003
320-12-4-a	am	081746	6/16/2009	7/3/2009
320-12-4-b	am	081746	6/16/2009	7/3/2009
320-12-4-c	cr	081746	6/16/2009	7/3/2009
320-13	rp	920982	11/20/92	12/20/92
320-13	cr	930663	9/28/93	10/15/93
320-13	rp	060775	11/10/2006	1/1/2007
320-13-3-b	am	891160	9/25/90	10/12/90
320-15-1	rc	091312	2/9/2010	2/26/2010
320-15-3	cr	060586	9/26/2006	10/13/2006
320-16	cr	101220	2/8/2011	7/1/2011
320-16-1-a	am	110090	5/24/2011	6/14/2011
320-16-1-b	am	110090	5/24/2011	6/14/2011
320-16-1-e	cr	110206	5/24/2011	7/1/2011
320-16-1-f	cr	110206	5/24/2011	7/1/2011
320-16-2	am	111233	1/18/2012	2/4/2012
320-17	cr	971477	1/20/98	4/7/98
320-17-1	rc	111325	2/7/2012	2/24/2012
320-17-1	rc	111485	4/11/2012	4/28/2012
320-17-1-a-7	am	051188	1/18/2006	2/4/2006
320-17-1-a-8	am	051188	1/18/2006	2/4/2006
320-17-1-a-9	am	051188	1/18/2006	2/4/2006
320-17-1-b	am	051188	1/18/2006	2/4/2006

320-17-1-c	am	051188	1/18/2006	2/4/2006
320-17-1-e	rc	051188	1/18/2006	2/4/2006
320-19	cr	040858	11/3/2004	11/20/2004
320-19	rp	111485	4/11/2012	4/28/2012
320-19-1	am	041442	2/22/2005	3/11/2005
320-19-1	rc	051188	1/18/2006	2/4/2006
320-19-3	rp	070109	5/8/2007	5/25/2007
320-19-4	rn to 320-19-3	070109	5/8/2007	5/25/2007
320-19-5	rn to 320-19-4	070109	5/8/2007	5/25/2007
320-20	cr	051188	1/18/2006	2/4/2006
320-21	am	941719	3/8/95	3/25/95
320-21	rp	030983	12/19/2003	1/13/2004
320-21	cr	090276	7/28/2009	1/1/2010
320-21-2	rn to 320-21-2-a	140518	11/5/2014	11/22/2014
320-21-2-a	am	141334	12/16/2014	1/8/2015
320-21-2-a	am	141670	3/3/2015	3/19/2015
320-21-2-b	cr	140518	11/5/2014	11/22/2014
320-21-3-b	rp	101223	12/18/2012	1/10/2013
320-21-3-c	rn to 320-21-3-b	101223	12/18/2012	1/10/2013
320-21-3-d	rn to 320-21-3-c	101223	12/18/2012	1/10/2013
320-23-3-d	cr	101223	12/18/2012	1/10/2013
320-21-3-e-7	rc	101223	12/18/2012	1/10/2013
320-21-3-e-10	cr	101223	12/18/2012	1/10/2013
320-21-8-f	rc	101223	12/18/2012	1/10/2013
320-21-8-g	rc	101223	12/18/2012	1/10/2013
320-21-8-h	am	101223	12/18/2012	1/10/2013
320-21-8-i	am	101223	12/18/2012	1/10/2013
320-21-9-a	rc	101223	12/18/2012	1/10/2013
320-21-9-b-0	am	101223	12/18/2012	1/10/2013
320-21-9-c	rc	101223	12/18/2012	1/10/2013
320-21-9-d	rc	101223	12/18/2012	1/10/2013
320-21-9-e	rc	101223	12/18/2012	1/10/2013
320-21-9-f	am	101223	12/18/2012	1/10/2013
320-21-9-g	am	101223	12/18/2012	1/10/2013
320-21-9-h	rc	101223	12/18/2012	1/10/2013
320-21-9-i	cr	101223	12/18/2012	1/10/2013
320-21-9-j	cr	101223	12/18/2012	1/10/2013
320-21-9-j	am	160144	6/14/2016	7/1/2016
320-21-11	rc	101223	12/18/2012	1/10/2013
320-21-11-L-0	am	160144	6/14/2016	7/1/2016
320-21-13	rc	101223	12/18/2012	1/10/2013
320-21-14	am	101223	12/18/2012	1/10/2013
320-21-15-0	am	101223	12/18/2012	1/10/2013
320-21-15-a	am	101223	12/18/2012	1/10/2013
320-21-15-b	am	101223	12/18/2012	1/10/2013
320-21-15-f-0	am	160144	6/14/2016	7/1/2016
320-21-16	rc	101223	12/18/2012	1/10/2013
320-21-17	cr	101223	12/18/2012	1/10/2013
320-21-18	cr	101223	12/18/2012	1/10/2013
320-21-18.5	cr	131140	12/17/2013	1/9/2014
320-21-19	cr	101223	12/18/2012	1/10/2013
320-21-20	cr	101223	12/18/2012	1/10/2013
320-22	cr	960231	7/12/96	7/31/96
320-22-3	rc	991684	2/29/2000	3/17/2000
320-22-3-a-0	am	011497	3/5/2002	3/22/2002
320-22-3-a-0	am	041442	2/22/2005	3/11/2005
320-22-3-a-4	am	120775	10/16/2012	11/2/2012

320-22-3-a-7	am	160061	9/20/2016	10/7/2016
320-22-3-a-15	cr	011497	3/5/2002	3/22/2002
320-22-3-a-15	am	160061	9/20/2016	10/7/2016
320-22-3-a-16	cr	011497	3/5/2002	3/22/2002
320-22-3-b	am	011497	3/5/2002	3/22/2002
320-22-3-c	cr	991898	4/11/2000	4/29/2000
320-22-3-c	rc	051188	1/18/2006	2/4/2006
320-22-4	rc	011497	3/5/2002	3/22/2002
320-22-4-a	rc	991684	2/29/2000	3/17/2000
320-22-4-b	rc	991684	2/29/2000	3/17/2000
320-22-5-b-1	rn to 320-22-5-b-2	160061	9/20/2016	10/7/2016
320-22-5-b-1	cr	160061	9/20/2016	10/7/2016
320-22-5-b-2	rn to 320-22-5-b-3	160061	9/20/2016	10/7/2016
320-22-5-b-3	rn to 320-22-5-b-4	160061	9/20/2016	10/7/2016
320-22-5-b-4	rn to 320-22-5-b-5	160061	9/20/2016	10/7/2016
320-22-5-b-5	rc	160061	9/20/2016	10/7/2016
320-22-5-b-6	cr	160061	9/20/2016	10/7/2016
320-22-6	rc	970465	7/11/97	7/30/97
320-22-6	cr	970465	7/11/97	7/30/97
320-22-7	am	160061	9/20/2016	10/7/2016
320-23	rn from 2-309	881930	3/7/89	3/25/89
320-23	rc	961342	12/19/96	1/31/97
320-23	rc	970945	11/25/97	12/16/97
320-23-1	am	001458	2/27/2001	3/16/2001
320-23-2-0	am	001458	2/27/2001	3/16/2001
320-23-3-i	am	912458	5/26/92	6/12/92
320-23-5	rp	941797	6/6/95	6/23/95
320-24	cr	070721	9/25/2007	10/12/2007
320-25	am	090766	11/3/2009	11/20/2009
320-26	rp	920986	10/30/92	12/20/92
320-26-1	am	890787	10/10/89	10/28/89
320-27	rc	040134	7/7/2004	7/24/2004
320-27-1	rc	040788	2/1/2005	2/18/2005
320-27-1-0	rn to 320-27-1	090950	12/22/2009	1/9/2010
320-27-1-a	rp	090950	12/22/2009	1/9/2010
320-27-1-b	rp	090950	12/22/2009	1/9/2010
320-27-3-0	am	040788	2/1/2005	2/18/2005
320-27-3-a	am	040788	2/1/2005	2/18/2005
320-27-3-b	rc	040788	2/1/2005	2/18/2005
320-27-3-c	rn to 320-27-3-d	040788	2/1/2005	2/18/2005
320-27-3-c	cr	040788	2/1/2005	2/18/2005
320-27-3-d-0	am	040788	2/1/2005	2/18/2005
320-27-3-d-3	cr	040788	2/1/2005	2/18/2005
320-27.5*	cr	892294	5/8/90	5/25/90
320-28	cr	891619	1/16/90	2/3/90
320-28	rp	030983	12/19/2003	1/13/2004
320-28	cr	051188	1/18/2006	2/4/2006
320-28	am	141916	6/2/2015	6/19/2015
320-28-1	am	901415	12/21/90	1/12/91
320-29	cr	891790	1/16/90	2/3/90
320-29	rn to 304-27.5	111233	1/18/2012	2/4/2012
320-29	cr	121719	5/21/2013	6/11/2013
320-29-2-c	cr	141190	12/16/2014	1/10/2015
320-29-3	rc	141190	12/16/2014	1/10/2015
320-29-3-0	am	131642	4/2/2014	4/22/2014
320-29-3-a-1	rc	160182	6/14/2016	7/1/2016

*Note: 320-27.5 became null and void after 7/31/95 (sunset provision) per the provisions of File #892294

320-29-3-a-4	rc	160182	6/14/2016	7/1/2016
320-29-3-a-5	rc	160182	6/14/2016	7/1/2016
320-29-3-a-6	am	160182	6/14/2016	7/1/2016
320-29-3-a-7	am	160182	6/14/2016	7/1/2016
320-29-3-a-9	am	160182	6/14/2016	7/1/2016
320-29-3-a-10	am	160182	6/14/2016	7/1/2016
320-29-3-e	cr	950106	5/16/95	8/2/95
320-29-3-e	rn to 320-29-3-f	950106	5/16/95	8/2/95
320-29-3-e*	rn to 320-29-3-f	030701	11/5/2003	11/22/2003
320-29-3-e*	cr	030701	11/5/2003	11/22/2003
320-29-3-e	rn to 320-29-3-f	040130	6/15/2004	7/2/2004
320-29-3-e	cr	040130	6/15/2004	7/2/2004
320-29-3-f	rn to 320-29-3-g	970623	7/25/97	8/13/97
320-29-3-f	cr	970623	7/25/97	8/13/97
320-29-3-f**	rn to 320-29-3-g	030701	11/5/2003	11/22/2003
320-29-3-f	rn to 320-29-3-g	040130	6/15/2004	7/2/2004
320-29-3-g	rn to 320-29-3-h	991247	11/29/99	1/1/2000
320-29-3-g	cr	991247	11/29/99	1/1/2000
320-29-3-g**	rn to 320-29-3-h	030701	11/5/2003	11/22/2003
320-29-3-g	rn to 320-29-3-h	040130	6/15/2004	7/2/2004
320-29-3-h	rn to 320-29-3-i	000974	11/10/2000	1/1/2001
320-29-3-h	cr	000974	11/10/2000	1/1/2001
320-29-3-h***	rn to 320-29-3-i	030701	11/5/2003	11/22/2003
320-29-3-h	rn to 320-29-3-i	040130	6/15/2004	7/2/2004
320-29-3-i	rn to 320-29-3-j	040130	6/15/2004	7/2/2004
320-29-3-j	rp	131642	4/2/2014	4/22/2014
320-29-3-k	rn to 320-29-3-j	131642	4/2/2014	4/22/2014
320-29-4	am	970623	7/25/97	8/13/97
320-29-4	am	000974	11/10/2000	1/1/2001
320-29-4	am	020593	11/8/2002	1/1/2003
320-29-5	rn to 320-29-6	000974	11/10/2000	1/1/2001
320-29-5	cr	000974	11/10/2000	1/1/2001
320-29-5	am	131642	4/2/2014	4/22/2014
320-29-5	am	160182	6/14/2016	7/1/2016
320-29-6	rn to 320-29-7	000974	11/10/2000	1/1/2001
320-30	cr	151474	6/14/2016	1/1/2017
320-31	cr	941527	3/8/95	3/25/95
320-31	rc	030767	10/14/2003	10/31/2003
320-31	rc	040630	9/21/2004	10/8/2004
320-31-1-0	am	041396	2/22/2005	3/11/2005
320-31-1-a-0	am	950052	5/16/95	6/3/95
320-31-1-a-0	am	980411	7/24/98	8/12/98
320-31-1-a	am	060323	7/12/2006	7/29/2006
320-31-1-a	rc	111340	2/28/2012	3/16/2012
320-31-1-a-1	am	950052	5/16/95	6/3/95
320-31-1-a-1	am	980411	7/24/98	8/12/98
320-31-1-b	rc	111340	2/28/2012	3/16/2012
320-31-1-b-3	cr	960240	6/4/96	6/21/96
320-31-1-c	rc	111340	2/28/2012	3/16/2012
320-31-1-d	rc	111340	2/28/2012	3/16/2012
320-31-1-e	rc	111340	2/28/2012	3/16/2012
320-31-1-f	rc	111340	2/28/2012	3/16/2012
320-31-1-g	rc	111340	2/28/2012	3/16/2012

*Note: 320-29-3-e became null and void after 5/22/2004 (sunset provision) per the provisions of File #030701.

**Note: 320-29-3-g and h reverted to 320-29-3-f and g, respectively, as of 5/23/2004 (sunset provision) per the provisions of File #030701.

*** Note: 320-29-3-i and j reverted to 320-29-3-h and i, respectively, as of 5/23/2004 (sunset provision) per the provisions of File #030701

320-31-1-h	cr	041396	2/22/2005	3/11/2005
320-31-1-h	rc	111340	2/28/2012	3/16/2012
320-31-1-h	am	121607	4/2/2014	4/22/2014
320-31-1-i	cr	041396	2/22/2005	3/11/2005
320-31-1-i	am	090665	10/13/2009	10/30/2009
320-31-1-i	rc	111340	2/28/2012	3/16/2012
320-31-1-j	cr	041396	2/22/2005	3/11/2005
320-31-1-j	am	090665	10/13/2009	10/30/2009
320-31-1-j	rc	111340	2/28/2012	3/16/2012
320-31-1.3	cr	111340	2/28/2012	3/16/2012
320-31-1.3	am	121273	1/15/2013	2/2/2013
320-31-1.5	cr	110258	7/6/2011	7/23/2011
320-31-1.5	am	111340	2/28/2012	3/16/2012
320-31-2-b-0	am	010687	9/25/2001	10/12/2001
320-31-2-c	am	010687	9/25/2001	10/12/2001
320-31-3-b	rn to 320-31-3-c	041396	2/22/2005	3/11/2005
320-31-3-b	cr	041396	2/22/2005	3/11/2005
320-31-3-c	rn to 320-31-3-d	041396	2/22/2005	3/11/2005
320-31-3-c	rc	041396	2/22/2005	3/11/2005
320-31-3-d	rn to 320-31-3-e	041396	2/22/2005	3/11/2005
320-31-3-e	rn to 320-31-3-f	041396	2/22/2005	3/11/2005
320-31-3-f	rn to 320-31-3-g	041396	2/22/2005	3/11/2005
320-31-3-g	rn to 320-31-3-h	041396	2/22/2005	3/11/2005
320-31-3-h	rn to 320-31-3-i	041396	2/22/2005	3/11/2005
320-31-3-i	rn to 320-31-3-j	041396	2/22/2005	3/11/2005
320-31-3-j	rn to 320-31-3-k	041396	2/22/2005	3/11/2005
320-31-3-k	rn to 320-31-3-L	041396	2/22/2005	3/11/2005
320-31-3-L	rn to 320-31-3-m	041396	2/22/2005	3/11/2005
320-31-6	am	140780	10/14/2014	10/31/2014
320-31-6	am	151206	12/15/2015	1/1/2016
320-33	am	971310	12/16/97	1/8/98
320-33	rp	040630	9/21/2004	10/8/2004
320-33	cr	051501	3/23/2006	4/11/2006
320-33-1	am	960235	6/4/96	6/21/96
320-33-1	am	971310	12/16/97	1/8/983
20-33-1	am	991247	11/29/99	1/1/2000
320-33-1	am	091312	2/9/2010	2/26/2010
320-33-2	am	901245	11/27/90	12/15/90
320-33-3.1	cr	991067	11/9/99	11/24/99
320-33-4-g	am	901245	11/27/90	12/15/90
320-33-5	cr	901245	11/27/90	12/15/90
320-33-5	rp	961316	12/17/96	1/9/97
320-35	rp	141324	12/16/2014	1/10/2015
320-37	cr	960233	6/4/96	6/8/96
320-37-1-0	am	051188	1/18/2006	2/4/2006
320-37-1-a	rc	040630	9/21/2004	10/8/2004
320-37-1-c	am	040630	9/21/2004	10/8/2004
320-37-2	am	051188	1/18/2006	2/4/2006
320-37-3	am	971310	12/16/97	1/8/98
320-37-6-e	cr	151368	2/9/2016	2/26/2016
320-39	cr	961805	4/22/97	5/9/97
320-39	rp	000024	6/1/2000	6/8/2000
320-41	rp	911075	9/24/91	10/11/91
320-41	cr	971759	5/5/98	5/14/98
320-41-4-a	am	051188	1/18/2006	2/4/2006
320-41-4-c	rp	051188	1/18/2006	2/4/2006
320-41-6-e	cr	151368	2/9/2016	2/26/2016

320-41-7	am	150290	6/23/2015	7/11/2015
320-43	rp	951007	12/19/95	1/13/96
320-43	cr	060541	9/26/2006	10/13/2006
320-43	am	071252	2/5/2008	2/22/2008
320-43-1-a-3	am	131135	1/22/2014	2/8/2014
320-43-1-a-4	am	131135	1/22/2014	2/8/2014
320-43-2-a	am	090469	9/22/2009	10/9/2009
320-43-2-c-1	am	891611	12/19/89	1/13/90
320-45	cr	040220	7/7/2004	7/24/2004
320-45	rc	070141	5/20/2008	6/7/2008
320-45-2-0	am	091288	6/15/2010	7/1/2010
320-45-3	rc	091288	6/15/2010	7/1/2010
320-45-4-b	rc	091288	6/15/2010	7/1/2010
320-45-4-d	am	091288	6/15/2010	7/1/2010
320-47	cr	050290	9/27/2005	10/14/2005
320-47-2-c	am	060228	6/20/2006	7/8/2006
320-49	cr	081215	3/3/2009	3/20/2009
320-49-2-b	rc	090090	5/27/2009	6/13/2009
320-49-5	am	090090	5/27/2009	6/13/2009
320-51	cr	151709	4/15/2016	5/4/2016

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CHAPTER 330
CHARTER SCHOOLS

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330-1. Definition. In this chapter, "committee" means the charter school review committee established under s. 320-41.

330-3. Authority. This chapter specifies the criteria, standards and processes which the common council will use to designate charter schools, pursuant to the charter school statute, s. 118.40, Wis. Stats., as amended.

330-5. Application. An entity that wishes to be designated as a charter school shall submit an application for charter school status to the city clerk. The application shall be submitted on an application form created by the committee. The application shall require each applicant to submit the following information and documents:

1. Name of the person seeking to establish the charter school.

2. Name of the person in charge of the school.

3. Description of the way in which administrative services will be provided.

4. Description of the educational program and educational goals of the school.

5. Whether the school will serve at-risk students.

6. Methods the school will use to enable students to meet educational goals.

7. Methods by which pupil progress in attaining the educational goals will be measured.

8. Governance structure, including method of ensuring parental involvement.

9. A copy of the school personnel manual.

10. Qualifications to be met by persons employed in the school, including the policies the school will follow in conducting background checks, and the hiring standards the school will apply with respect to persons who have been convicted of a felony or misdemeanor or who have had a relevant professional license revoked or suspended. This information may be included in the school personnel manual under sub. 9.

11. Procedures to ensure the health and safety of students.

12. Means by which the school will achieve a racial and ethnic balance that is reflective of the school district population.

13. Requirements for admission.

14. Manner in which annual financial and programmatic audits will be performed.

15. Procedures for disciplining students.

16. Public school alternative for students.

17. Description of school facilities and specific types and limits of liability insurance the school will carry.

18. Effect of the charter school on liability of the city of Milwaukee.

19. The number of estimated charter school students that are expected to be enrolled for the school year.

20. Any other relevant information that the committee finds necessary or useful.

330-7. Certification of Compliance. The application shall include written certification of the school's compliance with all of the following:

1. The school shall not charge tuition for pupils enrolled under the charter school program; however, the school may charge tuition for other pupils.

2. The school shall abide by all eligibility requirements set forth in s. 118.40, Wis. Stats., as amended, and ch. 330, including, but not limited to, the pupil qualifications specified in s. 118.40(2r)(c) 1 to 5, Wis. Stats., as amended, and the pupil city residency requirement.

3. The school shall administer to pupils enrolled under the charter school program the examinations specified in s. 118.40(2r)(d)2, Wis. Stats., as amended.

4. The school shall be nonsectarian in its programs, admissions policies, employment practices and all other operations.

5. The school shall not discriminate in admission or deny participation in any program or activity on the basis of a person's sex, race, religion, national origin, ancestry, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

6. The school shall be located within the city.

7. The school shall certify that it is not an individual or group operating for profit or, if it is an individual or group operating for profit, it is an instrumentality of the Milwaukee public school district and all its employes are employes of the Milwaukee public school district.

8. The school shall conduct background checks on all of its teachers and employes pursuant to s. 330-5.

9. The school shall undergo inspections by the department of neighborhood services and the health department, unless the health department=s function under this subsection has been delegated to the department of neighborhood services by a memorandum of understanding. The school shall meet any compliance schedules established pursuant to such inspections.

330-9. Application Review. 1. The city clerk shall transmit each new or resubmitted application and all attached materials to the technical reviewer selected pursuant to s. 320-41.

2. Upon receipt of an application, the technical reviewer shall furnish a copy of the application and all attached materials to the city attorney.

3. The technical reviewer shall use the rules and guidelines established by the committee under s. 320-41-6-c-2, to determine whether an application complies with the technical requirements of s. 118.40, Wis. Stats., as amended, and ch. 330. An application that does not comply with these rules and guidelines is technically deficient. The technical reviewer shall prepare a written report of his or her findings and recommendations.

4. Whenever the technical reviewer finds that an application complies with the technical requirements of s. 118.40, Wis. Stats., as amended, and ch. 330, the technical reviewer shall approve the application and transmit the application, all accompanying materials and the technical reviewer's report to the committee for action pursuant to s. 330-13.

330-11. Application Technical Deficiencies.

1. Whenever the technical reviewer finds that an application is technically deficient, the technical reviewer shall return the application and notify the applicant in writing of the specific deficiencies. The notice shall state that the applicant has one opportunity to correct the deficiencies and shall state the date by which the deficiencies shall be corrected and the revised application resubmitted to the city clerk.

2. The time period allowed for resubmittal shall be established by the committee under s. 320-41-6-b-1.

3. The technical reviewer shall deny any resubmitted application that:

a. Has not been resubmitted by the date specified in the notice of deficiency; or

b. Has been timely resubmitted but the resubmitted application is still technically deficient.

4. The technical reviewer shall notify in writing each applicant whose application has been denied under sub. 3. The notice of denial shall state the reason for the denial and that the applicant may appeal the denial as provided in s. 330-19.

330-13. Public Hearing. The committee shall consider at a public hearing each application that is approved by the technical reviewer under s. 330-9-4. At the hearing, the committee shall invite the applicant and any other interested or concerned parties to comment on the application. The committee may invite and consider information from such other sources as the committee deems necessary or helpful to make a decision.

330-15. Committee Findings. Based on the information in the application, the findings and recommendations of the technical reviewer, comments received at the public hearing, and any additional information received, the committee shall make a written finding as to whether:

1. The application complies with the requirements of ss. 330-5 and 330-7.

2. The school or proposed school will operate an education program that has a reasonable prospect of providing Milwaukee children a good education.

3. The school or proposed school possesses all of the following:

a. An appropriate governance structure, including a well-defined legal structure, clear definitions of responsibility for all major organizational functions and clear lines of accountability between the people who own the school and the people who operate it.

b. A sound system of management, including a clear and well-conceived strategic plan, clear definitions of responsibility for all management functions, a clear and coherent budget process, compliance with generally accepted practices with respect to money management and investment, and compliance with generally accepted practices with respect to internal accounting and external auditing.

c. A budget for the upcoming school year, and agrees to present budgets for future school years, that comply with generally accepted budgeting practices, including clear delineation of types of expenses and sources of revenue, use of realistic methods of expense and revenue estimation, and acceptable methods for dealing with deficits and contingencies.

d. A qualified body of administrators, teachers and staff, or has an acceptable method of recruiting such persons, and, in addition, has an acceptable method of maintaining a qualified body of administrators, teachers and staff.

4. The operation of the school or proposed school, when chartered by the city, will affect the resources available to students served by the Milwaukee public school system under the applicable state funding formula, and the nature of this effect.

330-17. Committee Recommendations.

1. Whenever the committee's written finding under s. 330-15 is positive for all factors, the committee shall make a written recommendation that the application be granted and shall:

a. Transmit the application, all related reports, findings, recommendations and information to the city clerk and request preparation and introduction of a common council motion as provided in s. 330-23.

b. Transmit the application and all related reports, findings, recommendations and information to the city attorney for contract preparation as provided in s. 330-21.

c. Notify the applicant in writing of the committee's findings and recommendation.

2. Whenever the committee's written finding under s. 330-15 is not positive for all factors, the committee shall deny the application and shall notify the applicant and the city clerk in writing that the application has been denied and the reasons for the denial.

330-19. Appeals. 1. An applicant whose application has been denied under s**.** 330-11-3 may, no later than 10 days after receipt of the notice of denial, file with the city clerk a written request for an appeal hearing before the committee. The city clerk shall promptly transmit any such request to the committee. The committee shall hear the applicant's appeal within 30 days after receipt of the request for a hearing.

2. The committee shall base its appeal decision only on whether the committee finds that an application that was returned to the applicant for correction of technical deficiencies remained technically deficient when it was resubmitted or was not timely resubmitted.

3. At the conclusion of the hearing, the committee shall make a written finding as to whether the application is technically deficient or resubmitted on a timely basis, or both, and shall direct the technical reviewer to take whatever action is appropriate to effect the finding. The committee shall notify the applicant in writing of the committee's finding.

330-21. City Attorney Action. 1. Whenever the city attorney receives an application transmitted under s. 330-9-2, the city attorney may review the application in anticipation of possible contract preparation under sub. 2.

2. Whenever the city attorney receives an application that the committee recommends for approval by the common council, the city attorney shall negotiate a proposed charter school contract between the applicant and the city in accordance with s. 118.40, Wis Stats., as amended, ch. 330 and any other pertinent policies adopted by the committee or the common council.

3. All charter school contracts shall comply with the following requirements:

a. The contract shall be in the name of the city of Milwaukee.

b. The contract shall provide that the contract may be terminated and the charter revoked if the common council finds that the school no longer meets the requirements of s. 330-15.

c. The contract shall be for a 5-year term unless a school requests a shorter term or the committee recommends a shorter term.

d. The contract shall contain appropriate indemnification and insurance provisions to protect the interests of the city and its employes, officers and agents.

4. When a proposed contract has been agreed to by the city attorney and the applicant, the city attorney shall submit the proposed contract to the city clerk for attachment to the common council file under s. 330-23.

330-23. City Clerk and Common Council Action. 1. Whenever the city clerk receives a request from the committee for preparation of a motion approving an application for charter school status, the city clerk shall have a motion prepared and introduced. The motion shall:

a. Express the common council's approval of the committee's recommendation to grant charter school status to the applicant.

b. Express the common council's approval of the proposed contract submitted by the city attorney and attached to the common council file.

c. Authorize and direct the appropriate city officials to execute the proposed contract.

2. The common council may, in its sole discretion, approve, amend in whole or in part or disapprove a motion described in sub. 1, subject to the provisions of s. 330-24.

330-24. Maximum number of charter school students. 1. The number of total estimated charter school students for schools granted charter school status shall not exceed the maximum level set in sub. 2.

2. a. The maximum number of total estimated charter school students for the 1998-99 school year is 1,250 students.

b. With respect to the 1999-2000 school year and each school year thereafter, the charter school review committee, if requested by the common council by motion, shall submit a recommendation to the common council as to whether a maximum number of charter school students should be imposed and, if so, what the limit should be.

330-25. Applicant May Reapply. An applicant whose application has been denied may reapply in the next application period.

330-26. Prohibited Practice. a. No charter school shall offer money or any other thing of pecuniary value to a parent, student, teacher, staff member or any other person as an incentive for recruiting a student to enroll at a charter school.

b. The prohibition provided in par. a shall be included in the charter school contract and may result in the termination or revocation of the charter school contract as provided under s. 330-29.

330-27. Continuing Oversight of Charter Schools; Oversight Fee. 1. The committee shall have responsibility for ongoing review of the financial, educational, staffing and facility status of charter schools pursuant to s. 320-41.

2. Beginning in the 2000-01 school year, each charter school shall pay an oversight fee for each charter student in the school, as provided in this section. The number of charter students in a school shall be the number of students for which the Wisconsin department of public instruction pays the school under s. 118.40(2r)(e), Wis. Stats.

3. The oversight fee for each full-time equivalent charter student shall be established annually by the charter school review committee. This fee shall be an amount sufficient to pay all costs incurred annually by the city for its oversight of the charter school program as calculated by the department of administration apportioned equally to each charter school student in the charter school program. These costs shall include, but are not limited to, the hiring of consultants and the use of city staff, equipment and other materials. This fee shall be paid in the following installments:

a. A payment of 25% of the per student fee shall be made no later than the 21st calendar day after the school operator receives the September payment from the Wisconsin department of public instruction under s. 118.40(2r)(e), Wis. Stats.

b. A payment of 25% of the per student fee shall be made no later than the 21st calendar day after the school operator receives the December payment from the Wisconsin department of public instruction under s. 118.40(2r)(e), Wis. Stats.

c. A payment of 25% of the per student fee shall be made no later than the 21st calendar day after the school operator receives the February payment from the Wisconsin department of public instruction under s. 118.40(2r)(e), Wis. Stats.

d. A payment of 25% of the per student fee shall be made no later than the 21st calendar day after the school operator receives the June payment from the Wisconsin department of public instruction under s. 118.40(2r)(e), Wis. Stats.

4. A pro-rated oversight fee shall be paid for each charter student who is less than full-time equivalent.

a. The amount of the pro-rated oversight fee shall be the per-student oversight fee as calculated pursuant to sub. 3-a multiplied by the ratio of the amount paid by the Wisconsin department of public instruction for that student to the amount the Wisconsin department of public instruction pays for a full-time equivalent charter school student.

b. The oversight fee for a student who is less than full-time equivalent shall be paid by the school operator in 4 equal installments at the times specified in sub. 3-a to d.

5. A charter school shall pay its oversight fee to the city treasurer to be held in trust for the exclusive benefit of the charter school program. Expenditures from such trust fund shall be authorized by the charter school review committee.

330-29. Termination of Contract and Revocation of Charter. 1. In the manner provided in this section, the common council may terminate the charter school contract and revoke the charter of a school whenever the common council finds that any of the following occurred:

a. The charter school violated its contract with the city.

b. The pupils enrolled in the charter school failed to make sufficient progress toward attaining the educational goals under s. 118.01, Wis. Stats. as amended.

c. The charter school failed to comply with generally accepted accounting standards of fiscal management.

d. The charter school violated s. 118.40, Wis. Stats., as amended, or this chapter.

2. Whenever the common council by motion requests the committee to investigate a school concerning possible termination of a contract and revocation of a charter, the committee shall make an investigation, hold a hearing and make written findings and recommendations to the common council concerning termination of a contract and revocation of a charter.

3. The committee may investigate a school concerning possible termination of a contract and revocation of a charter on its own initiative or whenever an individual or group other than the common council so requests. If the investigation discloses possible cause for termination of the contract and revocation of the charter of a school, the committee shall hold a hearing and make written findings and recommendations concerning termination of the contract and revocation of the charter.

4. Whenever the committee recommends termination of a contract and revocation of a charter, the committee shall:

a. Submit its findings and recom-mendations, together with all materials considered by the committee, to the city clerk and request the preparation and introduction of a common council motion to terminate the contract and revoke the charter.

b. Transmit its findings and recommendations, together with all materials considered by the committee, to the city attorney.

5. Whenever the city clerk receives a request under sub. 4 for preparation of a motion terminating a charter school contract and revoking a school's charter, the city clerk shall have a motion prepared and introduced. The motion shall:

a. State the findings of the common council that the contract should be terminated and the charter revoked and the reasons for such findings.

b. State that the common council terminates the contract and revokes the charter.

c. Authorize and direct the appropriate city officials to effect the contract termination and charter revocation.

6. The common council may, in its sole discretion, approve, amend in whole or in part or disapprove a motion described in sub. 5.

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LEGISLATIVE HISTORY
CHAPTER 330

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 330	cr	971759	5/5/98	5/14/98
330-7-9	rc	980963	12/18/98	1/1/99
330-15-4	cr	150289	6/23/2015	7/11/2015
330-26	cr	140912	10/14/2014	10/31/2014
330-27	rc	000172	7/25/2000	8/11/2000
330-27-3	rc	020779	11/6/2002	11/23/2002
330-27-4-a	rc	020779	11/6/2002	11/23/2002

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CHAPTER 335
SISTER CITIES

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335-1. Definitions. In this chapter:

1. COMMITTEE means the sister cities committee established under s. 320-47.

2. SISTER CITY RELATIONSHIP means a formal sister city relationship approved by the common council under this chapter, or the establishment of friendly relations by the common council leading to a formal sister city relationship.

335-3. Policy. The following policies shall be followed in selecting and maintaining sister city relationships or friendly exchange relationships:

1. There should exist a logical area of mutual interest and involvement with the prospective sister city or friendly exchange city in the areas of culture and business.

2. Strong consideration should be given to factors that contribute to a good balance between the cities, including but not limited to geographic location, governmental structure, comparable size, population composition and education.

3. There should be evidence of strong local community support for the prospective sister city or friendly exchange relationship in order to assure a strong financial base and interest in exchange.

4. During the selection process, there should be consultation and communication between the city and other related agencies such as Sister Cities International.

5. Consideration should be given to the number of prior relationships held by the prospective city. Some flexibility may be allowed for unusual circumstances.

6. Sister city and friendly exchange relationships shall expire after 5 years unless extended for another 5 years by council resolution.

7. The sponsoring entity shall submit annual reports to the committee. An annual report shall be submitted within 30 days following each anniversary of the date on which the mayor signed the resolution establishing a sister city or friendly exchange relationship.

8. No city funds shall be used for travel expenses by city officials in connection with any sister city or friendly exchange relationship.

9. The mayor's office shall have oversight responsibility for the sister city program.

10. The total number of sister city relationships adopted should not exceed 10.

335-4. Friendly Relations. The establishment of friendly relations shall follow the same policy and application process as provided in ss. 335-3 and 335-5. Friendly relations shall not require a formal signed agreement in accordance with Sister Cities International policy.

335-5. Application Process. 1. A local organization that wishes to sponsor a sister city relationship or friendly exchange relationship shall submit a letter of intent to the committee. The committee shall invite the organization to make a presentation to the committee regarding the proposed sister city relationship or friendly exchange relationship. Following the presentation, the committee shall decide whether to invite the organization to submit a formal application to the common council.

2. An application for a sister city relationship or friendly exchange relationship shall be submitted to the city clerk on a form created by the committee. The application shall require the following information:

a. Name of the organization seeking to establish the sister city relationship or friendly exchange relationship.

b. Proof of an application for nonprofit status or proof of nonprofit status of the organization seeking to establish a sister city relationship or friendly exchange relationship.

c. Name of the person in charge of the organization.

d. Information about the city with which the relationship is to be established, including information about the local organizational structure in the proposed sister city or friendly exchange city which will support the relationship.

e. Description of the goals of the sister city relationship or friendly exchange relationship.

f. Methods the organization will use to meet the goals of the sister city relationship or friendly exchange relationship.

g. Any other relevant information that the committee finds necessary or useful.

3. Upon receipt of an application, the city clerk shall submit a resolution to establish a sister city relationship or a friendly exchange relationship to the common council and refer the application to the committee. The committee shall hold a public hearing on an application to determine whether the proposed sister city relationship or a friendly exchange relationship complies with the requirements of this chapter and whether the applicant will manage a sister city relationship or a friendly exchange relationship that has a reasonable prospect of meeting the goals identified in its application. The committee shall forward its recommendation to the common council. Neither the common council nor any standing committee of the council may consider the resolution to establish a sister city relationship or a friendly exchange relationship until a recommendation has been received from the sister cities committee.

335-7. Renewal. No later than 6 months prior to the expiration of a sister city relationship, the sponsoring entity may submit a renewal application to the city clerk on a form prepared by the committee.

335-9. Termination. The common council may terminate a sister city or friendly exchange relationship whenever it finds that the applicant has failed to make sufficient progress toward attaining the goals of the sister city or friendly exchange relationship or the applicant has failed to comply with standards established by Sister Cities International, the common council or the committee.

LEGISLATIVE HISTORY
CHAPTER 335

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 335	cr	060220	10/24/2006	11/10/2006
335-3	am	140083	9/23/2014	10/10/2014
335-3-1	am	140083	9/23/2014	10/10/2014
335-3-3	am	140083	9/23/2014	10/10/2014
335-3-6	am	140083	9/23/2014	10/10/2014
335-3-7	am	111227	1/18/2012	2/4/2012
335-3-7	am	140083	9/23/2014	10/10/2014
335-3-8	rc	081388	3/3/2009	3/20/2009
335-3-8	am	140083	9/23/2014	10/10/2014
335-4	cr	140083	9/23/2014	10/10/2014
335-5-1	am	140083	9/23/2014	10/10/2014
335-5-2	am	140083	9/23/2014	10/10/2014
335-5-2-a	am	140083	9/23/2014	10/10/2014
335-5-2-b	rn to 335-5-2-c	070163	6/19/2007	7/7/2007
335-5-2-b	cr	070163	6/19/2007	7/7/2007
335-5-2-b	am	140083	9/23/2014	10/10/2014
335-5-2-c	rn to 335-5-2-d	070163	6/19/2007	7/7/2007
335-5-2-d	rn to 335-5-2-e	070163	6/19/2007	7/7/2007
335-5-2-d	am	140083	9/23/2014	10/10/2014
335-5-2-e	rn to 335-5-2-f	070163	6/19/2007	7/7/2007
335-5-2-e	am	140083	9/23/2014	10/10/2014
335-5-2-f	rn to 335-5-2-g	070163	6/19/2007	7/7/2007
335-5-2-f	am	140083	9/23/2014	10/10/2014
335-5-3	am	140083	9/23/2014	10/10/2014
335-9	am	140083	9/23/2014	10/10/2014

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CHAPTER 340
DEPARTMENT OF EMPLOYEE RELATIONS

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340-1. Department Established. There is created a department of employee relations, under the supervision of a director of employee relations, with the following responsibilities:

1. Employee benefits administration, including but not limited to health benefits programs for city employees, workers' compensation, injury pay, social security and group life insurance, unless otherwise provided by law or contract.

2. Employee safety.

3. Labor relations.

4. Personnel administration, including providing staff support to the city service commission.

5. Providing staff support to the equal rights commission.

340-3. General City Policies and Procedures.

1. DECLARATION OF POLICY. The city has a fundamental interest in the development of harmonious and cooperative relationships between city government and its employees and their employee representative groups while enhancing employee performance, maximizing efficiency and reducing costs. The city is committed to creating and maintaining strong and positive employee-management working relationships that foster improved governmental decision-making, good will, innovation and quality public services. The city is committed to supporting these goals in a way that does not diminish the mayor's and the common council's authority while recognizing the rights of employee representative groups to enter into discussions with the city in the course of the city's setting personnel policies and terms and conditions of city employment. These policies and conditions of employment do not supersede the provisions of state law, city charter, other applicable ordinances and resolutions and the civil service rules. Any related code provisions are not intended, and shall not be construed to be in conflict with, state statutes regarding collective bargaining and the recognition of employee groups or organizations.

2. AUTHORITY OF DEPARTMENT. The department of employee relations shall be responsible for entering into discussions with employee representative groups for the settlement of employee complaints and establishing policies and procedures necessary for the creation of positive, productive and efficient workplaces. The department shall:

a. Meet and confer with employees and employee groups, including currently and previously-certified employee groups, for the purpose of communicating, soliciting and exchanging information, views, ideas and interests concerning wages, hours, and other conditions of employment.

b. Provide, if requested, written documents to employee representative groups of any jointly-recommended changes to be heard or acted upon by the common council.

c. Establish the use of seniority for vacation selection, job-picking assignments and other assignments that provide for premium payments where this process is used and where no operational disruptions are created.

d. Have authority to oversee and resolve all complaints raised by employees.

3. REQUIREMENTS OF ALL DEPARTMENTS. City officials appointed under s. 62.51, Wis. Stats., and department heads shall cooperate with the department of employee relations in the discharge of the duties set forth in this chapter and in implementing any directives issued by the department of employee relations. City officials and department heads shall:

a. Communicate departmental rules and procedures with employees and employee representative groups and provide reasonable notice of changes to work rules, practices or policies.

b. Engage employees and employee representative groups in the city's decision making processes concerning relevant personnel matters and operational issues by soliciting their input and feedback when appropriate.

c. Identify and communicate procedures available to employees and employee representative groups who allege that a departmental policy, rule or procedure has not been properly applied.

d. Offer, to the extent possible, overtime assignments first to employees who volunteer, and then assign, on a rotating basis, among those employees who volunteered. In cases where there are no volunteers for overtime, all employees shall perform the work

340-7. Personnel. The employee benefits manager, who is the equivalent to the employee benefits administrator under s. 62.51, Wis. Stats., shall be subject to the direction and control of the director of employee relations.

340-9. Records. 1. AUTHORITY. The director of employee relations shall be the authority, as defined in s. 19.32(1), Wis. Stats., for records of the director's office. The director shall also serve as a legal custodian, under s. 19.33, Wis. Stats., for records of the director's office.

2. RELEASE OF INFORMATION. Except as may be required by state or federal law or authorized by an employee's written consent, the department of employee relations shall not disclose an employee's social security number to any person, organization or entity who is not an officer or employee of the city of Milwaukee acting within the scope of his or her employment.

340-11. Division of Labor Relations.

1. DIVISION CREATED. There is created a division of labor relations in the department of employee relations under the direction and control of the labor negotiator. Such division of labor relations shall be responsible for all labor negotiations between the city and its employees under s. 111.70, Wis. Stats., and such other labor matters as may be related to the subject matter of that section.

3. RELATIONSHIP TO COMMON COUNCIL. The labor negotiator shall perform his or her duties in close liaison with both the common council and the finance and personnel committees.

4. DEPARTMENTAL COOPERATION. Every department of city government shall cooperate with the labor negotiator to the end that he may discharge his duties and responsibilities as contemplated by this section; departments are directed to cooperate fully with the labor negotiator in this purpose.

340-21. Central Safety Committee. 1. There is created a central safety committee, which is attached to the department of employee relations. The committee shall consist of members, and their alternates, if any, who shall be appointed by the following department heads:

	Number of Representatives
a. Administration	1
b. Assessor's office	1
c. City attorney	1
d. City development	1
e. Employee relations	1
f. Fire	2
g. Harbor commission	1
h. Health	1
i. Library	1
j. Neighborhood services 1	1
k. Police	1
L. Public works	9

2. The central safety committee may include, on an as-needed-basis, ad hoc members with expertise in certain safety-related areas.

3. The chairperson of the central safety committee shall be appointed by the director of employe relations.

340-23. Employee Safety. The department of employee relations shall:

1. Develop a city-wide employee accident prevention and control program for all departments and agencies under control of the common council.

2. Submit to the mayor and common council not later than February 20, and each quarter thereafter, an analysis of the employee accident and severity rates for all city departments and agencies as of the quarter ending the first day of the preceding month. The department shall include in such report, and at any intervening interval, recommendations on appropriate action necessary or advisable to be taken by the various departments, boards, commissions or agencies or by the mayor and common council to reduce such rates and to keep expenditures from the worker's compensation fund to the minimum.

3. Recommend at appropriate times:

a. Safety devices and practices to be used by departments and agencies under control of the common council.

b. Employee safety education programs.

c. Standards on which safety devices such as safety prescription glasses will be authorized.

4. Prepare the annual budget request for various commonly used safety devices as part of the department's total annual budget request.

LEGISLATIVE HISTORY
CHAPTER 340

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
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340-1-2	am	891615	12/19/89	1/13/90
340-1-5	cr	020593	11/8/2002	1/1/2003
340-1-6	cr	020593	11/8/2002	1/1/2003
340-1-6	rp	100991	5/24/2011	6/14/2011
340-3	rp	892173	3/20/90	4/7/90
340-3	cr	110744	11/30/2011	1/1/2012
340-5	rp	892173	3/20/90	4/7/90
340-7	am	901415	12/21/90	1/12/91
340-7	am	911321	12/20/91	1/14/92
340-7	am	001458	2/27/2001	3/16/2001
340-9	rc	131247	4/2/2014	1/1/2015
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340-21	rn from 2-196.2	881930	3/7/89	3/25/89
340-21-1	rc	920837	9/17/92	10/6/92
340-21-1	rc	930451	7/27/93	8/13/93
340-21-1	rc	951008	12/19/95	1/13/96
340-21-1-c	am (rn to 340-21-1-j)	980963	12/18/98	1/1/99
340-21-2	cr	920837	9/17/92	10/6/92
340-21-3	cr	920837	9/17/92	10/6/92
340-23	rn from 2-196.5	881930	3/7/89	3/25/89
340-23	rc	891615	12/19/89	1/13/90
340-23-5	rp	920837	9/17/92	10/6/92
340-25	rn from 312-25	891615	12/19/89	1/13/90
340-25	rn from 2-122.7	881930	3/7/89	3/25/89
340-25	rc	891292	10/31/89	11/18/89

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CHAPTER 350
EMPLOYEE REGULATIONS AND BENEFITS

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SUBCHAPTER 1
HOLIDAY AND OVERTIME POLICIES

350-1. Definitions. In this chapter, unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following definitions shall apply:

1. DEPARTMENT means the department of employee relations.

2. EMPLOYEE means any person on the bi-weekly payroll of the city.

3. HOLIDAY, except as specifically covered by other provisions of the code means:

a. New Year's Day - January 1.

b. Good Friday.

c. Memorial Day - Last Monday in May.

d. Independence Day - July 4.

e Labor Day - The 1st Monday in September.

f. Thanksgiving Day - The 4th Thursday in November or the day appointed by the governor of Wisconsin as a day of public thanksgiving in each year.

g. The day after Thanksgiving Day.

h. Christmas Day - December 25.

i.. The last normal work day before Christmas Day.

j. The last normal work day before New Year's Day.

k. Dr. Martin Luther King Jr.'s birthday - the 3rd Monday in January.

4. OVERTIME means the authorized hours worked in excess of 40 hours in one week.

5. TIME AND ONE-HALF means compensation per hour worked, determined by dividing the biweekly rate by 80 and multiplying by 1.5, unless otherwise provided, consistent with the fair labor standards act.

6. TIME WORKED means the hours worked during scheduled work periods, all holiday hours paid but not worked and all furlough hours not worked.

350-2. Holidays, General Provisions.

1. WEEKEND HOLIDAY. Whenever Independence Day (July 4) falls on a Saturday, the preceding Friday shall be observed as a holiday. Whenever New Year's Day (January 1) and Christmas Day (December 25) fall on a Saturday,the following Monday shall be observed as a holiday. When New Year's Day, Independence Day or Christmas Day falls on a Sunday, the following Monday shall be observed as a holiday.

1.5. OPTIONAL HOLIDAYS.

a. The following days and dates shall be designated as optional holidays:

a-1. Cesar E. Chavez Day – March 31.

a-2. Juneteenth Day – June 19.

b. If an optional holiday falls on a day on which the offices of a department are open, the department shall remain open and conduct the operations of the department. Each department head shall, as long as adequate staffing levels are maintained as determined by the department head, allow an eligible employee who complies with that department's advance notification requirements and who requests an optional holiday day off to receive that day as a paid holiday in lieu of receiving a paid holiday for one of the other holidays specified under s. 350-1 that the employee designates, as long as the designated day is within the same fiscal year.

c. On the holiday an eligible employee designates in substitution for an optional holiday day, the employee shall use either vacation or compensatory time-off for that day.

d. An eligible employee under this section shall be one who is eligible for holiday pay, subject to the city's collective bargaining obligations, as applicable, under s. 111.70, Wis. Stats.

e. This subsection shall not change the total number of holidays with pay granted annually.

2. FIRE DEPARTMENT a. Fire equipment dispatchers and fire dispatch supervisors shall receive 11 days off per calendar year in lieu of holidays or holiday pay, earned at the rate of 0.9167 days for each calendar month of active service during that calendar year. This holiday time-off shall be taken in the calendar year in which it was earned.

b. Employees Working 24-Hour Shifts.

b-1. Holiday Compensation. An employee working 24-hour shifts shall receive 24 hours off per calendar year in lieu of holidays or holiday pay, earned at a rate of 2 hours per month. This holiday time-off shall be taken in the calendar year in which it was earned.

b-2. Unused Holiday Compensation. An employee on authorized injury leave as a result of a duty-incurred injury may use holiday time-off scheduled during the period of such leave provided the employee notifies his or her supervisor orally of this fact prior to the start of the holiday time-off. An employee on authorized injury leave as a result of a duty-incurred injury not using holiday time-off scheduled during the period of the employee's

leave, because he or she did not make a request for it, shall have his or her unused holiday time-off rescheduled by the fire department administration when the employee returns to duty if it is possible to do so before the end of the calendar year. If the fire department administration is unable to reschedule all of the employee's remaining unused holiday time-off before the end of the calendar year, the employee shall be entitled to receive a lump-sum payment equivalent to the dollar value of the remaining unused holiday time-off at the end of the calendar year, computed on the basis of the employee's hourly base rate in effect at the time for which the holiday time-off was originally scheduled. This lump sum payment shall be made as soon as is administratively practicable following the end of the calendar year. The lump-sum payment shall not be construed as being part of the employee's base salary and shall not be included in the computation of any fringe benefits. The lump-sum payment shall not have any sum deducted for pension benefits nor shall it be included in any computation establishing pension benefits or payment. When authorized by the fire department administration, an employee may elect to carry over into the next succeeding calendar year any remaining unused holiday time-off that the fire department administration was unable to reschedule by the end of the calendar year, instead of the lump-sum payment provided for in this subparagraph. The scheduling of carried-over holiday time-off shall be subject to availability of the dates requested by the employee, require prior approval by the employee's supervisor and in way affect the scheduling of other employee holiday time-off.

c. Computation. For purposes of computation benefits under par. a and b, an employee on the fire department payroll for at least 14 days in a calendar month shall be deemed as having been on the fire department payroll for the full calendar month. If the employee is on the fire department payroll for less than 14 days in a alendar month, exclusive of any mandatory furlough time, the employee shall be deemed as not having been on the payroll at all during the calendar month.

3. STATUTORY COMPLIANCE. Any statutory provisions establishing legal holidays on days other than those set forth under the definition of the term "holiday" in s. 350-1 shall not be observed in a manner resulting in a shorter workweek for general city employees. If the state of Wisconsin enacts a statute under which some or all of the holidays enumerated in s. 350-1 are established or observed as so-called Monday holidays, the city will move to observation of such law, but the conformance to state law shall not increase or diminish the number of holidays with pay granted annually.

350-3. Uniform Overtime Policies. Except as provided in s. 350-6, or unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following overtime policies shall be applied uniformly to positions in the city service.

1. CASH OR COMPENSATORY TIME. The determination as to whether overtime shall be taken as cash or compensatory time shall be made by each department head in consultation with the budget and management division. Department heads shall notify employees of whether cash or compensatory time-off is being offered for overtime worked prior to the actual work being performed. If notification is not provided that compensatory time is being offered for overtime worked, cash shall be paid for the overtime worked. The accumulated compensatory time credit for each employee at no time shall exceed 180 hours of banked compensatory time, which is equivalent on a time and one-half basis to 120 hours worked.

2. AS OVERTIME ONLY. When computing overtime of either type, time compensated for any reason on an overtime basis shall not be counted in computing further overtime.

3. RATE. Overtime shall be compensated, whether as cash or compensatory time, at time and one-half the rate at which it was earned.

4. AUTHORIZATION. Department heads are authorized to order overtime work, and no overtime shall be worked unless so ordered.

5. HOLIDAYS. All hours worked on a holiday as specified under s. 350-1 by an eligible, fair labor standards act non-exempt employee shall be considered overtime.

5.5 EMERGENCY OVERTIME WORK.

a. Snow and Ice Operations and Water Main Repairs. Hours worked by an eligible department of public works employee in response to a management emergency call-out for snow and ice operations outside of the employee's regular work schedule, and hours worked by an eligible Milwaukee water works-distribution section employee in response to a management emergency call-out for water main repairs performed outside of the employee's regular work schedule, shall be considered overtime in accordance with applicable provisions of the salary ordinance.

b. Milwaukee Police Department-Technical Communications Division. Additional hours worked by an eligible Milwaukee police department-technical communications division civilian employee following the employee's scheduled work shift, as required by a department directive in response to an unexpected staffing shortage, shall be considered overtime in accordance with applicable provisions of the salary ordinance.

6. CHANGE OF SHIFT. For departments that have regularly-scheduled multiple shifts, employees who are provided with less than 48 hours notice of a change in shift shall receive overtime for all hours worked during the subsequent 48-hour period.

7. EXCLUSIONS. Nothing contained within this section is intended to authorize or require overtime compensation for employees who are excluded from overtime compensation by other provisions of the code.

350-4. General Overtime Procedures and Regulations.

1. REPORTING OVERTIME REQUIRED. a. To Employee Relations. A report of all overtime employment, whether compensated for in cash or by compensatory time-off allowed by each department, shall be submitted to the director of employee relations with the payroll for the period in which the overtime was authorized for a review of the necessity of the overtime employment. The director of employee relations shall prescribe the form of the report of overtime worked or compensatory time taken off, and the number and disposition of copies. In case of departmental error or omission in reporting overtime worked or time taken off, supplementary reports shall be submitted by the departments in order that payroll checks shall reflect correct amounts, and overtime records shall indicate the exact number of hours of overtime worked or time taken off.

b. To Common Council. From the departmental reports of overtime worked or compensatory time taken off, the director of employee relations shall prepare consolidated reports of the overtime worked or time taken off, and shall submit the consolidated reports together with other appropriate information to the common council at regular intervals.

c. Accumulated Overtime. If an employee accumulates a total of 180 hours of compensatory time-off, or 120 hours of overtime worked for which time-off may be taken, the director of employee relations shall initiate a schedule to eliminate the overtime backlog, investigate the cause and justification of the overtime work and, when possible, institute such recommended procedures as may be necessary to eliminate the need for overtime work. In each case, the director of employee relations shall provide to the common council a report of the overtime and the recommendations made or action taken to reduce or eliminate the overtime work.

d. Overtime Studies. On the basis of regular and special reports, the common council shall regularly review the overtime worked by each department, require the presence of department heads or supervisors empowered to authorize overtime work for supporting or explaining its need, and establish rules as may be deemed necessary for controlling overtime work.

2. EARNED OVERTIME UPON SEPARATION. All earned overtime, whether earned as cash or compensatory time, shall be paid as cash upon separation from city service.

3. OVERTIME NOT TO BE USED FOR RETIREMENT CREDIT. No overtime period of service, nor the compensation received, shall be counted as accruing toward credit or deduction on any annuity or pension rights.

350-5. Exclusion from Overtime.

1. POSITIONS EXCLUDED. The director of employee relations shall determine the positions that shall be exempt from the overtime provisions of this chapter.

2. FLEXIBLE SCHEDULE. Employees of positions that work a minimum average of 40 hours per week, normally consisting of 5 workdays of 8 hours each, shall be considered to work on a flexible schedule within the limits of a 40-hour week, dependent on existing workload demands and with the approval of department heads. Under this flexible schedule provision, the daily work schedule of employees may be adjusted as necessary and appropriate to fulfill their assigned duties and responsibilities. The adjustments may include starting and quitting times that are earlier or later than established in the normal work schedule of a department and may include hours of work that are more or less than 8 hours in any particular day, within the limits described. This flexible schedule provision shall not be construed as allowing compensatory time-off at the rate of time and one-half, allowing time-off for extended personal illness without charge to sick leave, or allowing time-off for extended vacation.

3. ADMINISTRATION. Department heads shall enforce this section as it applies to personnel within their departments. The director of employee relations shall interpret the provisions of this section and report to the finance and personnel committee any problems or abuses concerning the interpretation or administration of this section.

4. TO BE USED WITHIN 2 YEARS. All employees entering positions excluded from payment in cash or compensatory time-off for overtime worked under the provisions of this subchapter shall take off any overtime balance previously earned within a 2-year period from the time of entering the positions. If time is not used within 2 years, the employee shall be compensated for the unused earned time in cash.

5. Effective July 15, 2014, any employee entering a position excluded from payment in cash or compensatory time-off for overtime worked under the provisions of this subchapter shall be compensated in cash for any compensatory time balance prior to entering a job excluded from overtime.

350-6. Compliance with the Fair Labor Standards Act. In accordance with the provisions of the federal fair labor standards act, the:

1. Director of employee relations shall determine the positions and classes that are covered by the act and transmit appropriate guidelines and instructions for carrying out the applicable provisions of the act to city departments and agencies.

2. Comptroller shall develop and establish payroll recordkeeping, payment inclusions and payroll practices to ensure good-faith compliance with the act.

3. Director of employee relations shall issue a policy statement prohibiting departments and agencies from docking employees exempt from the act for partial-day absences and institute a policy for those employees to make up the time, consistent with departmental operations.

4. Labor negotiator shall meet with appropriate representatives to discuss and clarify city compliance policies.

SUBCHAPTER 2
INSURANCE

350-25. Group Life Insurance.

1. DEFINITIONS. Unless specified otherwise in a labor contract between a certified bargaining unit and the city that is in force and effect, in this section:

a. “Annual salary” means an employee’s biweekly pay rate multiplied by a leap year correction factor of 26.089.

b. "City" means the city of Milwaukee.

c. "City agency" means a city agency as defined in s. 36-02-8 of the city charter which has voted to participate in the city's group life insurance program with the approval of the common council.

d. "Employee" means employee who appears on a regular payroll of the city.

e. "Fireman" means fireman as defined in s. 36-02-16 of the city charter.

f. “General employee” means a general city employee as defined in s. 36-02-17.

g. "Policeman" means policeman as defined in s. 36-02-24 of the city charter.

h. “Retiree” means a member of the Employes’ Retirement System who is receiving for his or her own service a service retirement allowance as defined in s. 36-05-1, or an ordinary disability retirement allowance under 36-05-2, or a duty disability retirement allowance as defined in s. 36-05-3. Retirees shall also include members of the Employes’ Retirement System who are receiving group life insurance benefits through the city as of December 31, 2013.

2. ELIGIBILITY. Unless otherwise defined in a labor contract between a certified bargaining unit and the city that is in force and effect:

a. An employee shall be eligible for benefits under this section if the employee appears on a regular payroll at full basic pay for more than 20 hours a week on a year-round basis.

b. An employee shall complete 6 consecutive months of service with the city on the day preceding the day the person first becomes eligible for coverage; for the purpose of this requirement, an authorized leave of absence without pay for more than 5 consecutive days shall be considered a termination of employment.

c. For determining group life insurance eligibility, mandatory furlough time shall be considered as time of active service on the payroll.

d. A terminated employee who is reemployed shall be considered as a new employee, unless that employee is receiving retirement benefits as a retiree as defined under sub. 1-h.

e. An employee who is eligible for coverage under this section shall receive the city-paid portion of the coverage at no cost to the employee. An employee may elect additional voluntary life insurance coverage during open enrollment; such election will be in effect until the next open enrollment period at which time the employee will have the option to elect voluntary coverage subject to limitations applied by the city and the life insurance carrier.

f. A retiree, as defined in sub. 1-h, who is receiving a monthly annuity from the Employes’ Retirement System shall be eligible to participate in the city’s group life insurance if the retiree had voluntary coverage in effect as an active employee on the day preceding his or her retirement date in an amount equal to at least 50% of his or her annual salary rounded up to the nearest thousand. For a retiree with a retirement date before January 1, 2014, the eligibility rules and period of coverage that was in effect at the time of retirement continue to be in effect, unless the retiree selected a new option defined in sub. 3-b-2.

3. AMOUNT OF INSURANCE. a. Basic Coverage. The amount of basic coverage shall be the amount of life insurance coverage that the city will pay for on behalf of its active and eligible employees at no cost to the employees. As of January 1, 2014, this amount shall be $50,000 for an employee who is not a fireman or policeman. For firemen and policemen, this amount shall be based upon and subject to the terms of the labor contract between the employee’s certified bargaining unit and the city that is in force and effect.

b. Optional Voluntary Coverage.

b-1. Optional voluntary coverage shall be the amount of life insurance coverage that an employee or retiree elects to purchase and for which the employee or retiree pays the premium. As of January 1, 2014, for an active general employee, this amount shall be a multiple of the annual salary of the primary position that the employee works in at the end of a pay period and shall be 50%, 100%, 150%, 200%, 250% or 300% of the salary rounded up to the nearest thousand not to exceed a maximum amount to be determined by the city. Effective January 1, 2014, the maximum amount of the optional voluntary coverage an employee or retiree may carry shall be $300,000.

b-2. As of January 1, 2014, until the 1st of the month in which the person attains age 65, a retiree who retired on or after January 1, 2014, or

a retiree who retired prior to January 1, 2014 and who elected to reduce his or her coverage amount effective January 1 2014, this amount shall be a multiple of the annual salary of the primary position at the time of retirement and shall be 50%, 100%, 150%, 200%, 250% or 300% of the salary rounded up to the nearest thousand not to exceed a maximum amount to be determined by the city. Effective January 1, 2014, the maximum amount of the optional coverage an employee or retiree may carry shall be $300,000.

b-3. As of January 1, 2014, effective the 1st of the month in which the person attains age 65, a retiree who retired on or after January 1, 2014, or a retiree who retired prior to January 1, 2014 and who elected to reduce his or her coverage amount effective January 1, 2014, the voluntary coverage amount shall be a multiple of the annual salary of the primary position at the time of retirement and shall be 50%, 100%, 150%, 200% or 300% of the salary rounded up to the nearest thousand not to exceed a maximum amount to be set by the city. Effective January 1, 2014, the maximum amount of the optional coverage an employee or retiree may carry shall be set to $290,000. If a retiree defined in this subdivision, on the 1st of the month in which he or she turned age 65, or on the last day as an active employee if retirement occurred after attaining age 65, carried at least 50% of his annual salary in optional coverage, an employer-paid policy of $10,000 shall be provided to the retiree at no cost to the retiree regardless of any optional coverage the retiree may elect.

b-4. Notwithstanding the provisions of the section, for a fireman or policeman, the optional coverage amount shall be based upon and subject to the terms in the labor contract between the employee's certified bargaining unit and the city that is in force and effect.

b-5. As of January 1, 2014, an active general employee may elect family coverage for his or her spouse, domestic partner, and dependent children, based upon terms to be established by the city and its insurance carrier; this coverage shall not be available to retirees.

b-6. A general employee who retired prior to January 1, 2014, and who did not reduce his or her coverage as provided in subds. 2 and 3, and who is under age 65, shall continue to pay for his or her optional coverage he or she elected at the time of retirement and shall continue to do so until the 1st of the month in which he or she attains age 65.

b-7. A general employee who retired prior to January 1, 2014, and who did not reduce his or her coverage as provided in subds. 2 and 3, shall, on the 1st of the month in which the retiree attains age 65, have an employer-paid policy that shall reduce according to term of the labor contract between the city and the certified bargaining unit that the retiree was a member of at the time of retirement and that contract was in force and effect at the time of retirement of that person.

c. Change of Optional Coverage.

c-1. An active general employee may elect to cancel, reduce or increase optional coverage subject to the terms and conditions established by the city and its insurance carrier.

c-2. An active fireman or policeman may elect to cancel, reduce or increase his or her optional coverage subject to the terms and conditions in the labor contract between his or her certified bargaining unit and the city that is in force and effect.

c-3. A retired general employee may elect to cancel coverage at any time. A retired general employee may not increase coverage at any time.

c-4. A retired general employee who has not yet attained the age of 65, and who retired on or after January 1, 2014 or who retired prior to January 1, 2014 but reduced his or her coverage as provided in subd. 2 and 3, may elect to reduce coverage to a multiple of 50%, 100%, 150%, 200% or 250% of his or her annual salary at the time of retirement rounded up to the nearest thousand not to exceed a maximum amount to be set by the city. Effective January 1, 2014, the maximum amount of optional coverage an employee or retiree may carry shall be $300,000.

c-5. A retired general employee who retired prior to January 1, 2014 but reduced his or her coverage as provided in subds. 2 and 3, may elect, as of the 1st day of the month in which the person attains age 65, to reduce coverage to a multiple of 50%, 100%, 150%, 200% or 250% of his or her annual salary at the time of retirement rounded up to the nearest thousand not to exceed a maximum amount to be set by the city. Effective January 1, 2014, the maximum amount of optional coverage an employee or retiree may carry shall be $290,000.

c-6. A retired general employee who retired prior to January 1, 2014 who did not reduce his or her optional coverage as provided in par. b-2 and 3, may not reduce coverage at any time.

c-7. Notwithstanding the provisions of this section, a retired fireman or policeman may reduce and increase coverage in accordance with the terms and conditions of the labor contract between their certified bargaining unit and the city that was in force and effect at that time of their retirement.

4. PREMIUM PAYMENTS. a. Costs.

a-1. General employees and all retirees shall pay for optional coverage at age-banded rates to be set by the city and the city's insurance carrier.

a-2. The employer shall pay for any employer-paid coverage at rates to be set by the city and the insurance carrier.

a-3. Fire and Police active employees shall pay for coverage in accordance with the terms and conditions of the labor contract between their certified bargaining unit and the city that is in force and effect.

a-4. All premiums shall be paid monthly. For active employees, applicable premiums shall be paid by deductions from the regular payroll payments.

b. On Leave of Absence. Employees who are on leave of absence shall be permitted to self-pay monthly premiums for a maximum period of 12 months of premium payments; however, employees on extended authorized educational leaves of absence or on extended authorized leaves of absence to work for project area committees may be permitted to make additional cash payments, provided such additional cash payments are authorized by the committee on finance and personnel on the basis of an annual review. Employees who are eligible as group life insurance participants and who have a seasonal temporary lay-off status shall be permitted to make up to 6 months of cash premium payments; however, employees on leave of absence for illness or on ordinary disability retirement shall be allowed to make cash payments for up to 24 months of premium payments. Employees on duty disability retirement shall be allowed to continue their insurance coverage by making cash payments during their disability retirement until such time as they may become covered by another employer's life insurance program. If cash payments are not made, the insurance shall lapse.

5. CONVERSION PRIVILEGES. a. If an employee leaves the service of the city, except by retirement, his group life insurance shall continue for a period of 31 days, during which time he may purchase an individual life insurance policy at standard rates without medical examination.

b. Any conversion charges made by the insurance company shall be paid by the employee.

6. ADMINISTRATION AND ENROLLMENT. The annuity and pension board of the employee's retirement system, hereinafter referred to as the board, shall have the responsibility for the administration of the group life insurance program as provided for herein. Such board is authorized to determine and effect the method and procedure which shall be employeed in providing for the enrollment of eligible employees, and in so doing shall consult with the director of employee relations. The board is authorized to prepare and promulgate such rules and regulations as may be appropriate in the board's judgment in carrying out the purpose and objectives of this section; provided, however, that before any such rules or regulations shall become effective, they must first be approved by the committee on finance and personnel of the common council and a certified copy of the rule or regulation filed with the city clerk's office. The responsibility for the application of the provisions of this section, as well as their interpretation, shall devolve upon the board.

7. APPROPRIATIONS.

a. Appropriations to cover the city's cost of participating in the group life insurance program as specified for in this section shall be made by the common council in the municipal budget. It is authorized that city funds may be used for the purpose of paying the city's share of the costs of the group life insurance program.

b. The board is permitted to expend such sums as are authorized by the common council in order to carry out the board's duties and responsibilities under the provisions of this section.

8. SPECIFICATIONS. The committee on finance and personnel of the common council may employ such consulting assistants as it may determine for the purpose of preparing specifications for a group life insurance plan as provided for in this section. The board may establish the rules and regulations which shall be applicable to the submission of bids by qualified insurance companies authorized to do business in the state of Wisconsin at the request of the committee on finance and personnel. The committee on finance and personnel and the common council shall determine the most favorable bid submitted with respect to such group life insurance program.

9. LEGAL ADVISER. The city attorney's office shall be the legal adviser with respect to the group life insurance program.

10. AMENDMENTS. This section may be amended from time to time by the common council in order to provide for additional terms, conditions and authorization. Nothing herein contained shall prohibit the common council from amending this section to provide for a different method of insurance than set forth in this section.

11. UNREPRESENTED NONCIVILIAN FIRE AND POLICE MANAGEMENT EMPLOYEES. a. Eligibility. Employees in active service and in the following position classifications shall be entitled to the life insurance benefits provided under this subsection as long as they remain in active service within such classifications:

a-1. Chief of police.

a-2. Inspector of police.

a-3. First deputy inspector of police.

a-4. Deputy inspector of police, training and special services.

a-5. Deputy inspector of police, personnel and labor relations.

a-6. Inspector of detectives.

a-7. Superintendent of police communications.

a-8. Deputy inspector of police administration.

a-9. Deputy inspector of police identification.

a-10. Assistant director of police administration.

a-11. Fire chief.

a-12. First assistant chief engineer.

a-13. Deputy chief, fire.

a-14. Battalion chief classifications.

a-15. Chief dispatcher of fire alarm and telegraph.

b. Amount of Life Insurance Coverage. Employees under age 65 shall be eligible to elect and maintain life insurance coverage in an amount equivalent to 1.5 times their annual base salary rate rounded to the next higher thousand dollars so long as they remain in active service and under age 65. Upon attaining age 65, the amount of life insurance coverage to which an employee is entitled shall be reduced to an amount equal to 100% of the employee's annual base salary rate rounded to the next higher thousand dollars. This reduction shall become effective on the first day of the month next following the month in which the employee attains age 65 and shall remain in effect so long as the employee remains in active service.

c. Adjustment of Coverage. The amount of life insurance coverage to which an employee is entitled shall be adjusted semi-annually on January 1 and July 1 to reflect changes in the employee's annual base salary rate. In this paragraph, "annual base salary rate" means an amount equivalent to the employee's biweekly base salary on those 2 dates, as the employee's biweekly base salary is established by the salary ordinance, divided by 14 and then multiplied by 365.

d. Conditions and Eligibility for Election of Coverage. d-1. Subject to the terms and conditions provided under subds. 2 to 6, an employee shall be entitled to elect the amount of life insurance coverage provided under par. b upon completion of 180 consecutive calendar days of active service as a full-time (40 hours per week) employee following the employee's initial date of employment with the city.

d-2. The election of life insurance coverage shall be in a manner prescribed by the city.

d-3. An employee meeting the eligibility requirements for election of life insurance coverage must make such election within 30 consecutive calendar days after the date the employee's eligibility is first established. If the employee fails to make such election within this time limit, the election shall be made only on such terms and conditions as are established and maintained from time to time by the city or its life insurance carrier.

d-4. An employee shall become entitled to the life insurance coverage provided under par. b 30 consecutive calendar days following the date the employee elects such coverage.

d-5. An employee re-employeed subsequent to a separation from active service, for whatever reason, must re-establish eligibility for life insurance coverage on the same basis that would be applicable to a new employee having the same starting date that the re-employeed employee had following employment.

d-6. An employee who has previously waived life insurance coverage provided by the city, either under this subsection or otherwise, while employed with the city or a city agency as defined in s. 36-02-8 of the city charter, shall be permitted to elect life insurance coverage only on such terms and conditions as are established and maintained from time to time by the city or its life insurance carrier.

e. Cost of Life Insurance Coverage. Employees eligible for life insurance coverage under par. b who elect such coverage shall pay to the city an amount equal to 21 cents per month for each $1,000 of coverage in excess of $45,000 for firemen after December 31, 1999 and in excess of $45,000 for policemen after March 1, 1996. These payments shall be accomplished by periodic deductions from employees' biweekly pay checks. The city shall make all other necessary payments for life insurance coverage described in par. b.

f. Conditions and Limitations on Benefits. f-1. An employee eligible to elect life insurance coverage must elect the maximum

amount to which the employee is entitled under par. b.

f-2. The life insurance benefits provided under this subsection shall only cover employees while they are in active service.

f-3. Life insurance benefits shall be subject to all terms and conditions contained in the contract between the city and its life insurance carrier effective January 1, 1983.

f-4. While eligible for the life insurance benefits provided under this subsection an employee shall not be entitled to receive additional benefits under subs. 1 to 11. However, such an employee shall be covered by all the terms and conditions provided in subs.1 to 11 that are not in conflict with this subsection.

g. Effective Date. This subsection shall be in force and effect from and after January 1, 1983, for policemen and March 1, 1983, for firemen.

13. COVERAGE FOR CERTAIN RETIRED POLICE EMPLOYEES. a. Employees who retire in the following position classifications are eligible for the optional reduced retiree life insurance coverage hereinafter provided:

a-1. Chief of police.

a-2. Assistant chief of police.

a-3. Inspector of police.

a-4. Deputy inspector of police position assigned to the administration division of the personnel/administration bureau.

a-5. Captain of police position assigned to the office of the chief of police.

a-6. Administrative lieutenant of detectives assigned to the personnel division of the personnel/administration bureau.

b. Except as provided in par. c, an employee eligible for retiree life insurance coverage who elects such coverage must elect the maximum to which the employee is entitled under sub. 4-d.

c. An employee who commences receiving a service retirement allowance on and after July 25, 1989, and is eligible for retiree life insurance coverage under subs. 1 to 11 shall be eligible to elect an amount of coverage less than the maximum prescribed thereunder (such coverage shall be termed "reduced coverage") subject to the following conditions:

c-1. The employee may elect reduced coverage at the time of retirement or, commencing with the 2nd January 1 following the employee's effective retirement date, within the 30 calendar day period immediately preceding January 1 of the calendar year. Such election shall be in writing on a form prescribed by the city and shall be submitted to a city-designated administrator within time limits prescribed by the city. Once elected, the amount of an employee's reduced coverage shall remain unchanged, except as provided in subd. 2.

c-2. An employee or retiree eligible for reduced coverage may modify the amount of his or her retiree life insurance coverage, either aximum coverage or reduced coverage, for a calendar year by executing a change of coverage form prescribed by the city within the 30 calendar day time period immediately preceding January 1 of the calendar year, but not earlier than the 2nd January 1 following the employee's effective date, in accordance with procedures established for this purpose by the city. In no event shall the modified amount of coverage exceed the maximum amount of coverage prescribed by the city.

d. Election of reduced coverage or modification to reduced coverage or maximum coverage during the 30 calendar day period immediately preceding January 1 of the calendar year, as provided in this subsection, shall become effective on January 1 of the calendar year.

e. The amount of reduced coverage shall be in units of $1,000.

f. An employee or retiree age 65 or older shall not be eligible to elect or maintain reduced coverage.

g. For purposes of administration, "retiree" means an individual eligible for reduced coverage after the effective date his or her service retirement allowance commenced. Election of retiree life insurance coverage and modification to the coverage shall be the responsibility of the employee or retiree.

350-27. Reimbursement of City for Worker's Compensation.

1. PAID TO CERTAIN DEPARTMENTS. The department of employee relations shall submit at the end of each quarter of the fiscal year a statement of worker's compensation expenses incurred for injuries sustained by employees while within the scope of employment who are employed by the Milwaukee water works and the Milwaukee board of school directors to the aforesaid department, departments or divisions.

2. REIMBURSEMENT. At the end of each quarter of a fiscal year, the Milwaukee water works and the Milwaukee board of school directors, which are self sustained, shall reimburse

the city for all worker's compensation expenses incurred for injuries sustained by employees while within the scope of employment who are employed by said respective departments.

3. HOUSING AUTHORITY. The housing authority of the city of Milwaukee shall through private insurance contract provide for coverage of worker's compensation expenses for injuries sustained by employees of said housing authority while within the scope of employment.

350-30. Health Benefits. 1. DEFINITIONS. In this section, unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following definitions shall apply:

a. "Creditable Service" means prior service plus membership service for which credit is allowable under s. 36-04.

b. "Dependent" means the spouse, domestic partner, child, step-child, foster child or adopted child of an employee or child of a domestic partner, each of whom has been certified with the department.

c. "Domestic partner" means a person registered as a domestic partner with the city under s. 350-245 or registered as a domestic partnership under ch. 770, Wis. Stats.

d. "Full-benefit employee" means any employee in a position which is authorized by the common council to work for at least 21 hours a week on an annual basis or a person with the position of city laborer who has completed 2,080 hours of work.

e. "Limited-benefit employee" means any employee in a position which is authorized by the common council to work for less than 21 hours a week on an annual basis or a person with the position of city laborer who has not completed 2,080 hours of work.

f. "Premium" means with respect to a health benefit plan which is a group insurance policy issued by an insurer, the amounts charged as a consideration by the insurer to the policyholder to provide coverage for single, family and other tiers of coverage under the policy and, with respect to a self-funded health benefit plan of the city, the amounts of consideration, as determined by an actuary pursuant to a method approved by the common council, as the amounts equivalent to the cost of the premiums for such health benefit plan if it were provided under a group insurance policy.

g. "Retiree" shall have the following meanings:

g-1. For persons employed prior to January 1, 2017, "retiree" means a person receiving a service retirement allowance under s. 36-05-1, an immediate allowance under s. 36-05-06-c, or a deferred retirement allowance under s. 36-05-6-d-2.

g-2. For newly-employed persons hired by either the city of Milwaukee, the redevelopment authority of the city of Milwaukee, or the housing authority of the city of Milwaukee on or after January 1, 2017, "retiree" means a person receiving a service retirement allowance under s. 36-05-1, an immediate allowance under s. 36-05-6-c, or a deferred retirement under s 36-05-6-d-2. Newly-employed persons include persons who were employed prior to January 1, 2017, but who resigned or were separated under City Service Rule XI, sec. 1, and are rehired by or reinstated to employment with any of these entities on or after January 1, 2017.

g-3. "Retiree" also means a person receiving an ordinary disability retirement under s. 36-05-2 or a duty disability retirement allowance under s. 36-05-3, regardless of when the person was initially employed.

2. PROGRAM AUTHORITY. The department shall contract to provide health benefits, including prescription drugs, for employees and retirees as approved by the common council and make payments of premiums to an insurance company or fees and health care claims to a third-party administrator if the city maintains a self-funded health benefit plan.

3. ELIGIBILITY. a. Eligible. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following persons shall be eligible for health benefits:

a-1. Full-benefit employees, beginning on the 31st calendar day of employment with the city.

a-2. Limited-benefit employees, beginning on the 31st calendar day of employment with the city.

a-3. Retirees defined under sub. 1-g-1 if they separate voluntarily with at least 15 years of creditable service with the city, the housing authority of the city of Milwaukee, or the redevelopment authority of the city of Milwaukee, and have been enrolled since the date of retirement in any health plan without lapse of coverage. Retirees defined under sub. 1-g-2 and 3 shall be eligible if they have been enrolled since the date of retirement in any health plan without lapse of coverage.

a-4. Dependents of full-benefit employees or retirees.

a-5. Dependents of limited-benefit employees.

a-6. Surviving spouses or domestic partners of retirees who die while enrolled in a city health care plan.

a-7. Surviving spouses or domestic partners receiving an ordinary death allowance under s. 36-05-10, if the employee had at least 4 years of creditable service at the time of death, shall be eligible for a period of time equal to the employee's creditable service.

a-8. Surviving spouses or domestic partners receiving an accidental death allowance under s. 36-05-5.

b. Not Eligible. Persons with the job titles provided under s. 350-237-2-c shall not be eligible to receive health benefits.

4. ONE-FAMILY RULE. An employee or retiree who is married to or is a registered domestic partner of another employee or retiree shall enroll in one plan with dependent coverage effective the first of the month following the marriage or domestic partnership registration.

5. EXCEPTIONS TO ELIGIBILITY. The following persons shall not be eligible to participate in a health insurance plan offered by the city:

a. An employee who returns to employment from an unpaid medical leave of absence, other than leave under state or federal family and medical leave acts, who has not physically returned to work for one entire workday of 8 consecutive hours without using vacation, sick pay or compensatory time-off.

b. An employee on an unpaid medical leave of absence, other than leave under state or federal family and medical leave acts, within the first 6 months of employment.

6. ADMINISTRATION. The department of employee relations shall administer all health benefit and prescription drug plans authorized by the common council for employees, except that the employes' retirement system shall administer premium share payments, enrollment and determination of eligibility for retirees.

7. PAYMENTS.

a. Premiums. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, or by common council resolution, persons participating in a health insurance benefit plan shall pay a premium share in the following amounts:

a-1. Full-benefit employees and retirees defined under sub. 1-g-1 and 3 under age 65 retiring on or after January 1, 2014, unless specified otherwise in subd. 3, shall pay the balance of the premium due after payment by the city of an amount equal to 88% of the cost of the premium for the lowest-cost health insurance benefit plan offered by the city, excluding the high-deductible health plan.

a-2. Limited-benefit employees shall pay 25% of the premium for single coverage or 40% of the premium for family coverage.

a-3 Retirees defined under sub. 1-g-1 receiving an immediate allowance under s 36-05-6-c, or receiving deferred retirement benefits under s. 36-05-6-d-2, retirees defined under sub. 1-g-3 receiving an ordinary disability retirement allowance and retirees defined in sub. 1-g-1 and 3 who are age 65 or over shall pay 75% of the premium.

a-4 Persons eligible under sub. 3-a-6 shall pay the premium that would be applicable to the retiree if living.

a-5. Persons eligible under sub. 3-a-7 shall pay 75% of the premium.

a-6. Persons eligible under sub. 3-a-8 prior to January 1, 1985, shall pay 75% of the premium.

a-7. Persons eligible under sub. 3-a-8 on or after January 1, 1985, shall pay:

a-7-a. Up to age 65, no premium.

a-7-b. On and after age 65, 75%.

a-8 Retirees defined in sub. 1-g-2 shall pay 100% of the full cost of any health benefit plan offered by the city.

b. Wellness Program Fees. Additional fees as established by common council resolution shall be paid by persons who do not comply with the city's wellness program requirements.

c. Other Payments and Charges. Additional co-payments, co-insurance payments and deductible charges as required by the common council shall be paid by persons participating in a health insurance benefit plan.

8. ADDITIONAL COMPENSATION. Nothing contained in this section shall in any manner be construed or interpreted to mean that any additional compensation is being, or shall be, paid to any employee, officer or retiree of the city; nor shall any such person have or assert any claim against the city for payment by reason of any provision of the code relating to the payment of premiums for city employees, officers or retirees of the city.

9. RESERVATION OF RIGHTS. The city reserves the right to at any time suspend or terminate any health benefit plan, to modify any health benefit plan to provide different cost-sharing between the city and employees or retirees, or to amend any health benefit plan in any respect.

350-33. Long-Term Disability Insurance.

1. PROGRAM AUTHORIZED, PAYMENT OF PREMIUMS. The department of employee relations is authorized to enter into contracts on behalf of the city for the purchase of long-term disability benefits for eligible employees or groups as determined by the department of employee relations. The city shall pay the cost of benefits after a 180-day waiting period, and the policy may provide that an employee may elect to pay the vendor selected by the department of employee relations for a shorter waiting period, such as 60, 90 or 120 days.

350-34. Dental Benefits. 1. DEFINITIONS. In this section, unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following definitions shall apply:

a. "Dependent" has the meaning given in s. 350-30-1-a.

b. "Domestic partner" has the meaning given in s. 350-30-1-b.

c. "Full-benefit employee" has the meaning given in s. 350-30-1-c.

d. "Limited-benefit employee" has the meaning given in s. 350-30-1-d.

e. "Retiree" has the meaning given in s. 350-30-1-e.

2. PROGRAM AUTHORITY. The department shall contract to provide dental benefits for employees as approved by the common council and to make payments of premiums to an insurance company.

3. ELIGIBILITY. a. Eligible. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following persons shall be eligible for dental benefits:

a-1. Full-benefit employees, beginning on the 31st calendar day of employment with the city.

a-2. Limited-benefit employees, beginning on the 31st calendar day of employment with the city.

a-3. Dependents of full-benefit employees.

a-4. Dependents of limited-benefit employees.

b. Not Eligible. Persons with the job titles under s. 350-237-2-c shall not be eligible to receive health benefits.

4. ONE-FAMILY RULE. An employee who is married to or is a registered domestic partner of another employee or retiree shall enroll in one plan with dependent coverage effective the first of the month following the marriage or registration.

5. EXCEPTIONS TO ELIGIBILITY. The following persons shall not be eligible to participate in a dental insurance plan offered by the city:

a. An employee who returns to employment from an unpaid medical leave of absence, other than leave under state or federal family and medical leave acts, who has not physically returned to work for one entire workday of 8 consecutive hours without using vacation, sick pay or compensatory time-off.

b. An employee on an unpaid medical leave of absence, other than leave under state or federal family and medical leave acts, within the first 6 months of employment.

c. Retirees.

6. ADMINISTRATION. The department of employee relations shall administer all dental plans authorized by the common council for employees.

7. PAYMENTS. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the city shall contribute on behalf of the employee the following amount per month for dental insurance, with the employee paying the balance of the premium:

a. Full-benefit employee, single coverage: $13.

b. Full-benefit employee, family coverage: $37.50.

c. Limited-benefit employee, single coverage: $6.50.

d. Limited-benefit employee, family coverage: $18.75.

8. ADDITIONAL COMPENSATION. Nothing contained in this section shall in any manner be construed or interpreted to mean that any additional compensation is being, or shall be, paid to any employee, officer, or retiree of the city; nor shall any such person have or assert any claim against the city for payment by reason of any provision of the code relating to the payment of premiums for city employees, officers or retirees of the city.

9. RESERVATION OF RIGHTS. The city reserves the right to at any time suspend or terminate any dental benefit plan, to modify any dental benefit plan to provide different cost-sharing between the city and employees, or to amend any dental benefit plan in any respect.

SUBCHAPTER 3
LEAVES OF ABSENCE

350-35. Leave of Absence Policies. 1. LENGTH OF TIME; RESTRICTIONS. No employee of the city of Milwaukee shall be granted a leave of absence with or without pay for a period of longer than one year, and no leave of absence shall be granted any such employee unless said employee has been so continuously employed for 6 months after the expiration of any previous leave of absence; provided further that this section shall not apply to any leave of absence taken on account of illness; provided further that a leave of absence granted for educational training under public laws 16 and 346 of the 78th Congress and amendments and supplements thereto, may be extended for a period of not to exceed a total continuous leave of 4 years. The provisions of this section shall not apply to leaves of absence of city officials or employees whose positions are not filled during said absence.

2. RUNNING FOR POLITICAL OFFICE.

a. Candidacy. Any city employee may be a candidate for any political office and may actively campaign therefore without jeopardizing his or her employment with the city.

b. Reinstatement Rights. In the case of his or her election, the elected official shall, upon request, be granted a leave of absence from his or her position of municipal employment, and the leave of absence shall carry reinstatement rights to be exercised not later than one year from the expiration of his or her elected term of office, and the reinstatement may be either to his or her position formerly held or to a position having substantially similar requirements, responsibilities and salary; provided, however, that any reinstatement may be made only to fill a vacancy and shall not be made if the effect would be to displace a regularly and permanently appointed successor. This paragraph shall apply only to personnel holding civil service positions under the control of the common council.

c. Notification. It shall be the duty of all employees affected by this subsection to forthwith advise their immediate supervisor of such political candidacy, and of such supervisor to forthwith give notice to the appropriate department.

3. TIME-OFF FOR JURY DUTY. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, employees shall be granted time-off with pay for reporting for jury duty or jury service upon presentation of satisfactory evidence relating to this duty or service. Employees shall retain all compensation received for jury-duty service, but shall have deducted from their city pay an amount equal to the compensation received by them for jury duty, exclusive of travel pay and pay for jury duty performed on off-duty days. No greater amount of time shall be granted than necessary, and in any case, if an employee is called for jury duty and reports therefor without receiving a jury assignment for that day, or if the employee is engaged in jury duty or service for a part of a day, the employee shall, if his or her city work is available, report for the performance of city duties for the remainder of the day. If jury duty coincides with any mandatory furlough dates, the employee shall not be paid salary from the city on those dates but shall be allowed to retain jury-duty compensation

3.3. TIME-OFF FOR JURY DUTY; 24-HOUR SHIFTS. A noncivilian management fire department employee shall be granted time-off with pay for reporting for jury duty or jury service as follows:

a. An employee on jury duty shall be relieved from fire duty beginning at 7 p.m. on the day proceeding his or her first day of jury duty assignment and ending at 7 a.m. on the day immediately following the last day of completion of the jury duty.

b. An employee shall not lose any of his or her vacation, holiday or paid off time-off scheduled during a period of jury duty; all such time-off shall be rescheduled by the fire department administration.

c. An employee receiving a notice to report for jury duty from the court system shall immediately notify his or her battalion chief and provide him or her with a copy of the notice. The fire chief reserves the right to request the court system to postpone an employee's jury duty to limit the number of employees off on jury duty at any one time. Prior to submitting request for postponement, the fire department administration shall notify the employee affected and, if an employee requests, explain the matter with the employee.

3.5. TIME OFF FOR COURT SUBPOENAS. Employees shall be granted time off with pay, upon presentation of satisfactory evidence relating to this duty, under a subpoena to appear in court during working hours with respect to any incident which occurred while the employees were at work. Compensation received (exclusive of travel pay) for this duty shall be immediately paid

over to the city treasurer and shall be credited to the general fund; provided, however, that payment for the duty may be retained by employees for appearances made on off-duty hours. If such court subpoena appearances coincide with any mandatory furlough dates, the employee shall not be paid salary from the city on those dates, but shall be allowed to retain court subpoena appearance compensation.

4. FIRE DEPARTMENT OFFICERS; FEDERAL SERVICE NOT TO EXCEED 5 YEARS. Any officers of the Milwaukee fire department who shall qualify and be taken into the federal government service as chiefs or assistant chiefs of the government's fire protection service shall be granted a leave of absence for a period of one year, provided that this period of time may be extended from year to year upon filling a 30-day notice requesting an extension with the chief engineer of the Milwaukee fire department prior to the expiration of the year; but in no event shall such extended service exceed 5 years. Upon return, such employees of the fire department shall be subject to a satisfactory medical examination to be given by the medical examiners designated by the fire and police commission and, if passed by the medical examiners, be placed in the same position as now held by them.

5. FUNERAL LEAVE. a. Immediate Family. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, funeral leave shall cover necessary absence from duty of a city employee because of death in the immediate family of the employee. "Immediate family" is defined as husband or wife, child, stepchild, brother, sister, parent, stepparent, mother-in-law, father-in-law, brother-in-law, sister-in-law or grandchild of the employee. “Brother-in-law” and “sister-in-law” includes a spouse’s sibling’s spouse. "Immediate family" includes stepparents and stepchildren by virtue of the employee's current spouse. Eligibility to use stepparent funeral leave benefits shall be limited to one stepmother and one stepfather regardless of the number of stepparents. “Immediate family” also includes an employee’s domestic partner, if the domestic partnership is registered with the department of employee relations under s. 350 245 or was registered with the city clerk as provided in s. 111-3 in effect prior to October 30, 2009. In the case of a death in the immediate family, an employee working a regular or alternative work schedule may be granted a leave of absence not to exceed 3 8-hour work days with pay; an employee regularly working 24-hour shifts may be granted a leave of absence not to exceed 2 24-hour work days with pay. These work days shall be limited to work days falling within the 10 consecutive calendar-day period that begins on the day of death or the day of the funeral. One day with pay may be used to attend the funeral of a grandparent of the employee. If funeral leave coincides with any mandatory furlough dates, the mandatory furlough time shall be rescheduled as approved by the department head.

b. Verification. The director of employee relations is authorized and directed to administer the provisions of funeral leave and shall require a form approved by the city service commission to be submitted to the employee's immediate supervisor immediately after funeral leave is taken, and suitable proof, such as a copy of the obituary notice attached, and shall require notification to be given by the employee to his immediate supervisor prior to taking funeral leave.

6. UNPAID EDUCATIONAL LEAVES OF ABSENCE. a. Purpose. The purpose of the unpaid educational leave of absence is to provide for educational or professional development of employees. In no case shall the leave be used by the employee for purposes of pursuing other paid employment.

b. Eligibility. Employees with at least 5 years of service shall be eligible for an unpaid educational leave of absence of up to one month and employees with at least 10 years of service shall be eligible for an unpaid educational leave of absence for up to 2 months.

c. Approval. Department heads may authorize these unpaid leaves of absence and shall approve the timing of the leaves.

d. Payments. The city shall continue to make health, dental and life insurance payments for employees who are on unpaid educational leave of absence.

e. Reinstatement. Employees who are granted an unpaid educational leave of absence shall be entitled to reinstatement to their original positions upon return from leave.

f. Additional Unpaid Leave. Nothing included in this subsection prohibits additional unpaid leave time from being granted under the rules of the city service commission, subject to department head approval.

7. UNPAID LEAVES OF ABSENCE TO PARTICIPATE IN THE DISABLED EMPLOYEE PLACEMENT PROGRAM.

a. Purpose. The purpose of the disabled employee placement program is to

identify and facilitate reassignment opportunities for eligible general city employees who are unable to find suitable employment within their departments due to permanent medical restrictions. The department of employee relations shall process referrals made by appointing authorities and ensure that the referrals and placement decisions are made in accordance with federal and state regulations, and the rules of the city service commission.

b. Eligibility. A referral to the disabled employee placement program shall require a determination by the appointing authority that an eligible employee is unable to perform the essential functions of a job with or without accommodations and that reassignment to an equivalent or lower-level position within the department is not feasible.

c. Participation. A leave of absence for participation in the disabled employee placement program may be granted in increments of 12 months.

d. Administration. The department of employee relations shall develop guidelines and procedures to administer the disabled employee placement program and coordinate participation with other benefits, regulations and employment conditions.

350-36. Military and National Medical Disaster System Leave. 1. MILITARY LEAVE TO BE GRANTED. a. For Military Purposes. Officers and employees of the city of Milwaukee, including members of the fire and police departments who enlist, or are inducted or ordered into active service in the land or naval forces of the United States pursuant to the selective training and service act of 1940, or the national guard and reserve officers mobilization act of 1940, or the selective service act of 1948, and any acts amendatory thereof or supplementary thereto; including the selective service extension act of 1950, and the universal military training and service act of 1951, the latter also known as ch. 144 of public law 517, the 82nd congress, first session, shall be granted a leave of absence during the period of such service. Upon completion and release from active duty under honorable conditions they shall be reinstated into the positions they held at the time of taking such leave of absence or to a position of like seniority, status, pay and salary advancement, provided, however, that they are still qualified to perform the duties of their positions or similar positions; and if they are not so qualified, they shall be employed in such positions for which they shall be qualified but at seniority status, pay and salary advancement of the positions they held at the time of taking such leave.

b. Reinstatement. The city service commission shall hear complaints of all persons, except firemen and policemen returning from service in the land, naval or air forces of the United States and shall make recommendations to appointing officers, boards and commissions for the appropriate reinstatement or employment of such persons. The fire and police commission shall hear complaints of persons who were members of the fire and police departments.

c. Application. All such leaves of absences shall be terminated, in case of employees granted such leave shall fail to make application for re-employment within 90-days after being released from service in the land or naval forces of the United States, unless such employee is hospitalized by the United States government for a disability incurred or aggravated in the line of duty. The 90-day period shall be in force after discharge from hospital.

d. Replacement. Appointees to positions made vacant by leaves of absence as aforesaid shall hold their positions temporarily only, and shall not continue therein to the exclusion of persons returning from service in the land or naval forces of the United States, or of persons temporarily appointed to other positions because of military leaves of others and returning to their former positions.

e. Interpretation. The provisions of s. 350-35 shall not apply to leaves of absence covered by this section.

2. LEAVES FOR MILITARY TRAINING, NATIONAL MEDICAL DISASTER SYSTEM DEPLOYMENT, OR CIVIL DISTURBANCES.

a. Leaves of Absence.

a-1. Permanent full-time employees of the city of Milwaukee shall be granted leaves of absence with pay to take military training, or if called to duty in the state of Wisconsin in the case of riot or civil disturbance, as members of the Air Force Reserve, Organized Reserve Corps of the Army, Naval Reserve, Marine Corps Reserve, Coast Guard Reserve, or national Guard, under the direction of the state or federal authorities. Permanent full time employees of the City of Milwaukee shall be granted leaves of absence without pay for training or deployment on the Wisconsin Disaster Medical Assistance Team.

a-2. If training is limited to a single period during a calendar year, said leave shall not exceed 15 successive calendar days, including Saturdays, Sundays and legal holidays, during a calendar year. If civil disturbance or disaster medical assistance team deployment leave is limited to a single period during a calendar year, said leave shall not exceed 15 successive calendar days, including Saturdays, Sundays and legal holidays during a calendar year.

a-3. If training or civil disturbance or disaster medical assistance team deployment leave is taken on an intermittent basis during a calendar year by permanent full-time employees whose normal hours of duty average 40 hours per week, said leave shall not exceed 10 work days includingSaturdays, Sundays and legal holidays, during a calendar year for training, and 10 work days including Saturdays, Sundays and legal holidays, during a calendar year for civil disturbance duty.

a-4. If training, civil disturbance, or disaster medical assistance team deployment leave is taken on an intermittent basis during a calendar year by permanent full-time employees of the fire department whose normal hours of duty exceed an average of 40 hours per week, said leave shall not exceed the equivalent of 5 duty days during a calendar year for training, and 5 duty days during a calendar year for civil disturbance duty, as determined by the fire department.

a-5. Said leave shall be granted by the head of the department in which the employee works upon presentation of satisfactory evidence of military, air force, National Medical Disaster System or naval authority to take such training.

a-6. Compensation for said leave or leaves shall be in accordance with the provisions of par. b. If such leave or leaves coincide with any mandatory furlough dates, the mandatory furlough time shall be rescheduled as approved by the department head.

b. Compensation. b-1. Permanent full-time employees of the city of Milwaukee who because of honorable service in any of the wars of the United States were eligible for veterans' preference for employment by the city at or following the time of their appointment, or as provided in ss. 45.35 and 63.37, Wis. Stats., as amended, shall receive full city pay during such leaves of absence for duty under par. a-1. This provision shall not include training or deployment on the Wisconsin Disaster Medical Assistance Team.

b-2. Permanent full-time employees of the city who do not qualify for veterans' preference, as described in subd. 1, shall receive the equivalent of their city pay for each day the employees would have worked for the city during the period while on leave, reduced by the amount of base pay received for leaves of absence under par. a-1; the amount of military pay shall not be deducted for purposes of computing pension benefits. This provision shall not include training or deployment on the Wisconsin Disaster Medical Assistance Team.

2.5. CONTINUATION OF BENEFITS DURING CERTAIN MILITARY LEAVES OF ABSENCE. In addition to the rights of city employees pursuant to this section, during a military leave of absence for performance of duties as a member of a national guard unit of the United States or reserve component of the United States who is called to, or volunteers for, active duty in Bosnia, active duty in connection with the presidential executive order of April 27, 1999, relating to Operation Allied Force, the anti-terrorism campaign Operation Enduring Freedom or Operation Iraqi Freedom in accordance with the calling up of units of the national guard of the United States or members of the reserve components of the United States, for a period of more than 30 days, health or dental benefits or both for such employee's dependents shall be continued under the following conditions:

a. Under COBRA (extended coverage), and commencing on the first day of the month following the month in which an employee's on-payroll status coverage terminates, the city shall contribute an amount towards meeting the subscriber cost for family enrollment in the health and dental plan elected of up to 100% of the monthly subscriber cost for the 24 months of the military leave of absence conditioned in this subsection.

b. The spouse/dependent must certify to the city's department of employee relations, employee benefits division, that although they are eligible for CHAMPUS coverage through the U.S. government, they opt to continue city health and/or dental coverage.

c. The employee's spouse/dependent must enroll through the department of employee relations, employee benefits division, for COBRA health and/or dental coverage in the existing plan(s) immediately upon being notified of active duty status.

d. The eligibility of the spouse/dependent to continue city-paid health and/or dental coverage as provided in this subsection shall cease on the last day of the month in which the national guard or reserve member is released from active duty or the

expiration of 24 months of the employee's military leave of absence, whichever occurs first.

3. LEAVES FOR MILITARY FUNERALS. Officers and employees of the city of Milwaukee shall be allowed to attend military funerals of veterans without loss of pay when a request for leave is made by a proper veterans organization that the services of such officer or employee is desired for the proper conduct of a military funeral. If such leave for a military funeral coincides with any mandatory unpaid furlough dates, the mandatory furlough time shall be rescheduled as approved by the department head.

4. PAY DURING TIME OFF FOR INDUCTION EXAMINATION. All officers and employees of the city of Milwaukee shall be paid for time lost while taking physical or mental examination for the purpose of determining eligibility for induction or service in the armed forces of the United States. If such time off coincides with any mandatory furlough dates, the mandatory furlough time shall be rescheduled as approved by the department head.

350-37. Sick and Disability Leave. Sick leave shall cover necessary absence from duty of an employee because of the employee's personal illness or pregnancy-related disability, bodily injury or exclusion from employment because of exposure to contagious disease by the employee. In addition, an employee may request the substitution of sick leave for family leave under the state family and medical leave act, s. 103.10, Wis. Stats. Employees may not use sick leave for furlough days. Employees may accrue time earned for sick leave purposes while serving mandatory furlough time.

1. TIME GRANTED. a. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, an eligible employee of the city who serves on a full-time basis may accrue 12 working days' sick and disability leave with pay during any year. City seasonal laborers shall be eligible to accrue sick and disability leave credit for a maximum of one year of actual service, but they may not be paid sick and disability leave until they become regular city laborers or sanitation workers. Employees who serve the city on less than a full-time basis who qualify in all other respects may be granted a proportionate amount of sick and disability leave.

b. At the discretion of the department head, an employee may be excused for a paid absence of 2 hours or less to attend doctor or dentist appointments without reporting them as paid sick leave on no more than 3 separate occasions during a calendar year.

2. ACCUMULATIVE BASIS.

a. General City Employee. Every permanent employee shall be granted sick and disability leave with pay at the rate of 3.7 work hours for each 2 weeks of service. The unused balance of sick and disability leave allowance shall be accumulated to the employee's credit up to 120 working days or 960 hours. Employees having accumulated a balance of greater than 960 hours as of January 1, 2012, shall be allowed to retain their balance but shall not be granted additional leave until their balance falls below 960 hours.

b. Nonrepresented, Noncivilian Police and Fire Management Employees Working 40-Hour Week. Nonrepresented, noncivilian police and fire management employees working a 40-hour week shall be granted sick and disability leave with pay at the rate of 1.25 working days for each month of active service or 4.6 work hours for each 2 weeks of active service.

c. Nonrepresented, Noncivilian Fire Management Employees Working 24-Hour Shifts. Nonrepresented, noncivilian fire management employees working a 24-hour shift shall be granted sick and disability leave with pay at 0.5833 of one work shift for each calendar month of active service.

d. Appointed Public Officials. In addition to the normal sick leave benefits to which employees are entitled under this section, public officials appointed under s. 62.51, Wis. Stats., shall be credited with a special sick leave account of 30 sick leave days. This special account shall be available for use until such time as 30 regular sick leave days have accrued in the normal sick leave account. As normal sick leave account days accrue, the special sick leave account shall be reduced accordingly. Unused days in the special sick leave accounts shall not be considered in the computation of any applicable benefits, including pension benefits, retirement health insurance benefits, terminal leave benefits or sick leave incentive pay benefits.

3. DOCTOR'S CERTIFICATE. At any point during the employee's absence due to a medical reason or use of sick leave, the department head may require a statement from a medical provider indicating the following:

a. The employee has been under his or her care during the period of absence.

b. The absence was medically necessary.

c. The employee is unable to work.

d The expected return to work date

e. Any restrictions and the duration of the restrictions.

4. CITY CONTRACT EMPLOYEER. Service for an employer holding a city contract shall not be recognized as qualifying for sick and disability leave or as adding to a sick and disability leave accumulation even though the person so serving may have his or her name included on a city payroll.

6. ELIGIBILITY. Accrual and use of sick and disability leave allowance shall begin immediately upon employment.

7. TRANSFER, REINSTATEMENT. Whenever an employee eligible for a sick and disability leave allowance leaves the service of one department of city government and accepts employment in another department of city government, the obligation for any accumulated sick and disability leave allowance shall be assumed by the new department. This provision shall also apply to an employee of the redevelopment authority of the city of Milwaukee who becomes an employee of the city. Sick and disability leave shall automatically terminate on the date of retirement of the employee or on the date an ordinary disability allowance under the retirement system becomes effective. Separation from the service by resignation or for cause shall cancel all unused accumulated sick and disability leave allowances. When an employee is reinstated to city employment, any unused accumulated sick and disability leave may be restored in accordance with the policy of the city's civil service commission.

8. INJURY PAY. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, when a non-probationary employee sustains an injury while within the scope of employment, as provided by ch. 102, Wis. Stats., and as determined by workers' compensation, the employee shall receive 66.67%of full salary as injury pay in lieu of workers' compensation for the period of time the employee is temporarily totally or temporarily partially disabled because of the injury, not to exceed 250 working days. In no case shall an employee receive injury pay for more than 250 working days during his or her period of employment with the city regardless of the number of compensable injuries. If time-off coincides with any mandatory furlough dates, the mandatory furlough time shall be rescheduled upon return to service as approved by the department head.

9. OPTION. Bodily injuries shall be recognized as cause for granting sick and disability leave when they are disabling. Any employee sustaining a compensable injury or contracting a compensable disease under the Wisconsin workers' compensation law shall have the option of accepting sick and disability leave benefits or accepting workers' compensation. This option, which shall be in writing, may be terminated without prejudice to temporary total or temporary partial disability benefits under the workers' compensation act thereafter, but the termination shall not be retroactive, and any sick and disability leave already used at the time of the termination of option shall not be restored to the employee.

10. BENEFITS. The sick and disability leave and injury pay benefits described in this section shall be interpreted as providing sick and disability leave and injury pay limited to the period of time an employee would have worked in accordance with assigned work schedules.

11. FIRE AND POLICE DEPARTMENT SICK AND DISABILITY PAY.

a. Fire and police employees reporting absent on sick leave shall be governed by the rules, regulations and standard operating procedures of the fire and police departments. Each instance of sick leave for which an employee fails to comply with the requirements shall result in the employee losing entitlement to any sick leave with pay for that instance.

b. Administration and control of this subsection shall be under the chief of fire or police, respectively.

c. Nonrepresented, noncivilian fire and police department management employees who use their accumulated sick leave credit and then are placed on duty disability retirement pension, all as a result of duty-incurred injuries, shall be entitled to have their unused sick-leave credit or 30 working days of sick leave with pay, whichever is greater, added to their sick-leave accounts upon returning to active service.

12. REFERENCE. Reference to sick leave in any other section of the code shall apply to sick and disability leave.

13. CITY SERVICE COMMISSION TO PREPARE RULES. The city service commission shall prepare rules and regulations, forms and procedures of reporting sick leave.

14. VIOLATIONS: PENALTY. Willful violation of any provision of this section by any officer or employee, or willful making of any false report concerning illness or sick leave, shall subject the officer or employee committing the violation, or making the false report, to disciplinary action and shall be considered a cause for discharge, suspension or demotion, subject to the law and rules regulating these actions.

15. SICK LEAVE CONTROL INCENTIVE PROGRAM. As an incentive to eliminating abuse of sick leave and as a reward to employees with perfect attendance records, special incentive leave of up to 3 days per year with pay shall be granted to full-time employees who meet the following conditions:

a. For each trimester period for which an individual employee has not used any sick leave, injury leave, been absent because of disciplinary actions or been on unpaid leave, the employee shall earn 8 hours of special incentive leave, provided that the employee has a minimum of 12 days sick leave accumulation in his or her account prior to the trimester period. An employee shall maintain eligibility for a trimester sick-leave benefit if he or she suffered a verifiable lost-time work-related injury and returned to work for the next regularly-scheduled work shift following the occurrence of the injury.

b. Special incentive leave time earned in trimester 1 may be used in trimester 2 or 3 of the same fiscal year; special incentive leave time earned in trimester 2 may be used in trimester 3 of the same fiscal year; and special incentive leave time earned in trimester 3 may be used in trimester 1, 2 or 3 of the following fiscal year.

c. Special incentive leave time shall be added to the vacation leave account of the employee as it is earned. Special incentive leave time shall be administered like vacation and shall be subject to scheduling approval by the department head. The employee may elect to take cash in lieu of time-off, except a noncivilian management employee of the fire department who shall take all earned leave in cash.

d. When special incentive leave time is used by or paid to an employee, there shall be no deduction from the employee's normal sick leave account balance.

e. The sick-leave control-incentive program shall be established and administered by the department of employee relations.

f. Payments made under the provisions of this program shall not be construed as being part of the employee's base salary and shall not be included in any fringe benefits. The payments shall not have any sum deducted for pension benefits, nor shall the payments be included in any computation establishing pension benefits or payments.

350-38. Terminal Leave Compensation (Unused Sick Leave). **1**. ELIGIBILITY. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, an employee in active service and employed by the city who retires under the provisions of the city's employees' retirement system, but excluding retirement on deferred or actuarially reduced pensions as they are defined under the system, shall upon retirement be entitled to a lump-sum payment under the terms and conditions provided in this subsection. The lump-sum payment shall be defined as terminal leave compensation.

2. COMPENSATION. An employee who is eligible for terminal leave compensation under sub. 1 shall upon retirement be entitled to a lump-sum payment equivalent to one 8-hour work shift's base pay for each one 8-hour work shift equivalent of the employee's earned and unused sick leave up to a maximum of 30 8-hour work shifts of pay except as otherwise required by law.

3. ADMINISTRATION. a. Terminal leave compensation shall not be construed as affecting an employee's pension benefits. Any payments made under this subsection shall not have any sum deducted for pension benefits nor shall the payments be included in establishing pension benefits or payments.

b. Terminal leave compensation benefits may be made as part of an employee's last regular paycheck upon normal retirement.

4. RESTRICTION. An employee shall be eligible for terminal leave compensation as set forth in this subsection, but in no event shall an employee be eligible for terminal leave on more than one occasion or from more than one position classification.

350-39. Family and Medical Leave. In accordance with the provisions of both the state family and medical leave act, s. 103.10, Wis. Stats., and the federal family and medical leave act of 1993, P.L. 103-3:

1. The director of employee relations shall issue policies and procedures to implement the state and federal family and medical leave acts and to coordinate the requirements of those acts with city leave policies and procedures.

2. The comptroller shall develop and establish record keeping practices for payroll and related functions to assure compliance with the state and federal family and medical leave acts. These practices shall include provisions for an employee to substitute sick leave for family leave under the state family and medical leave act.

3. The labor negotiator shall meet with appropriate bargaining unit representatives to advise the representatives about city leave policies and procedures and their relation to the state and federal family and medical leave acts.

SUBCHAPTER 4
VACATIONS

350-40. Vacations. 1. DEFINITIONS. a. "Active service" means the time spent as an appointed employee on the city payroll in a position qualifying for fringe benefits or an appointed employee of the redevelopment authority of the city of Milwaukee. For this time spent to count as active service for vacation purposes, the time, together with any mandatory furlough time, shall be continuous from the date of appointment. Active service shall also include the time an employee taking a military leave would have spent on the city payroll in a position qualifying for fringe benefits if he or she had not taken a military leave.

b. "Anniversary date" means the date an employee completes 12 months of active service in a position qualifying for fringe benefits following appointment to the city of Milwaukee. After completion of the first 12 months of active service an employee's anniversary date shall not change.

c. "Pay-period year" means the 26 consecutive pay periods ending within a single calendar year.

2. ELIGIBILITY. General vacation eligibility requirements shall be as follows:

a. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, an employee shall be eligible to receive vacation benefits immediately upon employment.

b. Usage of vacation shall be based on an annual pay-period year.

3. TIME EARNED FOR ANNUAL VACATION PERIOD. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following time is earned for an annual vacation period:

a. Full Time Employees.

a-1. Full time employees, except the executive director of the employees' retirement system, the fire chief, the chief of police and public officials appointed under s. 62.51, Wis. Stats., and their deputies, shall earn vacation time on an annual pay-period-year basis in the following manner:

a-1-a. 3.7 hours per pay period for employees who have completed less than 4 years of active service.

a-1-b. 5.3 hours per pay period for employees who have completed at least 4 years but less than 9 years of active service.

a-1-c. 6.8 hours per pay period for employees who have completed at least 9 years but less than 14 years of active service.

a-1-d. 8.4 hours per pay period for employees who have completed at least 14 but less than 21 years of active service.

a-1-e. 9.9 hours per pay period for employees who have completed at least 21 years of active service.

a-1-f. 10.5 hours per pay period for employees who were on the payroll, or leave of absence or working toward year-round employment as of January 1, 1964.

a-1-g. 10.8 hours per pay period for employees who were on the payroll, or leave of absence or working toward year-round employment as of January 1, 1963.

a-1-h. Effective pay period 13, 2007, if it becomes necessary to recruit a fair labor standards act-exempt employee at a vacation rate above the minimum of 3.7 hours per pay period, the department of employee relations, with the concurrence of the chair of the committee on finance and personnel, may authorize vacation at the rate of 5.3 hours per pay period which will provide a third week of vacation. A listing of appointments made under this provision shall be provided to the committee on finance and personnel.

a-1-i. Transitional vacation accounts shall be created and maintained according to guidelines developed by the department of employee relations.

a-2. Public officials appointed pursuant to s. 62.51, Wis. Stats., as well as the executive director of the employees' retirement system, the fire chief and the chief of police, shall earn vacation time for a fiscal year on a pay period basis in the following manner:

a-2-a. Officials who have completed less than 9 years of active service shall earn 5.3 hours per pay period.

a-2-b. Officials who have completed at least 9 years but less than 14 years of active service shall earn 6.8 hours per pay period.

a-2-c. Officials who have completed at least 14 years of active service shall earn 8.4 hours per pay period.

a-2-d. Officials who have completed at least 21 years of active service shall earn 9.9 hours per pay period.

a-3. Employees holding positions represented by a certified bargaining unit will be governed by the schedule provided in the labor agreement between the city and their union.

b. Part-time Employees. Employees who work an average of 20 hours per week on a year-round basis in a position which is budgeted as half-time or more shall be able to earn, according to their years of service as provided in par. a, vacation on a prorated basis.

c. Administration. c-1. The heads of departments, bureaus, authorities, commissions or other bodies under the control of the common council shall arrange and designate the earned vacation as provided in this subsection, except for those employees excluded from benefits under s. 350-237.

c-2. The amount of vacation time taken during a fiscal year, except for separation from service as provided in sub. 4 shall be limited to the maximum noted in par. a. These maximums are not guarantees; an employee is not entitled to any greater vacation with pay than that which he or she has earned.

4. UNEARNED TIME DEDUCTIBLE. Vacation taken before the full amount has been earned shall be considered time owed the city until it is earned. At the discretion of the department head, an employee may borrow up to 80 hours of vacation before it is earned provided that the total number of vacation hours he or she takes in that pay period year does not exceed the number of hours that the employee would earn in vacation in that pay-period year under sub. 3. In no case may an employee's vacation account balance exceed 80 negative hours. Any employee who leaves the service of the city due to resignation, retirement, termination, discharge, layoff or death will have the compensation for vacation time owed the city deducted from the final paycheck.

5. MAXIMUM VACATION BALANCES. The maximum amount of vacation employees can maintain in their vacation accounts shall be as follows:

a. 176 hours for employees who have completed less than 4 years.

b. 216 hours for employees who have completed 4 years of service but less than 9 years of service.

c. 256 hours for employees who have completed 9 years of service but less than 14 years of service.

d. 296 hours for employees who have completed 14 years of service but less than 21 years of service.

e. 336 hours for employees who have completed at least 21 years of service.

f. 352 hours for employees described in sub. 3-a-1-f.

g. 360 hours for employees described in sub. 3-a-1-g.

7. REINSTATEMENT AFTER RESIGNATION. When an employee who has resigned from the city service applies for reinstatement, the city service commission may grant that employee credit for prior service with the city for vacation purposes if the situation should warrant that action.

8. DEPARTMENTAL APPROVAL. Vacations may be divided into 2 or more periods if thought advisable by the respective department heads. The department heads shall determine when such vacation periods shall be granted, the practical considerations involved in the efficient operation of the department and give consideration to the convenience of the employees.

10. VACATION RECORDS. The director of employee relations, in checking payrolls or accounts of salaries and wages of officers and employees in the city departments, bureaus, authorities, boards, commissions or other bodies shall check and keep a record of the time allowed to employees for vacations and shall make certification to the comptroller that the total time allowed for vacation to any one employee during any fiscal year is in accordance with the vacation allowance set forth in this section. Where the vacation allowance with pay exceeds that set forth in this section, the director of employee relations shall withhold certification to such payrolls or accounts of salaries or wages in the manner provided in s. 350-112.

11. ADMINISTRATION. Uniform administration, interpretation and enforcement shall be vested in the director of employee relations, except that as to fire and police personnel, the fire and police commission shall have the same power and responsibility.

12. EARNED VACATION UPON SEPARATION. Any employee who leaves the service of the city due to resignation, retirement, layoff or death or who takes military leave shall be paid for earned vacation time that has accumulated. Discharged employees shall not be entitled to pay for accumulated vacation time. Employees eligible for payment of earned vacation upon separation from city service shall be paid in cash for such earned vacation.

15. POLICE AND FIRE DEPARTMENTS.

a. Members of the Police Force.

a-1 Special Service Credit. Police department employees in active service and in the following position classifications shall have time spent on duty disability pension included as years of service for computing current and prospective vacation benefits:

a-1-a Chief of police.

a-1-b Assistant chief of police.

a-1-c. Deputy chief of police.

a-1-d. Police commander.

a-2. Police Heroism. The chief of police is authorized to establish departmental rules in accordance with city ordinances for granting additional vacation and off-days to members of the police force who demonstrate outstanding merit in the apprehension of criminals and meritorious acts of heroism and bravery beyond the call of duty. No more than 14 additional off-days shall be granted to any one member of the police force in a calendar year.

a-3. The amount of vacation earned by a member of the police force in 1998 for use in 1999 shall be placed in a transitional vacation account (TVA). TVA hours may be scheduled with the approval of the chief. A member of the police force may not borrow vacation hours until all of his or her TVA hours have been exhausted.

b. Members of the Fire Department.

b-1 Special Service Credit. Fire department employees in active service and in the following position classifications shall have time spent on duty disability pension included as years of service for computing current and prospective vacation benefits:

b-1-a Fire chief.

b-1-b Assistant fire chief.

b-1-c. Deputy chief of fire.

b-1-d. Battalion chief.

b-1-e. Chief dispatcher of fire alarm and telegraph.

b-2. Time Earned Per Week. Employees in active service during a fiscal year and whose normal hours of work exceed 40 hours per week shall be entitled to vacation with pay during that fiscal year at the following rates:

b-2-a. 3.7 hours per pay period for employees who have completed fewer than 6 years of active service.

b-2-b. 5.6 hours per pay period for employees who have completed 6 years but fewer than 11 years of active service.

b-2-c. 8.4 hours per pay period for employees who have completed 11 years but fewer than 19 years of active service.

b-2-d. 10.2 hours per pay period for employees who have completed 19 years or more years of active service.

b-3. Time Earned per Week; Noncivilian Management. Noncivilian management employees of the fire department in active service during a fiscal year and whose normal hours of work average 40 hours per week shall be entitled to vacation with pay during that fiscal year at the following rates:

b-3-a. 3.4 hours per pay period for employees who have completed fewer than 6 years of active service.

b-3-b. 5 hours per pay period for employees who have completed 6 but fewer than 11 years of active service.

b-3-c. 6.5 hours per pay period for employees who have completed 11 but fewer than 19 years of active service.

b-3-d. 8 hours per pay period for employees who have completed 19 or more years of active service

b-4. Employees on Injury Leave. An employee on authorized injury leave as a result of a duty-incurred injury may use vacation scheduled during the period of the leave, provided he or she notifies his or her immediate supervisor orally of this fact prior to the start of the vacation and indicates the time when the vacation is to be used.

b-5. Employees on Sick Leave. An employee on authorized sick leave may use vacation scheduled during the period of the leave, provided he or she notifies his or her immediate supervisor orally of this fact prior to the start of the vacation and indicates the time when the vacation is to be used.

b-6. Scheduling. The assignment and scheduling of vacations with pay shall be controlled by the fire chief.

b-7. Administration. Administration and control of this subsection shall be under the fire chief.

350-42. Suburban Service to be Recognized When Municipality is Consolidated. Whenever employees of any suburban community are taken into the service of the city because of consolidation of municipalities, the length of time during which they have been employed by such suburban community shall be taken into account by determining eligibility for vacations, and for vacations of increased length, in like manner as though such service had been rendered to the city.

350-45. Accrued Time-Off Donor Program.

1. ESTABLISHED. There is established a city-wide catastrophic illness leave donation program administered by the department of employee relations to provide income protection to eligible employees who have exhausted all accrued time off and are suffering from a terminal or major catastrophic illness and are unable to work full-time or to eligible employees who have exhausted all accrued time-off, except sick leave, with immediate family members who are suffering from terminal or major catastrophic illness. “Immediate family” in this section means a spouse, registered domestic partner as provided in s. 350-245, child or step-child.

2. DONATION RULES.

a. Employees interested in donating accrued time-off shall complete a "Notification of Intent to Donate Time" form developed by the department of employee relations.

b. Each request to donate time shall specify only one employee to receive the donation. A separate "Notification of Intent to Donate Time" form must be completed for each employee to whom time is being donated..

Employees may donate accrued time in whole-hour increments only.

d. The decision to donate time cannot be rescinded once the "Notification of Intent to Donate Time" form has been received by the department of employee relations.

e. Employees donating time shall not have any accrued time returned if the employee to whom time is donated does not utilize the entire donation. The city shall take efforts to ensure that loss of donations due to non-utilization are kept to a minimum.

f. The employee donating time shall be notified by his or her department when the donation has been approved by the department of employee relations.

g. The types of leave eligible for donation shall be limited to vacation, compensatory time off and time-off in lieu of holidays.

3. RECIPIENTS' ELIGIBILITY CRITERIA AND RULES. a. Eligible employees may receive donations of 2,080 hours per illness from qualified city employees regardless of department or union affiliation.

b. Employees qualified to receive donations of time, or their appropriate authorized agents, must complete an "Application for Accrued Time-Off Donor Program" form, which shall be available from the department of employee relations.

c. The employee, or his or her authorized agent, shall be responsible for completing the applications and obtaining a physician's statement certifying that the employee or the employee’s immediate family member is suffering from a terminal or major catastrophic illness that meets the program's medical requirements.

d. No determination regarding eligibility to receive donated time-off shall be made until the department of employee relations has received a completed application and physician's statement certifying that the employee or employee's immediate family member is suffering from a terminal or major catastrophic illness. An employee shall not be eligible to receive donated time-off unless and until he or she has exhausted all of his or her own accrued time-off for his or her own terminal or major catastrophic illness. An employee shall not be eligible to receive donated accrued time-off for an immediate family member unless and until he or she has exhausted all vacation, compensatory time, time-off in lieu of holidays and applicable paid sick leave hours consistent with state and federal family medical leave laws. Although the decision of the department of employee relations respecting eligibility shall be final, employees who are denied this benefit shall be entitled to a written explanation as to why they did not qualify for participation in the program.

e. The city of Milwaukee reserves the right to require the employee to obtain, at his or her own expense, if not covered by the employee's health insurance provider, a second opinion from a physician of the employee's choice as to the nature of the physician's diagnosis and prognosis contained in the physician's statement.

f. Employees eligible to participate in the program and receive donations of time shall be so notified by the department of employee relations.

g. Donations of time shall be credited to a special account for the employee established by the city for this purpose. If the employee does not utilize the entire donation, any remaining time shall revert to the city. Donated time may only be used to cover absences during the period this policy is in effect.

h. Employees receiving donations of time may request, in writing, to be notified of the names of employees who donate time for their use.

i. Payments received under this program are considered other income and, under current internal revenue service guidelines, are to be included in the employee's W-2 reporting.

4. PARTICIPATION BY EMPLOYEE UNIONS. a. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect and consistent with city bargaining obligations, all city employees shall be eligible to participate in this program.

b. Disputes arising from the administration of this benefit shall not be subject to any challenge.

c. This program shall constitute the sole means by which employees may donate and receive time-off in cases of terminal or major catastrophic illness.

5. WORKFORCE NOTIFICATION. Upon confirmation of eligibility, and at the recipient employee's request, the department of employee relations shall provide each department with pertinent information regarding the recipient employee for the purpose of communicating the need for donations to other employees.

6. REPORT. The department of employee relations shall report quarterly to the finance and personnel committee of the common council detailing program administration and utilization, including the number of requests, approvals and denials.

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SUBCHAPTER 5
UNIFORMS AND CLOTHING ALLOWANCES

350-90. General Provisions; Uniforms and Clothing Allowances. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, uniforms and clothing allowances shall be as follows:

1. PROCEDURE. The heads of all departments providing or requiring uniforms or uniform allowances shall:

a. Establish uniform and equipment requirements and specifications.

b. Determine items to be provided to employees.

c. Requisition these items through the procedure established by the department of administration, with the exception of the health department, division of public health services.

d. Establish procurement and inspection procedures for their respective departments.

2. EQUIPMENT. All equipment directly paid for out of city funds shall remain the property of the city and shall be properly cared for by the individual to whom issued and shall revert to the respective city department upon the employee's severance from service.

3. CITY PROPERTY. Specific items of the uniform which shall be determined by the head of the department shall remain the property of the city and shall revert to the respective city department upon the employee's severance from service unless the employee has served 18 months in uniformed status.

4. UNIFORM REPLACEMENT. The need for and timing of uniform replacement is at the discretion of the respective department head. Items damaged or destroyed in the line of duty shall be replaced or the employee compensated at the discretion of the respective department head.

5. MINIMUM DAYS' SERVICE. No payment made under this subchapter shall be made for service in a uniformed status for any calendar month in which the employee is on the payroll for less than 14 days, exclusive of any mandatory furlough time. One full month's allowance shall be granted for service in a uniformed status in any calendar month during which the employee is on the payroll for 14 days or more. In the event of death of an employee of uniformed status, uniform allowance shall be paid for time accrued, if this amounts to 14 days or more for the calendar month.

6. PAYMENTS NOT TO AFFECT PENSION. Payments made under this subchapter shall not be construed as being part of the employee's base salary and shall not be included in the computation of any fringe benefits. Such payments shall not have any sum deducted for pension benefits, nor shall such payments be included in any computation establishing pension benefits or payments.

350-91. Fire Department: Uniform and Clothing Allowance.

1. POSITIONS ELIGIBLE.

a. Employees in active service and in the following position classifications shall be entitled to a maximum annual uniform and clothing maintenance allowance of $325 so long as they remain in active service with these position classifications:

a-1. Fire Chief.

a-2. Assistant fire chief.

a-3. Battalion chief classifications.

a-4. Deputy chief, fire.

b. Members of the honor guard shall receive, in addition to the amount provided in par. a, an annual maintenance allowance of $60.

2. INITIAL ITEMS. a. Each employee promoted to the rank of battalion chief shall upon regular appointment to such rank be provided with one approved coat and one pair of approved trousers and one white helmet.

b. Employees promoted to the rank of battalion chief shall upon regular appointment to that rank be provided with one dress coat, one 8-point dress cap, one pair of dress trousers and one dress overcoat. These items shall be provided on a one-time only basis.

3. SUMMER CLOTHING. Employees promoted to the rank of battalion chief shall upon regular appointment to such rank be provided with one summer jacket on a one-time only basis.

4. REPLACEMENT. a. The department shall replace articles of initial allowance of uniforms for fire dispatch supervisor whenever the articles have been condemned on account of normal wear and tear by the fire chief or the chief’s designee.

b. The department shall replace articles of initial issue and, in addition, firefighting gloves and boots for classifications listed in sub. 1-a-1 to 4, whenever the articles have been condemned by the chief on account of normal wear and tear.

5. SAFETY SHOE ALLOWANCE. Nonrepresented management employees in active service and in the following position classifications shall be entitled to the standard safety shoe allowance provided represented employees, as negotiated by collective bargaining agreement, so long as they remain in active service in these positions:

a. Fire equipment repair manager.

b. Fire equipment repairs supervisor.

350-92. Police Department: Uniform and Clothing Allowance. 1. POSITIONS ELIGIBLE. Employees in active service and in the following position classifications shall be covered by the provisions of this section so long as they remain in active service, within these position classifications:

a. Chief of police.

b. Assistant chief of police.

c. Deputy chief of police.

d. Police commander.

2. REPLACEMENT ALLOWANCE. Department members covered by this section shall be entitled to receive a clothing allowance of $450 per year. Payment made under this subsection shall be paid in December of the year in which they were earned. Pro rata adjustment to the nearest calendar month on the basis of length of service will be made for eligible employees serving less than a full calendar year. For purposes of prorating, an employee on the payroll for at least 14 days in a calendar month shall be entitled to receive the payment provided under this subsection for that calendar month. An employee on the payroll for less than 14 days in a calendar month shall not be entitled to receive payments provided under this subsection for that calendar month.

3. UNIFORMS DAMAGED IN THE LINE OF DUTY. Members of the police force occupying the position classifications specified in sub. 1 shall be compensated for items of uniform and equipment prescribed by the police department which are directly or indirectly destroyed in the line of duty. In each instance, the chief of police shall determine the amount of compensation.

4. APPLICABILITY. During a calendar month an employee shall not be entitled to receive uniform allowance benefits under both sub. 2 and a collective bargaining agreement.

350-93. Department of Public Works; Clothing Allowance.

1. CLOTHING ALLOWANCE. Effective pay period 2, 2012, certain employees in the department of public works who meet the criteria set forth in sub. 2 shall be eligible for an annual clothing allowance.

2. ELIGIBILITY.

a. Operations driver/workers and tractor operators shall be eligible to receive $215 as an annual clothing allowance.

b. Employees with job titles not specified in par. a shall be eligible to receive $110 as an annual clothing allowance based on job assignments identified by the department of public works.

c. The department of public works may establish additional eligibility criteria for employees identified in pars. a and b to be eligible to receive an annual clothing allowance.

3. ANNUAL PAYMENT.

a. For an eligible employee to receive the clothing allowance payment for calendar year 2012, the employee shall have met the eligibility criteria set forth in sub. 2 in 2012, and have been on the payroll, or on an authorized leave of absence, on or after April 1, 2013. No employee who has received a clothing allowance payment for 2012 prior to the effective date of this ordinance [April 4, 2013] shall be eligible to receive any additional clothing allowance payment for 2012.

b. Annual payments for calendar year 2013 and thereafter shall be made at a time as determined by the department of public works.

350-94. Safety Shoe Allowance. Employees working in a classification which management has determined requires the wearing of approved safety shoes shall be eligible for the standard safety shoe allowance of $130 annually for the reimbursement of the purchase of safety shoes Payments made under this section shall not be construed as being part of an employee's base salary and shall not be included in the computation of any fringe benefits. Such payments shall not have any sum deducted for pension benefits, nor shall such payments be included in any computation establishing pension benefits or payments.

350-95. Safety Glasses Allowance. The city shall provide eye protection or prescription safety glasses to all full-time active employees as required by the federal occupational safety and health administration and the city and as recommended by the American national standards institute. Under s. 340-23, the department of employee relations shall issue and enforce standards for authorizing safety glasses. The city is not responsible for the eye examination to obtain the prescription, the repair or replacement of glasses damaged due to non-work related activities or negligent use by the employee.

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SUBCHAPTER 6
SALARIES AND WAGES

350-100. Salaries of Mayor and Members of the Common Council **1.** For the 2012-2016 term of office, the salaries of the mayor, common council members and the common council president shall be the same as the rates in effect for the 4th year of the 2008-2012 term.

2. The mayor and common council members shall be subject to mandatory furloughs as may be imposed by common council resolution under s. 350-116.

350-102. Rules of Uniformity of Compensation for Similar Service. Appropriations and payments of compensation or rates of wages provided for offices or employment in the city service or in the service of the redevelopment authority of the city of Milwaukee shall be uniform for all offices or employment having substantially similar work requirements, duties, authority and responsibility, and similar requirements as to training and experience; and that the schedules and specifications of grade, titles and compensation of offices or employment when adopted by ordinance by the common council shall be the basis of employment control of all offices or employment in the city service or in the service of the redevelopment authority of the city of Milwaukee.

350-104. Prohibition of Additional Compensation. No person holding a position or employment in any department, bureau, institution, redevelopment authority, board or commission to which this chapter applies and for which a definite salary or wage has been appropriated or designated shall receive any extra salary or compensation in addition to that so fixed.

350-106. Advancement from Grade to Grade. An increase above the maximum salary rate of an existing grade of position shall not be made except in case of increased duties or responsibilities which actually involve a change of position. Whenever the common council shall have advanced an office or employment in the classified service to a higher grade than theretofore existed and increased the salary thereof, no payment of such advanced salary shall be made to the officer or employee filling position until such time as certification has been made to the higher grade, in accordance with the city civil service act and rules.

350-108. Biweekly Payment of Salaries and Wages. The salaries and wages of all city officers and employees shall be paid biweekly.

350-112. Payroll Procedure.

1. DEPARTMENT TO PREPARE. The heads of all departments, bureaus and commissions shall prepare their several payrolls or accounts of salaries and wages in accordance with the schedules and specifications for personnel service adopted by the common council. Said heads of departments, bureaus and commissions shall arrange to have payrolls or accounts of salaries and wages sent directly to the office of the department of employee relations for check and certification. Department heads shall, in advance of transmission of payrolls and accounts of salaries and wages, report all changes affecting employment in offices and positions under the jurisdiction of the department of employee relations on blank forms, provided by the office of the department of employee relations; the office of the department of employee relations shall forward to the city comptroller such payrolls or accounts of salaries or wages of officers or employees whose title and compensation conform to the titles, specifications and compensation grades fixed by the common council.

2. VERIFICATION. After schedules and specifications of grades and titles of offices and employment have been adopted by the common council, the city service commission shall withhold such certifications to such payrolls or accounts of salaries or wages which are not in conformity with such schedules; supplementary payrolls, with corrected items, shall be prepared for check and certification by the office of the city service commissioners before transmission to the city comptroller's office; and no payroll or account of salaries or wages shall be received or moneys authorized or paid by the city comptroller, city treasurer, or any other city authority for services of any officers or employees unless such payroll or account of salaries or wages bears the certification of the office of the city service commissioners.

350-114. Salary Changes to be Referred to the Finance and Personnel Committee.

1. POSITION TO BE INVESTIGATED. All salary ordinances and resolutions and all requests for additions and changes in the specifications for personnel service shall be referred to the committee on finance and personnel for investigation and report. In all such salary ordinances and resolutions or reports of the creation of new positions or of changes in existing positions there shall be included only those standard titles adopted hereby and included in the specifications for personnel service set forth in Schedule A or such as shall be approved hereafter by the city service commission or the board of the redevelopment authority of the city of Milwaukee and shall have been certified to the common council by the said commission or the board of the redevelopment authority of the city of Milwaukee as properly descriptive of the duties to be performed and as conforming to the standard services, grades and titles, and to the compensation rates approved as a guide only in determining and revising salary ordinances provided in the specifications for personnel service.

2. APPROVAL REQUIRED. In recommending to the common council the fixing of salaries of positions, the committee on finance and personnel shall certify that the titles of such positions have been approved by the city service commission or the board of the redevelopment authority of the city of Milwaukee and that the positions have been properly classified. No title so prescribed shall be changed except on recommendation of the city service commission or the board of the redevelopment authority of the city of Milwaukee and approval or disapproval by the committee on finance and personnel whose report shall be submitted to the common council for final action.

350-116. Mandatory Unpaid Furloughs.

1. APPROVAL BY COMMON COUNCIL RESOLUTION. The common council may by resolution impose mandatory furlough time for city officials and employees.

2. POSITIONS AFFECTED.

a. Mandatory furloughs shall apply to all city employee positions, regardless of funding source, pursuant to sub. 3.

b The city attorney, city comptroller, city treasurer and municipal court judges shall be subject to mandatory furloughs.

3. FURLOUGH GUIDELINES. The department of employee relations shall issue furlough policy guidelines for city departments as necessary to administer the implementation of mandatory furlough programs

4. To the extent any provision in the city salary ordinance, the city charter or Milwaukee code of ordinances, including but not limited to sections 36-04-1; 350-25-c-3; 350-35-3-a, 5-a and c-3; 350-36-2-a-6, 3 and 4; 350-37-0, 8-a-1, 12-b-2 and d-2, and 13-b-2; 350-40-1-a; 350-90-5; 350-132-5-c; 350-133-3-b-2; 350-145-5-a; 350-150-3-b; 350-151-3-a; 350-152-3-a; and 350-181-11, should address or specify the impact of unpaid furloughs upon the wages, hours, or conditions of employment of represented employees, any such provision, insofar as it shall apply to represented employees, shall be subject to, and its application and effects may be modified or nullified through, impact bargaining with the duly authorized representatives of such employees in accordance with the requirements of the Wisconsin Municipal Employment Relations Act. Approval of the common council is required for any substantive term resulting from furlough-related impact bargaining on behalf of any group of represented employees if the term is inconsistent with and more beneficial than a corresponding furlough-related term specified for the particular group in a provision of the charter or code, and for any substantive term resulting from furlough-related impact bargaining on behalf of any group of represented employees that addresses a new issue involving the impact of furloughs upon wages, hours, or conditions of employment that is not addressed in any manner for the particular group in a provision of the charter or code; however, common council approval is not required for any substantive term resulting from furlough-related impact bargaining on behalf of any group of represented employees if the substantive term is identical or less beneficial to the affected represented employees than corresponding terms that have been approved by the common council for the majority of the city's nonrepresented employees.

SUBCHAPTER 7
FIRE AND POLICE EMPLOYEES

350-131. Holiday Premium Pay. 1. Police officers not covered by a labor contract assigned by police department administration to duty on January 1, July 4, the first Monday in September or December 25 shall be compensated in cash at a rate of 1.5 times their base salary rate for all such duty, computed to the nearest tenth of an hour. Such compensation shall not extend to any other calendar date on which New Year's Day, Independence Day, Labor Day or Christmas may be officially observed.

4. Application of the provisions enumerated herein shall not involve pyramiding of the compensation described herein. No employee shall receive overtime benefits and/or shift or weekend differential benefits in addition to holiday premium pay.

5. Any payment made in addition to the employee's base rate of pay under the provisions of this section shall not have any sum deducted for pension benefits nor shall such payments be included in determining pension benefits or other fringe benefits.

6. Administration and control of the provisions of this section shall be under the chief of police.

350-132. Certification Pay. 1. EMPLOYEES ELIGIBLE. Employees in active service and in the following position classifications shall be eligible for the compensation provided in this section, subject to established terms and conditions, as long as they remain in active service and within the stated classifications:

a. Chief of Police.

b. Assistant chief of police.

c. Inspector of police.

2. COMPENSATION. a. An employee in active service and occupying a position classification in sub. 1 who is deemed certified as being qualified to be a law enforcement officer in the state of Wisconsin by the law enforcement standards board (LESB) as of the close of a calendar year shall be entitled to receive a $600 payment termed "certification pay." Once LESB certification has been established during a calendar year, an employee must maintain that certification for the balance of such calendar year in order to receive certification pay benefits for that calendar year.

b. An employee retiring on normal pension, or resigning voluntarily from the police department, and who was LESB-certified at the time of such retirement or resignation shall be entitled to the benefits provided by par. a prorated on the basis of his or her active service in the calendar year he or she retired, computed to the nearest calendar month. For purposes of prorating, an employee on the police department payroll for at least 14 days in a calendar month shall be deemed as having been on the payroll for the full calendar month; in the event the employee is on the police department payroll less than 14 days in a calendar month, then the employee shall be deemed as not having been on the payroll at all during the calendar month. For purposes of determining eligibility for the benefits provided in par. a, years of service shall be computed as of the effective date of the employee's retirement or voluntary resignation. Payments earned shall be made as soon as is administratively practicable after the employee's retirement or voluntary resignation.

3. Except as provided in sub. 4, payments made under this section shall not be included in the determination of overtime compensation or any other fringe benefits.

4. Employees who retire from active service shall have their certification pay benefits included in final average salary for purposes of computing their service retirement allowances. For purposes of interpretation and construction of this section, the certification pay benefit the employee is entitled to include in the final average salary computation shall be an amount equal to the certification pay payment the employee received for December 31 of the calendar year immediately preceding the employee's effective date of retirement.

5. An employee on a military leave of absence for performance of duty as a member of the state of Wisconsin national guard or reserve component of the armed forces of the United States shall be eligible for certification pay benefits for a calendar year prorated on the basis of the employee's active service with the department in that calendar year subject to the following:

a. The military leave is a result of being called to, or volunteering for, active duty under the authority granted to the president of the United States or the congress of the United States for a period of more than 30 calendar days.

b. Prorated certification pay shall be calculated as of the effective date the employee separated from active service with the department and began his or her unpaid military leave of absence.

c. For purposes of prorating certification pay benefits, an employee on the police department payroll for at least 14 days in a calendar month shall be deemed as having been on the payroll for the full calendar month; in the event the employee is on the payroll less than 14 days in a calendar month, exclusive of any mandatory furlough time, then the employee shall be deemed as not having been on the payroll at all during the calendar month.

350-133. Variable Shift Assignment Pay.

1. EMPLOYEES ELIGIBLE. Employees in active service and in the following position classifications shall be eligible for the compensation provided in this section, subject to established terms and conditions, as long as they remain in active service and within the stated classifications:

a. Chief of police.

b. Assistant chief of police.

c. Deputy chief of police.

d. Police commander.

2. COMPENSATION. a-1. An eligible employee in active service and occupying a position classification in sub. 1 on December 31 of a calendar year shall receive $1,050 for that calendar year. Effective with calendar year 2000 payments, this amount shall be increased to $1,150.

a-2. Effective with calendar year 1997, an employee with at least 20 years of active service as a law enforcement officer in the police department on December 31 of a calendar year shall be entitled to receive $250 per calendar year in addition to the amount the employee is entitled to receive under subd. 1. Payment of this additional $250 shall be first effective for eligible employees in active service as of December 31, 1997.

b. An employee who commences receiving a normal service retirement allowance during a calendar year shall receive an additional $350 supplemental to the payment provided in par. a for the calendar year immediately preceding the calendar year in which the employee retired. The employee shall also receive an amount equal to the amount to which he or she is entitled to under par. a for the calendar year in which the employee retired, prorated on the basis of active service in the calendar year of retirement.

c. An eligible employee who separates from active service on account of voluntary resignation during a calendar year shall receive the amount provided in par. a, prorated on the basis of the employee's active service while covered by this section during the calendar year in which the employee's separation occurred, computed to the nearest calendar month.

3. ADMINISTRATION. a. Except for employees who separate from active service during a calendar year on account of normal service retirement or voluntary resignation, employees must be in active service and covered by this section on December 31 of a calendar year in order to be eligible for that calendar year's variable shift assignment pay payment.

b. Payments made under this section shall be made as soon as it is administratively practicable following the date on which entitlement is established. In the case of an employee who commences a normal service retirement allowance in a calendar year, the supplemental amount provided in subpar. 2-b shall be paid after the employee's effective retirement date. Prorated payments made under this section shall be determined as follows:

b-1. An employee covered by this section and in active service for at least 14 days in a calendar month shall be deemed as having been covered by this section and in active service for the full calendar month.

b-2. If the employee is covered by this section and in active service for less than 14 days in a calendar month, exclusive of any mandatory furlough time, the employee shall be deemed as not having been covered by this section and in active service at all during the calendar month.

c. Except as provided for by ss. 35-01-60, 35-04-1, 36-02-12 and 15 and 36-08-7-b of the Milwaukee city charter, payments made under this section shall not be construed as being part of the eligible employee's base pay and shall not be included in the computation of any fringe benefit owing to the employee from any source.

d. For purposes of interpretation and construction of this section the variable shift assignment pay benefit to which the employee is entitled to include in his or her final average salary computation shall be an amount equal to the variable shift assignment pay payment the employee received for the calendar year immediately preceding the employee's effective

date or retirement, but excluding any amount the employee received under par. a-2.

e. Variable shift assignment pay payments are compensation for and in recognition of the city's sole and unrestricted right to vary from time to time and without advance notice the starting time of an employee's regularly scheduled 8-hour shift assignment or the day on which such regular shift assignment occurs. Variable shift assignment pay payments are in lieu of any other compensation for the city's retention of this right, including, without limitation, any "out-of-shift" pay premium.

350-134. Interpreter/Translator Pay.

1. POSITIONS ELIGIBLE. Employees in active service on or after August 6, 1989, and in the following position classifications shall be eligible for the compensation provided for under this section, subject to the terms and conditions established in this section therefor:

a. Chief of police.

b. Assistant chief of police.

c. Inspector of police.

2. WHEN REQUIRED. The chief of police is authorized to direct employees under sub. 1 to perform interpreter/translator duties consistent with employees' capabilities for such duties and the needs of the police service. Employees shall perform authorized interpreter/translator duties as a result of:

a. Direction from the employee's commanding officer; or

b. The employee's response to a request for an interpreter/translator broadcast over the police department radio network. If more than one employee responds to such a request, only those employees actually needed to perform interpreter/translator duties shall be entitled to receive interpreter/translator pay.

3. COMPENSATION. An eligible employee shall be entitled to receive premium pay, termed "interpreter/translator pay", equal to $1.00 per hour in addition to his or her base salary for each actual hour or nearest 0.1 of an hour spent performing interpreter/translator duties. Interpreter/translator pay shall be compensated at a flat rate of $1.00 per hour irrespective of whether the employee is in premium pay status.

4. ADMINISTRATION. a. Interpreter/translator duties eligible for compensation shall be limited to authorized duties performed by the employee involving interpretation or translation of a language other than English at a level of competence deemed acceptable to the police department. Such "other languages" comprise the following non-English languages currently recognized by the police department:

a-1. American Sign.

a-2. German.

a-3. Greek.

a-4. Italian.

a-5. Kurdish.

a-6. Polish.

a-7. Russian.

a-8. Spanish.

b. An employee possessing interpreter/translator ability in a non-English language that is not listed above may at any time file a written request with the department to add that language to the list.

c. Interpreter/translator pay payments to employees entitled to receive them shall be made quarterly during the calendar year on such dates after August 6, 1989, as the police department shall prescribe.

d. Interpreter/translator pay shall only be granted when an employee is actually performing interpreter/translator duties and shall not be granted when an employee is directed to perform other duties.

e. Payments made under this section shall not be construed as being part of an employee's base pay and shall not be included in the computation of any fringe benefits of the employee.

f. Any payment made under this section shall not have any sum deducted for pension benefits nor shall such payments be included in the determination of pension benefits or other fringe benefits.

350-135. Automobile Usage for Nonrepresented, Noncivilian Police Department Management Employees. 1. EMPLOYEES ELIGIBLE. Employees in active service and in the following position classifications shall be covered by this section as long as they remain in active service and within such classifications:

a. Chief of police.

b. Assistant chief of police.

c. Inspector of police.

2. USE OF PRIVATE VEHICLES. a. An employee may, at the employee's option, use the employee's privately owned vehicle for

departmental business only under express authorization from the employee's commanding officer. When such use is authorized, the city will indemnify the employee for any property damage sustained by the employee's automobile and shall represent the employee and be responsible for any judgment, damages and costs entered against the employee for acts arising out of the employee's official capacity while acting within the scope of the employee's employment.

b. When an employee is authorized by the employee's commanding officer to use the employee's private vehicle on departmental business, in accordance with departmental procedures established for that purpose, and the vehicle sustains damage during such use, the employee shall submit a written report of the damage to the employee's commanding officer before the end of the workshift in which the damages occurred. The report shall include a description of the damages, the date and time of occurrence and the cause. Reasonable amounts of damages from causes other than negligence of the employee will be reimbursed by the city, provided the employee submits documentation of such costs to the employee's commanding officer no later than 7 calendar days following the occurrence of the damages.

350-137. Police Educational Program.

1. POSITIONS ELIGIBLE. The following classes of positions in the police department shall receive additional compensation for the completion of approved course work subject to the conditions of this section:

a. Chief of police.

b. Assistant chief of police.

c. Deputy chief of police.

d. Inspector of police.

2. INCREMENTS. Annual payment for the completion of approved course work shall be as follows:

a. $95 per year for officers with at least 16 credits, but less than 28 credits.

b. $145 per year for officers with at least 28 credits, but less than 40 credits.

c. $195 per year for officers with at least 40 credits, but less than 52 credits.

d. $245 per year for officers with at least 52 credits, but less than 64 credits.

e. $295 per year for officers with at least 64 credits, but less than 90 credits; or if eligible employee possesses an associate degree.

f. $370 for officers with at least 90 credits, but less than 120 credits.

g. $470 for officers with 120 or more credits, but not possessing a bachelor’s degree; $750 per year for a bachelor’s degree.

h. No employee may receive more than $770 of educational pay for a calendar year regardless of the number of degrees and credits earned; no employee may receive more than $470 of educational pay for a calendar year unless the employee holds a bachelor’s degree.

3. EFFECTIVE DATE. These payments shall be made on an annual basis as soon as possible after December 31 of the current year. Officers who attain the required educational credits during the calendar year shall be paid a prorated amount from the first pay period after the educational courses are completed and reported to the police department to December 31 of the appropriate year.

4. FULL YEAR'S EMPLOYMENT. No officer shall receive an educational bonus payment for any year in which he does not remain in the employment of the police department, for a full calendar year.

5. MINIMUM YEARS OF SERVICE. No officer will be eligible for an educational bonus payment unless he or she has a minimum of 5 years' service in the police department with a rank of police officer or above.

6. ADDED TO BASE SALARY. Educational bonus payment shall be in addition to the base salary of the position eligible for such payments. These payments shall not be used in the calculation of overtime pay or in the calculation of pension benefits.

7. APPROVED COURSES. Approved courses of study for which payment will be made under this section are courses in which credit has been successfully earned from one of the following regional accreditation associations: North Central Association of Colleges and Schools; Middle States Association of Colleges and Schools; New England Association of Schools and Colleges, Inc.; Northwest Association of Colleges and Schools; Southern Association of Colleges and Schools; Western Association of Schools and Colleges.

8. DEGREES. Police officers who have earned a degree shall request that the degree-granting collegiate institutions send a report to the police department with a statement as to the date on which the degree was conferred, the major field of study pursued, and that the institution was a member in good standing of an association listed in sub. 7 at the time the degree was granted.

9. TRANSCRIPT COSTS. Any transcripts or credits or evaluation thereof shall be at the expense, if any, of the applying police officer.

10. OFFICER RESPONSIBLE. Each eligible police officer shall be responsible for making the necessary requests of collegiate institutions for the purpose of informing the Milwaukee police department as to the number of credits that apply on the above described educational bonus payments plan.

11. ADMINISTRATION. Administration and control of the provisions enumerated herein shall be under the chief of police.

350-143. Fire Department Hours of Work. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the fire chief shall determine the hours of work for fire department employees.

350-147. Fire Company and Battalion Staffing.

1. DEPUTY CHIEF STAFFING IN THE FIREFIGHTING SERVICE DIVISION. When the chief engineer, fire, determines that there is an operational deficiency in the normal on-duty staffing for deputy chief, fire, in the firefighting service division command on a Saturday, Sunday or holiday, he or she may assign a deputy chief, fire, from any bureau to fill the vacancy. Compensation for such assignment shall be at the employee's base rate of pay.

2. BATTALION CHIEF STAFFING. When the fire chief determines that there is an operational deficiency in the normal on-duty staffing for battalion chief exceeding 2 positions, the first such assignment shall be underfilled by a captain, the 2nd assignment to be filled by a battalion chief and the 3rd assignment underfilled by a captain. These assignments are only as designated, assigned or authorized by the fire chief. Compensation for such assignment shall be at the employees' base rate of pay.

3. PAYMENTS. Any payments earned under the provisions of this section shall not be considered in computing pension or other employee benefits. Members of the department on trade shall not be eligible for such assignment; except that the chief or a designee may permit an employee on trade to perform such an assignment when the chief deems it appropriate.

4. ADMINISTRATION. Administration and control of the provisions of this section shall be under the chief engineer, fire, who may, as he sees fit, in an emergency situation, suspend these provisions.

5. EFFECTIVE DATE. The terms and conditions set forth in subs. 1 to 4 shall be deemed to take effect and be in force from and after December 30, 1973.

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350-149. Fire Department: Educational Program. 1. POSITIONS ELIGIBLE. Employees in active service and in the following position classifications shall be eligible for annual educational program payments provided under this section in accordance with the terms and conditions established, as long as they are in active service and in such classifications:

a. Battalion chief classifications.

b. Deputy chief, fire.

c. Assistant fire chief.

d. Fire chief.

2. BENEFITS. a. An eligible employee who has attained an associate degree in fire science and technology shall receive an annual educational program payment of $225 according to the terms and conditions set forth in sub. 3. Furthermore, for calendar year 2006 payments, an employee who is a registered nurse and whose education is less than a bachelor's degree shall receive $225; however, no payment shall be provided unless such employee possesses a current registered nurse license.

b. An employee who has a bachelor's degree in public administration, business administration or management, psychology, nursing, personnel administration or management, or an equivalent degree, such equivalency determined by the department of employee relations, and effective for payments for calendar year 2009, public health, chemical engineering, training and development, physical education, health education, or physician assistant, shall be eligible for an annual payment of $325, subject to the terms and conditions set forth in sub. 3.

c. An eligible employee who has attained a master's degree in public administration, business administration or management, psychology, nursing, personnel administration or management, or an equivalent degree, such equivalency determined by the department of employee relations, and effective for payments for calendar year 2009, public health, chemical engineering, training and development, physical education, health education, or physician assistant shall be eligible for an annual payment of $425, subject to the terms and conditions set forth in sub. 3.

d. An employee who is eligible for more than one of the educational program payments provided in pars. a to c in a calendar year shall only be entitled to receive the largest of the payments for that calendar year.

3. ADMINISTRATION. a. Only degrees from colleges and universities accredited by the North Central Association of Colleges and Secondary Schools, and effective for payments for calendar year 2009, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, Inc., Northwest Association of Colleges and Schools, Southern Association of Colleges and Schools and the Western Association of Schools and Colleges shall be eligible for the payments provided in sub. 2.

b. Educational program payments shall be made as soon as is administratively practicable following the close of the calendar year in which eligibility therefor is established. No payments will be made to an employee for any calendar year in which the employee did not remain in the employment of the fire department for the full calendar year. An employee who attains the required degree during the calendar year shall be paid a prorated amount from the first pay period after the date the degree is awarded to December 31 of that calendar year.

c. Educational pay shall not be used in the calculation of overtime pay or in the calculation of pension benefits. Any payment made under this section shall not have any sum deducted for pension benefits, nor shall such benefits be included in the determination of pension benefits or other fringe benefits.

d. An employee who has earned a degree pursuant to this section shall request that the degree-granting institution send a report to the fire department with a statement as to the date on which the degree was conferred, the major field of study pursued, and that the institution was accredited by the North Central Association of Colleges and Secondary Schools, or effective for payments for calendar year 2009, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, Inc., Northwest Association of Colleges and Schools, Southern Association of Colleges and Schools and the Western Association of Schools and Colleges at the time the degree was granted.

e. An employee shall be responsible for making the necessary requests of the educational institution for the purpose of informing the fire department as to the attainment of a degree and shall be responsible for any costs associated therewith.

f. Administration and control of this section shall be by the fire chief and the city.

350-152. Fire Department: Special Emergency Medical Technician Pay. 1. POSITIONS ELIGIBLE. Employees in active service and in the position of fire chief shall be eligible for annual special emergency medical technician payments provided under this section in accordance with the terms and conditions established, as long as they are in active service and in such classification.

2. COMPENSATION. Employees who have attained and maintained state-certified emergency medical technician-1 status shall receive an amount in addition to base salary equivalent to $750.

3. ADMINISTRATION. a. Payments made under sub. 2 shall be paid as soon as administratively practicable after December 31 of the year in which they were earned. Prorata adjustment to the nearest calendar month on the basis of time served in emergency medical technician-1 status shall be made for those employees who have held emergency medical technician-1 status for less than 1 calendar year. For purposes of prorating, an employee who has held emergency medical technician-1 status for at least 14 days in a calendar month shall be deemed as having held emergency medical technician-1 status for the full calendar month; in the event an employee has held emergency medical technician-1 status less than 14 days in a calendar month, exclusive of any mandatory furlough time, the employee shall be deemed as not having held emergency medical technician-1 status at all during the calendar month.

b. An employee who separates from active service on account of voluntary resignation or normal service retirement during a calendar year shall receive the amount set forth in sub. 2 prorated on the basis of his or her active service during that calendar year computed to the nearest calendar month.

c. Except for employees who separate from active service during a calendar year on account of normal service retirement or voluntary resignation, employees must be in active service on December 31 of a calendar year in order to be eligible for that calendar year's payment.

d. Except as provided in par. e, payments made under the provisions of this section shall not be construed as being part of an employee's base pay and shall not be included in the computation of any fringe benefit.

e. An employee in active service who retires on a normal pension shall have his or her special emergency medical technician pay to a maximum of $550 included in final average salary for purposes of computing his or her normal service retirement allowance. For purposes of interpretation and construction of this section, the special emergency medical technician pay benefit to which the employee is entitled to include in the final average salary computation shall be equal to the special emergency medical technician pay payment the employee received for the calendar year immediately preceding the employee's effective date of retirement to a maximum of $550.

f. Administration and control of this section shall be by the city.

350-152.5. Fire Department: Special CPR Pay.

1. POSITIONS ELIGIBLE**.** Employees in the position of assistant chief, fire, shall be eligible for annual cardiopulmonary resuscitation (CPR) payments under this section.

2. COMPENSATION. An employee who has successfully completed an approved course in CPR shall receive a compensation of $200 in addition to his or her base pay.

3. ADMINISTRATION. a. Payments made under sub. 2 shall be paid as soon as administratively practicable after December 31 of the year in which they were earned. Prorata adjustment to the nearest calendar month on the basis of time served as CPR-qualified shall be made for those employees who have held CPR qualified status for less than one calendar year. For the purpose of prorating, an employee who has held CPR-qualified status for at least 14 days in a calendar month, exclusive of any mandatory furlough time, shall be deemed as having held CPR-qualified status for the full calendar month; if an employee has held CPR-qualified status less than 14 days in a calendar month, the employee shall be deemed as not having held CPR-qualified status at all during the calendar month.

b. An employee who separates from active service on account of voluntary resignation or normal service retirement during a calendar year shall receive the amount set forth in sub. 2 prorated on the basis of his or her active service during that calendar year computed to the nearest calendar month.

c. Except for employees who separate from active service during a calendar year on account of normal service retirement or voluntary resignation, employees shall be in active service on December 31 of a calendar year to be eligible for that calendar year's payment.

d. Payments made under this section shall not be construed as being part of an employee's base pay and shall not be included in the computation of any other fringe benefit.

350-153. Former Town of Lake Firemen's Pension Fund. 1. Any city of Milwaukee employee who is a member of the former Town of Lake firemen's pension fund system and employeed on July 28, 1974, in the Milwaukee fire department as a fireman as the term fireman is defined in s. 36-02-16 of the Milwaukee city charter who has qualified for pension rights under such Town of Lake firemen's pension fund shall be entitled to receive, in addition to the benefits provided for in aforesaid Town of Lake firemen's pension fund, 2% of such employee's final average salary for each year of such employee's creditable service in excess of 25 years of service, up to a maximum of 10 such excess years of service.

2. The term "final average salary" as used herein shall mean the average annual regular base salary computed on the year of service preceding the date of retirement during which the employee's regular base salary was the highest.

3. Payments made such employee or his beneficiary resulting from such additional 2% of final average salary per year of creditable service for years of service in excess of 25 years of service shall be called supplementary service credit payments.

4. In the event such employee's benefits presently provided for by aforesaid former Town of Lake firemen's pension fund are increased by the Wisconsin state legislature in any way, then the monetary amounts payable to such employee or his beneficiary owing to such increase shall cause aforesaid supplementary service credit payments to be reduced by like amounts on a dollar for dollar basis.

350-155. Outside Employment. 1. NOT PERMITTED. Except as provided in sub. 2 and 3, no member of the fire department shall be engaged in any other employment, nor shall he receive compensation for the performance of any other service for the city; provided that if a member of the fire department shall be incapacitated and unable to perform his regular duties as a member of the department, and such fact has been properly ascertained, he shall be permitted, with the approval of the chief, to be engaged in employment outside of his regular fire department duties for a period of 6 months, such period to be extended for one additional 6-months' period upon the approval of the chief of the fire department. No such member shall be reinstated to employment in the fire department until such member has passed a medical examination for the particular disability for which such member has been incapacitated, showing such member fit for active duty with the fire department.

2. NONEMERGENCY EMPLOYEES. Members of the Milwaukee fire department shall consist of 2 categories as related to the emergency and nonemergency nature of their duties. Employees of nonemergency nature shall be classed as those whose titles fall within the pay ranges established for the first 4 clerk-stenographer levels of the city service, and such nonemergency employees shall be excluded from the provisions of sub. 1

3. EXCEPTION. Effective January 1, 1969, members of the fire department may engage in outside employment for a maximum of 16 hours per week noncumulative, administered by the chief engineer, fire.

350-163. Policemen and Firemen Duty Disability. Any policeman or fireman receiving duty disability payments from the employees' retirement system who has one or more children under the age of 18 years, who are either issue of such policeman or fireman or who have been legally adopted pursuant to statutes of the State of Wisconsin, shall be paid out of the general fund the sum of $80 for each such living child up to the time that such child reaches the age of 18; provided, however, that the total amount of salary earned through gainful employment, together with the aggregate payments for such child allotment, and pension allowance to any one policeman or fireman who is on duty disability shall not exceed the current monthly salary for the position held by such person at the time of retirement, independent of the number of minor children under the age of 18. The payments shall continue only as long as such policeman or fireman receives duty disability payments from the employees' retirement system. In order to be eligible for such child allotment the policeman or fireman requesting such payments shall file an affidavit setting forth the names of the child or children eligible for such child allotment, their date of birth, where such children were born, whether such children are issue of such applicant or whether such children have been adopted, and if

adopted, a detailed statement of the circumstances under which such adoption occurred. This section shall be administered under the supervision and direction of the city comptroller and the city treasurer, and the city comptroller shall determine the procedures by which payments shall be made and such other requirements as may be necessary in the opinion of both the city comptroller and city treasurer in order to safeguard the rights and interests of the city. The application form shall, in addition to all other information, state on the face thereof that the applicant agrees for himself and his minor children that any payment made under the terms of this section as a child allotment may be terminated at the sole option of the city, at any time that action to terminate such child allotment is taken by the common council. Such payment is in no way either an expressed or implied agreement on the part of the city, but only constitutes a voluntary payment on its part, which the city may terminate at any time it so determines. Failure of the city to appropriate money for this purpose shall automatically terminate all child allotment payments.

350-165. Physical Examination of Applicants. Whenever application is made for a position on the fire or police force of the city of Milwaukee, the applicant shall report to the secretary of the fire department or of the police department, or his assistant, and shall be assigned to regularly appointed physicians or surgeons of the respective departments for a physical examination. The examination shall be given to the applicant by the respective designated physician or surgeon without charge to such applicant.

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SUBCHAPTER 8
TRANSPORTATION AND TRAVEL

350-181. Authorized Travel Regulations and Procedures. 1. DEFINITIONS. In this section:

a. "Conference" means an event, the location of which may vary, with a formalized agenda in which professionals of a similar background gather to consult with one another on professional matters.

b. "Convention" means a meeting of the membership of a large career or occupation oriented group or association, which occurs on a regularly recurring basis, such as annually, bi-annually or semi-annually. A convention will generally possess most of the following characteristics:

b-1. Is attended by members of the organization, who are ordinarily charged annual dues.

b-2. Is generally held in a different city each year, thus ordinarily requiring travel and lodging expenses.

b-3. May involve a registration fee.

b-4. Usually involves a general session, several more specific workshops, a dinner and a reception.

b-5. Can vary in geographic emphasis, i.e., national, regional, state or a combination thereof.

c. "Official or employee" means a person appointed or elected to a position in the city government, who is paid for their services by city payroll check or a public member of a city board or commission eligible for expense reimbursement from the city.

d. "Other city business travel" means travel to attend a seminar or other travel which is undertaken by a city official or employee in order to carry out duties devolving on a department or agency, which have been assigned thereto by the city charter, code or resolution of the common council or at the request or direction of the mayor. Training courses funded by department appropriation which require out-of-city travel also fall within this category.

e. "Seminar" means a training course provided by a person or agency that is not an employee, department or agency of the city. The location at which the course is offered can vary from as local as city hall or as far away as the continental boundaries of the United States. It may include courses covered by on "city time" use of the city's tuition reimbursement program and training courses funded by a departmental budget appropriation provided for training purposes.

2. AUTHORIZATION. a. The following out-of-city travel requires common council approval:

a-1. All conventions.

a-2. All travel by members of the common council.

a-3. Any travel to be paid from the common council contingent fund. It is the policy of the common council and mayor that, in the ordinary course of business, departments should budget for travel expenses from departmental accounts. Use of the common council contingent fund for travel will only be approved under extraordinary circumstances where a department can demonstrate that travel was essential and unanticipated and that departmental funds are not available for such travel.

b. All other travel for which budgeted funds are available shall require the approval of the respective department head, manager or supervisor.

c. Departments shall adhere to the administrative guidelines for automobile and travel allowance provided in ss. 350-181 to 350-187.

d. Departments shall adhere to the administrative guidelines established by the department of administration for transportation and travel.

3. CONVENTIONS. a. Eligibility.

a-1. No more than 2 persons from the same city department or a division of the department of public works shall be authorized to attend the same convention. Exceptions to this policy may be made on a case by case basis only when special circumstances are presented or when the city of Milwaukee is the host.

a-2. Authorization to travel may be designated to the department or bureau staff with the attendee to be determined by the department or bureau head.

a-3. The maximum number of yearly conventions to be authorized to each city department or department of public works division shall not exceed the guidelines established by the committee on finance and personnel. In addition, each department or department of public works division may be authorized no more than 2 additional employees to attend one convention each in Wisconsin or the Chicago area within a given year.

a-4. No more than 2 board or commission members per year from the same board or commission shall be authorized to travel, either to the same or different conventions.

a-5. Both the department head and the first assistant or deputy shall not be authorized to undertake out of city travel on city business during the same period of time. Exceptions to this policy may be made on a case-by-case basis.

b. Request Procedures.

b-1. Requests shall be submitted once per year, prior to November 15, for all conventions anticipated to be attended in the next year. Except as provided in subd. 3, such requests shall be submitted to the department of administration on forms prescribed by that department. Only requests which have been approved by the respective department head or chair of a board or commission as being necessary in the city's best interests and in compliance with the eligibility restrictions and guidelines cited in par. a, shall be considered for authorization. The department of administration shall prepare the necessary resolutions to authorize convention attendance. The estimated costs of each convention to be included in the resolution shall be computed by the department to assure uniformity and prudence in the allocation and expenditure of public funds for this purpose.

b-2. Requests for attendance at conventions submitted after November 15 each year shall be considered only if there is an extraordinary reason for their necessity. Such requests are to be submitted directly to the common council by letter, citing the completed convention request form.

b-3. Requests for convention attendance by the mayor and members of the common council shall be submitted directly to the common council on an as needed basis during the year. Attendance shall be authorized by resolution adopted by the common council.

b-4. Substitution of a different convention from the one that has been previously authorized shall require a new authorization by resolution. Such substitution shall be requested by letter to the common council citing the reasons for the change. Changes in the location of a convention or dates held shall not require further authorization provided additional funding is not requested.

4. OTHER TRAVEL. Requests by common council members for authorization for other city business travel and any requests for travel to be paid from the common council contingent fund shall be submitted to the city clerk. The city clerk shall process such requests, including preparation of the necessary resolutions for adoption by the common council.

5. ADVANCE OF FUNDS. a. No advance of funds for travel expenses shall be made unless the travel has been authorized under this section. Advances of funds for travel expenses shall be made by city accounts payable check from a properly audited request for advance form, signed by the officer or employee requesting advance of funds and the employee's supervisor and a control group register and voucher approved by the department head or delegated representative.

b. Accounts payable checks for advances of funds for travel expenses may be issued to transportation agencies for transportation tickets, lodging establishments for lodging deposits, or to the organization in charge of a convention or training program for registration fees.

c. The amount stipulated in the authorizing resolution shall serve as authorization for the city accounts payable check to be issued to make the necessary dollar advances for such purposes in context with the properly executed request for advance form.

6. REIMBURSEMENT. a. For travel authorized under this section, the city shall pay or reimburse for allowable expenses directly related to the employee's job-related travel including:

a-1. Required registration expense incurred and reported by the attendee.

a-2. Actual transportation-related expenses for employees traveling 50 miles or further one way (or 100 miles round-trip), including up to one checked bag, not to exceed round-trip coach fare unless otherwise approved. Additional baggage fees may be reimbursed if the employee is required to carry additional materials. The choice of transportation to be used, including use of a personal automobile, shall be at the option of the respective official or employee. However, the amount of time to be allowed for travel shall be determined by the respective department head. If a personal automobile is used, reimbursement shall be in

accordance with s. 350-183. If the use of a rental vehicle has been approved in advance, the employee shall be reimbursed for up to the total cost of daily rental fees for a standard vehicle, taxes, standard surcharges, and fuel for business use only. Additional charges for upgrades or added services shall not be reimbursed unless authorized. Charges related to the employee's personal use of the rental vehicle shall not be reimbursed. If an employee chooses to drive to the event, he or she shall use a pool car, a rental car or be reimbursed up to the IRS mileage rate for use of his or her personal automobile for travel unless otherwise noted. Transportation to Chicago shall be reimbursed up to the cost of a coach rail ticket unless otherwise approved. Department heads shall make the final determination and shall consider factors such as location, individual needs of the employee, security and safety issues, and other specific circumstances of the event.

a-3. Actual expenses incurred and reported for lodging for trips in which timely same-day travel is not economically available or practicable. Reimbursement shall be provided for up to but not exceeding the single rate for a standard hotel room, unless otherwise approved, for the number of days of actual attendance at the event, or for other city business travel, but not to exceed 5 days. Exceptions to this policy may be made on a case by case basis. Luxury room rates or expenses for nonessential amenities shall not be reimbursed.

a-4. Expenses incurred for meals plus tips of up to 15%, up to but not exceeding the federal meal per diem for the travel destination for the number of days of actual attendance plus one. Receipts shall be required at the discretion of the department head. The appropriate per diem amounts shall be in accordance with the guidelines issued by the department of administration. Meals shall be reimbursed for employees traveling 50 miles or further one-way from the city (100 miles roundtrip) unless otherwise approved.

a-5. Actual expenses incurred for other items or services necessary for the employee to conduct city business. These may include parking, tolls, taxi or shuttle fares, and tips not to exceed 15% of fare expenses.

a-6. Reimbursement shall not be provided for extra days of unrequired events such as parties, dinners, balls, etc., or for cancellations or reservation changes unless they are due to business necessity or hardship such as illness of the employee or the illness or death of an employee's family member.

b. The city comptroller is authorized to approve individual variances between the estimated amount established for travel and the actual reimbursement in context with par a. This can be done without the need for amendments to the itemized amounts contained in the original authorizing resolution, except that if the total funding provided in the resolution appears inadequate to fund all authorized travel contained therein, the comptroller shall initiate a supplemental funding request by resolution in a timely manner to prevent overexpenditure before such funding is provided by resolution.

c. Itemized receipts for all expenses shall be submitted unless otherwise noted. Employees shall consult the guidelines or the comptroller's office for examples of acceptable alternatives if itemized receipts are not available. The conference or seminar agenda shall also be submitted.

d. Whenever an advance of funds has been made for travel authorized under this section, the official or employee receiving the advance shall within 15 days after returning to the city file documentation to repay the city for the full amount of the advance. In order for the officer or employee to repay the full amount of advance the person shall:

d-1. File with the city comptroller an itemized statement of actual and necessary expenses with all required documents as specified in sub. 7.

d-2. Make full settlement of the travel advance to the city treasurer within 5 working days after receiving notification from the city treasurer that the city comptroller has issued a check made payable to the city treasurer or the official or employee, or both, for the actual and necessary expenses.

e. The procedure in par. d shall be followed unless the official or employee chooses to repay the full amount of the advance to the city treasurer prior to submitting an itemized statement of expenses and prior to expiration of the 15-day limit. The city treasurer shall, if the documentation is not filed within 15 days after the date of return to the city, retain out of the next salary due the employee the full amount of the advance made for travel until the official or employee has complied with this section, and the employee shall be ineligible to receive travel advances in the future. Exceptions to the

deadline for settlement may be granted in cases of hardship.

7. REPORTS. Each person who attends an authorized convention or similar activity shall submit an approved travel request form, an approved statement of expenses, the event program or agenda, and, at the discretion of the department head, manager, or designated supervisor, a completed and signed conference/training evaluation demonstrating the benefits derived from attendance. All forms, receipts, and supporting documentation shall be received by the comptroller's office no later than 15 days after the employee returns. Failure to comply may result in the forfeiture of any reimbursement due the employee or loss of travel privileges. Exceptions to the submission deadline may be made on a case-by-case basis. Employees seeking an extension in cases of hardship, such as illness of the employee or the death or illness of a family member, shall contact the comptroller's office.

9. GUIDELINES. The department of administration may issue guidelines relating to procurement of transportation, lodging, meals, automobile rentals and other travel arrangements consistent with this section. Such guidelines shall be approved by the common council.

10. EXEMPTIONS. a. This section does not apply to the city's legislative activities which are authorized and shall be accounted for pursuant to s. 304-11.

b. This section does not apply to travel undertaken by the mayor or common council president, if the travel expense is charged to their respective special expense funds, in which case such travel shall be deemed authorized.

c. This section does not apply to grant-funded travel. For grant-funded travel, an employee shall comply with the guidelines set forth by the funding source.

d. A department head may make exceptions to this policy on a case-by-case basis when necessary to meet the needs of his or her department. Any ongoing exceptions or modifications shall be approved by the department of administration and written in the department's individual travel policy or guidelines. All exceptions shall be properly explained on the statement of expenses.

11. TRAVEL AND TRAINING DURING UNPAID FURLOUGHS. If the authorized, paid travel or training for any city official or employee coincides with any mandatory furlough dates, the mandatory furlough time shall be rescheduled as approved by the department head.

350-183. Private Transportation Reimbursement.

1. AUTHORIZATION. Proper city officers are authorized to reimburse city officials and employees occupying positions designated in the positions ordinance as being eligible to be paid for the use of their private automobiles on city business when at the discretion of the department head it is necessary that such automobiles be used on city business. Departments shall adhere to the administrative guidelines for automobile and travel allowance.

2. REIMBURSEMENT. Reimbursement is to be made from funds available to the respective departments for bills rendered, audited and certified for payment as are other bills of the city.

3. MILEAGE REPORT. The authorized employee or official incurring mileage on his or her private automobile in the conduct of official business for the city shall submit a record of mileage incurred on city business during the month and attest to the accuracy of the mileage through the online program "City Time" and comply with a specific timetable for entering the data and for approval by the department head or designee that has been provided by the comptroller's office. The applicable rate for mileage shall be the IRS travel reimbursement rate.

4. APPROVAL. a. The department head of the agency for which the private automobile expense was incurred shall approve and attest to the accuracy and reasonableness of each mileage report submitted.

b. All private automobile reimbursement payments to employees exceeding 1,000 miles monthly shall be concurred by the finance and personnel committee before payment is made.

5. INSURANCE. The authorized employee or official using his private automobile in the conduct of city business shall have at least the minimum insurance coverage prescribed by state law and shall have declared the use of his automobile on city business to his insurance company to protect the city's interests. It shall be the responsibility of his department head to see that the employee is adequately covered by such insurance before he approves the use of a private

vehicle on city business and reimbursement for such use.

6. POSITIONS AUTHORIZED. In the event that a position for which private automobile reimbursement is authorized is filled by an incumbent classified at a lower level, private automobile reimbursement is authorized under the same conditions that apply to the authorized positions.

7. RATES. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, mileage incurred on official city business by an employee or official authorized to be reimbursed for use of his or her private automobile, excluding members of the common council who shall be reimbursed as provided for in sub. 8-a, shall be made once per month based on the internal revenue service standard mileage rate in effect for each mile driven on official city business.

8. COMMON COUNCIL MEMBERS. a. In order to provide transportation which is necessary and essential to the discharge of the official duties of the members of the common council, each member shall be entitled to a monthly payment. This payment shall not be made if during the month the member has not attended any of the scheduled meetings of the council, unless excused by the council president, and has not attended any of the scheduled meetings of the standing committees to which the member is appointed, unless excused by the committee chair.

b. The monthly rate shall be indexed annually on the basis of the private transportation component of the Consumer Price Index's U.S. City Average for Urban Wage Earners and Clerical Workers, published by the U.S. Bureau of Labor Statistics. The monthly transportation rate shall be increased or decreased (rounded to the nearest dollar) on the basis of the percentage change (calculated to the nearest 1/10th of 1%) in the annual average index numbers for the immediately preceding two calendar years.

9. EXCEPTIONS. Employees or officials who make occasional, non-routine trips outside the city on official business, but who are not specifically authorized by title in the positions ordinance to be reimbursed for private automobile mileage incurred on city business shall be covered by the following provisions:

a. City officers shall, upon presentations of properly certified statements, reimburse employees or officials for properly authorized travel at the rates specified in sub. 7, except that on trips of less than 50 miles one-way (100 miles round-trip), mileage reimbursement shall not be provided unless otherwise approved.

b. If one person is traveling by car, the reimbursement for mileage shall not exceed coach air fare for the same trip; or, if 2 or more persons travel together in one car, reimbursement shall be for actual miles traveled in accordance with the schedule in sub. 7 and shall be paid to only one person traveling in the car.

c. On trips over 500 miles to destination, if 2 or more persons travel together in one car, the person (or persons) not granted mileage reimbursement may be reimbursed for up to 2 additional days for hotel and miscellaneous expenses upon filing properly certified statements. This reimbursement shall not exceed coach air fare.

d. If the conveyance is by means other than private automobile, reimbursement shall be on the basis of actual transportation expenses incurred.

e. The private automobile of the employee or official shall be covered by insurance as required in sub. 5.

350-185. Automobile Reimbursement; Withholding Taxes. 1. REPORTS REQUIRED. Each city officer or employee, excluding members of the common council, who is furnished a city-owned vehicle to provide transportation which is necessary and essential to the discharge of his official duties or who is reimbursed for expenses incurred in the use of his private automobile on city business as provided in s. 350-183 shall report as directed by the city comptroller to the city comptroller the official business mileage and personal mileage driven in city-owned vehicles or his privately owned vehicle. The use of a city-owned vehicle from the home or place of residence to the place of work and from the place of work to the home or place of residence and all other mileage not within the usual, regular or customary duties of the official or employee affected shall be deemed personal mileage. In doubtful cases, the city comptroller shall determine the nature of the mileage reported.

2. WITHHOLDING ON NONBUSINESS MILEAGE. The city comptroller shall annually, or as often as is necessary or appropriate, compile

such date and calculate such mileage at the authorized rate per mile and determine the fair market value for the personal use of city-owned vehicles in accordance with applicable law and as is approved by the internal revenue service of the United States. Upon completion of such calculation and compilation, the comptroller shall withhold from the employee's paycheck such amounts as is required to comply with the tax liability of the city in accordance with the requirements of applicable federal, state, and FICA law and he shall add the required amount to the individual's W-2 form as added compensation. This amount shall not be part of the city of Milwaukee salary ordinance and shall not be included in the base for pension, group life or other fringe benefits based on salary.

350-187. Odometer Readings of City Automobiles. 1. CERTIFIED STATEMENT. Whenever there is established in the city budget an appropriation to cover allowances for operation and maintenance of automobiles owned by city officials or employees and used on city business, before such allowance shall be paid, such official or employee shall prepare such certified statements as are required, and containing such information as shall be deemed necessary by the comptroller. Such certified statements shall be submitted to the head of the employing agency, who shall check the statement for accuracy, and shall certify to same by his signature and shall prepare a payment form as prescribed by the city comptroller, which, together with the certified statement as approved, shall be forwarded to the comptroller for payment. The comptroller shall refuse to allow any payment unless certified information as required has been submitted.

2. REGULATIONS. Such automobile allowances shall conform to the conditions of all common council resolutions or city ordinances describing conditions under which the allowance shall or shall not be paid. In no case shall miles driven between the official's or employee's home and the location considered to be the base of operations be included as miles driven on city business.

350-188. Parking.

1. ASSISTANT CITY ATTORNEYS. Assistant city attorneys shall receive parking paid for and secured by the city.

2. POLICE ADMINISTRATION BUILDING EMPLOYEEES. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, employees assigned to the police administration building shall be reimbursed for parking. The reimbursement shall not exceed $125 per month, nor shall it exceed the actual monthly costs paid for by the employee. To be eligible for reimbursement, the employee shall submit all parking receipts to the police department administration. Receipts for parking paid by the month shall be submitted by the 15th of the current month. Receipts for parking paid by the day shall be submitted by the 5th of the following month.

` SUBCHAPTER 9
GENERAL REGULATIONS

350-201. Appointment and Duties of Employees. All the officers and employees of the city of Milwaukee, unless now otherwise provided by law, the charter of the city of Milwaukee or by ordinances, or unless otherwise provided in these general ordinances, shall be appointed by the head or heads of the respective departments to which they belong and shall perform such duties outside of those prescribed by law and the ordinances of the city, as the rules of the department may provide and the head or heads thereof may direct.

350-203. Diversity, Equal Employment Opportunity and Affirmative Action.

1. DECLARATION OF POLICY. It is the policy of the city of Milwaukee to provide equal employment opportunities to all qualified persons without regard to their race, religion, color, age, disability, sex, national origin, sexual orientation, marital status, membership in the military reserves, creed, ancestry, arrest or conviction record, or use or nonuse of lawful products away from work. In adhering to this policy, the city complies with the Wisconsin Fair Employment Act, Title VII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act of 1990, and other applicable statutes and regulations relating to equal employment opportunities. This policy represents the city's commitment to a nondiscriminatory work environment for all qualified applicants and employees. The city of Milwaukee is an employeer which values the diversity of its employees.

2. DEFINITIONS. In this section:

a. "Affirmative action" means, in employment, the screening of position descriptions and selection criteria to ensure the use of appropriate, job-related requirements; comprehensive and inclusive advertising and recruiting efforts; special or targeted recruiting in addition to traditional methods; training plans and programs, including on-the-job training; and gender-neutral and culturally bias-free criteria to be used when making employment decisions relating to recruitment, hiring, performance evaluation, promotion, transfers, training opportunities, compensation and other terms and conditions of employment and termination.

b. "Diversity" means, in addition to differences based on ethnicity, gender, age, religion, disability, national origin and sexual orientation, an infinite range of individuals' unique characteristics and experiences, such as communication styles, career, work, life experience, educational backgrounds and other variables. Diversity focuses on tapping the talents of people of different backgrounds, experiences and perspectives as a means of improving the workplace environment and productivity. Diversity awareness works to create an environment that recognizes values and utilizes the unique skills and abilities of all employees. The goal of diversity awareness is to create an inclusive, respectful and equitable work environment.

c. "Equal employment opportunity" means the equal and fair treatment of all qualified applicants and employees with regard to city employment practices, including, but not limited to, recruitment, selection, hiring, training, promotion, compensation, benefits, transfers, discipline, terms and conditions of employment, and layoffs.

3. OFFICE OF DIVERSITY AND OUTREACH. There is established, under the direction of the employee relations director, an office of diversity and outreach for the purpose of promoting the importance, benefit and necessity of maintaining diversity within the city's workforce and ensuring compliance with applicable policies, ordinances, statutes, laws and executive orders. The office of diversity and outreach shall have other duties pertinent thereto, including but not limited to:

a. Reviewing and assisting the development of diversity, equal employment opportunity, affirmative action plans of the various city departments to ensure that each plan is consistent with the overall city plan.

b. Maintaining statistics, which include, but are not limited to, the proportion of underrepresented group members at all levels and job classifications in the city's workforce and the availability of qualified underrepresented group members in the labor force of the relevant labor areas. The statistics shall indicate how each group has been affected by new hires, training opportunities, promotions and discipline.

c. Counseling employees, managers and others about diversity, equal employment opportunity and affirmative action issues in the workplace.

d. Facilitating diversity related training programs and workplace mediation.

e. Receiving and investigating complaints of discriminatory employment practices, workplace violence, or of harassment in the workplace from city employees. If an investigation discloses a violation has occurred, the diversity and outreach officer shall work with department heads and managers to implement corrective action and resolve the situation.

f. Receiving and investigating complaints filed with the city equal rights commission regarding any resident who believes that he or she has been discriminated against in employment or housing within the city.

g. Receiving and investigating complaints filed with the fire and police commission regarding any citizen who believes he or she has been treated by an employee of the fire or police department in a manner that violates fire and police commission or departmental rules.

h. Identifying and maintaining comprehensive and effective recruitment methods that promote a diverse workforce.

i. Monitoring results of police and firefighter training, with emphasis on female and minority recruits.

j. Participating in performance examinations, job fairs, and police aide and fire cadet recruitment activities at high schools and other locations.

k. Working through a comprehensive community relations effort and public information program to enhance the image of the fire and police service.

L. Reviewing all state of Wisconsin and federal laws, rules and regulations concerning equal employment opportunities to ensure compliance.

4. DIVERSITY AND OUTREACH OFFICER. The diversity and outreach officer shall, under the direction of the employee relations director, manage the day-to-day operations of the office of diversity and outreach; perform complaint intake functions; investigate complaints; serve as the city's Americans with Disabilities Act coordinator; ensure compliance with applicable ordinances, statutes, laws and executive orders; have responsibility and authority for the development and implementation of a comprehensive diversity, equal employment opportunity and affirmative action plan for the city; and function as the liaison between the fire and police departments, the fire and police commission, the media and the community.

5. DEPARTMENT DIVERSITY, EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PLANS. Each city department shall submit a diversity, equal employment opportunity and affirmative action plan every 2 years. The office of diversity and outreach shall provide guidelines and a time line for submitting the plans.

6. CITYWIDE DIVERSITY, EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PLAN.

a. The department of employee relations shall incorporate the individual departmental plans into a citywide diversity, equal employment opportunity and affirmative action plan that shall be submitted to the city service commission. This plan shall be prepared every 2 years.

b. Upon approval by the city service commission, the plan shall be submitted to the mayor and common council. Upon adoption, the plan shall be distributed to all city department heads.

7. IMPLEMENTATION.

a. Recruitment. The department of employee relations shall practice comprehensive and inclusive advertising and recruiting efforts, which may include special recruiting targeting previously underrepresented groups, in addition to traditional recruiting methods.

b. Training. The department of employee relations shall develop training plans and programs, including on-the-job training, designed to develop the knowledge, skills and abilities essential for developing each employee's fullest potential The department of employee relations shall develop and provide relevant training to increase employees' knowledge and awareness of laws and regulations, as well as the city's policies relating to diversity, equal employment opportunity and affirmative action and respecting diversity in the workplace.

c. Testing, Selection, Placement and Promotion. The department of employee relations shall review city testing, selection, placement and promotion polices to ensure that they comply with applicable laws and regulations relating to equal employment opportunities.

8. ACCOUNTABILITY AND REPORTS. The department of employee relations shall be responsible for the successful implementation and coordination of the citywide diversity, equal employment opportunity and affirmative action plan. In turn, each department head shall be accountable for the successful implementation of their departmental diversity, equal employment opportunity and affirmative action plan.

350-204. Direct Deposit for City Employees. Each employee who is capable of maintaining a financial relationship with a banking institution shall participate in the direct deposit of city pay checks.

350-205. Flexible Spending Account.

1. ESTABLISHED. There is established a flexible spending account program for city employees. The plan shall enable employees to fund with pre-tax dollars employee and dependent costs associated with coverage under existing city health and dental programs, a health care flexible spending arrangement and a dependent care assistance flexible spending arrangement. The plan shall be an eligible plan under sec. 125 of the internal revenue code. The plan shall be by specific written master agreement and salary reduction agreements executed by eligible employees which shall provide for reduction of such amount of compensation from employees' wages as is authorized by employee and the city for expenditure in accordance with the plan.

2. ELIGIBILITY. City employees eligible for benefits shall be eligible for participation in the flexible spending account plan. In order to participate, employees must file a written election.

3. ADMINISTRATION. The plan shall be administered under the supervision of the department of employee relations. The master agreement governing the plan shall be approved by the common council. The treasurer shall be the custodian of funds held by the city under the plan. The city may contract with a third party administrator and any such agreement shall be subject to common council approval.

350-206. Tuition Benefits; All Employees. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, employees shall be eligible for tuition benefits relating to tuition and required textbooks. Tuition benefits shall be $1,200 per calendar year. The following provisions apply:

1. Up to $600 of tuition benefits per calendar year may be used for job or promotion-related certifications and license fees.

2. Up to $1,200 in tuition benefits per calendar year may be used for job-related membership dues.

3. Police aides shall be eligible for a combined maximum of $2,400 during the first 2 calendar years of employment.

4. The department of employee relations shall establish guidelines for the administration of tuition benefits.

350-207. Bonds for Officers and Employees.

1. CITY TREASURER AND DEPUTY. Before entering upon the duties of their respective offices, the city treasurer and the deputy city treasurer shall each be covered by corporate surety bonds in the amount of $200,000 executed to the city of Milwaukee. The bonds shall be official bonds subject to ch. 19, Wis. Stats. The common council, by resolution, may require that the said officers be covered by new and additional bonds and may remove either or both of them from office for failing to be covered by proper bonds. The cost of the bonds shall be paid by the city.

2. OTHER OFFICERS AND EMPLOYEES. Pursuant to s. 3-22 of the city charter, the common council, by resolution, may require that other officers and employees be covered by faithful performance or honesty type bonds, either in individual form or under a blanket bond, or both, and may remove any of them from office for failing to be covered by proper bonds. The cost of such bonds shall be paid by the city.

3. APPROVAL. All bonds shall be approved as to form and execution by the city attorney.

350-209. Hours of Labor of City Employes.

1. WORKDAY. Department heads shall determine hours of work, but the basic workday of all employees of the city shall consist of 8 hours in a calendar day. As far as it is practicable this workday shall conform with the established hours of business. This conformity shall not interfere with the special time schedules governing departments operating more than 8 hours in each calendar day, nor shall this provision for an 8 hour day for city employes be construed as prohibiting the creation of part-time employment or the establishment of rotative, staggered or shortened work periods.

2. WORK WEEK. The service week of every employe or officer of the city shall be limited to 5 days' employment or duty per week, except in cases where such reduction would conflict with some legal requirement. This in no way prohibits a department head from establishing an alternative work schedule. So far as is practicable the days on which employes and officials shall not be required to work shall be Saturdays and Sundays in order to provide uniformity and an opportunity to take advantage of the economies of a complete shutdown of city activities. If the regular schedule of departmental operation requires work on these days, this work shall not be considered overtime work, and the employee shall be entitled to time-off during such periods as the department head may designate.

350-211. Political Activity Prohibited.

11. BY DEPARTMENTS, BOARDS, ETC. The heads of city departments, bureaus, boards and commissions or any member of their respective departments, bureaus, boards and commissions, in their official capacities, are prohibited from recommending any changes or amendments of the laws of the state of Wisconsin to the legislature of the state of Wisconsin, or to any committee of the legislature, or to any member of the state legislature of the state of Wisconsin, or from recommending to the Wisconsin department of industry, labor and human relations, or to any employe of Wisconsin department of industry, labor and human relations any changes in the Wisconsin state building code adopted by the department in discharge of its duties under ch. 101, Wis. Stats., without first submitting to the common council any changes or amendments of the laws of the state of Wisconsin or of the state building code, and obtaining the approval of and a directive from said common council.

2. PENALTY. Willful violation of this section by any officer or employe shall be considered a cause for discharge, suspension or demotion subject to the law and rules regulating such actions.

350-213. Defense of City Officials and Employees. 1. TO DEFEND CIVIL ACTIONS. The city attorney is authorized to defend civil actions brought against any officer or employe of the city, or of any board or commission thereof, growing out of any acts done in the course of his employment or out of any alleged breach of his duty as such officer or employe, excepting action brought to determine the right of such officer or employe to hold or retain his office or position, and excepting also actions brought by the city against any officer or employe thereof.

2. CITY ATTORNEY LIABILITIES. Nothing contained in this section, nor any action taken by the city attorney pursuant to the provisions hereof, shall be construed to impose any liability, either for costs, damages or otherwise, upon the city or the city attorney, nor to obligate the city or city attorney to pay any cost or expenses in conducting the defense of any such action, it being the intention merely to authorize the city to furnish legal services to its officers and employes in the case mentioned without incurring any other or further obligations.

350-215. Photographs of Property. Every officer or employee of the city who is about to cause to be taken any photograph of property in connection with any public work shall consult with the city attorney relative to those to be taken if it is apparent that the property or project may be involved in litigation.

350-217. Refusal to Pay Judgment; Employee to be Discharged. Every officer, clerk, assistant or employee of the city who shall refuse and neglect to pay and satisfy any final judgment rendered against him in a court of justice for any debt incurred or contracted by him for and during his appointment and employment as such officer, clerk, assistant or employee, shall be discharged from the service of the city. It shall be the duty of the chiefs of the several departments to discharge every officer, clerk, assistant or employee serving in their respective departments upon any information duly filed with them, verified by the affidavit of the person or persons making the same, setting forth

the facts, and that the said officer or employee made default in the payment of such judgment or judgments or any part thereof, as the case may be; provided, that no such officer, assistant, clerk or employee shall be compelled to pay in any one month on account of such judgment or judgments a larger sum than 1/3 of the amount of the monthly salary of compensation he receives from the city; and, provided further, that the provisions of this section shall not apply to any officer or employee of the city who shall pay or cause to be paid every month 1/3 of his monthly salary or compensation until such judgment or judgments shall be fully paid and satisfied.

350-219. Participation in Governmental, Professional, Technical and Community Organizations.

1. POLICY. City employees are encouraged to participate in governmental, professional, technical and community organizations for purposes of performing public service and to enhance their job performance and thereby improve the efficiency of city operations.

2. GOVERNMENTAL ACTIVITIES. City department, division and bureau heads shall grant time off with pay up to 32 hours per year to employees appointed or elected to city, county, state or federal boards, commissions or committees for official meetings and functions of such bodies during regularly scheduled working hours. Time off with pay shall be granted only if the employee gives 48 hours notice requesting time off for such activities. Employees may be permitted additional time off with pay beyond 32 hours per year for attendance at meetings for the purpose of carrying out the business of a board, commission or committee or for attending conferences necessary to the efficient discharge of the duties and responsibilities of a board, commission or committee if approved of by the finance and personnel committee upon receipt of a written request from a board, commission or committee requesting such additional time off with pay for an employee. Overtime pay as provided under this chapter shall be allowed if participation on the board, commission or committee is an extension of the employee's regular job.

3. NONGOVERNMENTAL ACTIVITIES. City department, division and bureau heads may grant up to 32 hours of time off with pay per year to employees to attend meetings of job-related governmental, professional, technical or community organizations. Permission shall be in writing and shall be granted only if the employee gives 48 hours notice requesting time off for suchactivities. Employees may be permitted additional time off with or without pay under this section if approved by the finance and personnel committee upon the written request from the organization requesting the additional time off. No overtime pay shall be allowed for such activities.

350-221. Identification Badges.

1. BADGES TO BE WORN. a. By City Employees. All city employees other than members of the police force who enter residences or business places in the city for the purpose of performing inspections or other related services shall be required as a condition of obtaining access to such residence or business to wear an identification badge bearing the photograph, name and/or employee number and that such person be designated as an employee of the city. Such badge shall be worn on the front part of the employee's outer garment so that the same shall be easily visible at all times during the performance of such employee inspection or other related duties. This section shall not apply to inspectional personnel of the health department while in performance of job duties which require anonymity.

b. By Public Utility Employees. All employees of public utilities, as such term is defined in s. 196.01, Wis. Stats., who enter residences or business places in the city for the purpose of performing either inspectional service, or in the performance of any duty relating to the operation of such public utility or for the purpose of checking or installing any facility or appliance for which service is provided or is required to be provided by such public utility, shall be required as a condition of obtaining access to such residence or business to wear an identification badge which bears a photograph, name and/or employee number that such person be designated as an employee of a particular public utility. Such badge shall be worn on the front part of the employee's outer garment so that the same shall be easily visible at all times during the performance of the acts referred to in this section.

2. PENALTY. Any person found guilty of violating sub. 1 shall be punished by a fine of not less than $25 nor more than $50.

350-223. Civil Service in City Attorney's Office.

1. CIVIL SERVICE STATUS. Pursuant to s. 63.29, Wis. Stats., all persons employed as attorneys in the office of the city attorney, except the city attorney and deputies of the city attorney, shall be hired subject to all city civil service provisions.

2. DEPUTY CITY ATTORNEYS. There are created 4 positions of deputy city attorney who shall be appointed by the city attorney and such positions shall not be under civil service, and the city attorney shall be responsible for all the acts of the deputy city attorneys. The deputy city attorneys may be selected from among the assistant city attorneys in the office of the city attorney, and, if so selected from among that group, while serving as deputy city attorneys, they shall retain their civil service status and tenure as former assistant city attorneys as provided for in this section. The deputy city attorneys shall be required to take the oath of office as provided in the charter and may perform all duties and have all responsibilities required of the city attorney by law.

350-229. Rotative Employment System.

1. ESTABLISHED. The city service commission is authorized and directed, subject to approval by the common council, to establish a system of rotative service, rotative lay-offs, staggered employment, furloughs without pay, shortened work days, and part time work for all positions in the classified service of all departments, bureaus, boards and commissions where there has been staff reduction due to budget reductions or operating economies and where there are several persons holding positions of the same title or positions in which the duties may be performed efficiently by persons having different titles in the judgment of the head of the department, bureau, board or commission, and of the city service commission.

2. AUTHORITY. The city service commission shall establish such systems upon the request of the common council, or upon the request of the head of the department, bureau, division, board or commission, and after a public hearing, notice of which shall be given to all employees who might be affected by the decision. A full statement of any action of the commission in exercising this authority, together with a list of the positions and employees affected, shall be included in its minutes. The commission is also authorized to revoke or modify its action in the same manner as it was originally exercised.

3. SERVICE RATING, ETC. Nothing in this section shall be construed to prevent the establishment of a system of service ratings, or to limit the right of discharge, suspension, discipline or appeal.

4. COMPENSATION, ETC. Incumbents of positions placed upon a rotative, part time, shortened work day or staggered schedule of work, the compensation of which is fixed by ordinance or resolution upon a daily, monthly or annual basis, shall be paid a proportionate share of such salary or wage.

350-231. Application of Specifications for Personnel Service. The specifications for personnel service shall apply to all authorized offices and employment in the departments, bureaus, institutions, boards and commissions of the city government under control of the common council, and shall supersede all grouping of employment inconsistent therewith and shall be applied subject to the conditions and regulations included in ss. 350-112, 350-114, 350-231 to 350-235, 350-241 and 250-243.

350-233. Extent of Application for Specifications for Personnel Service. The specifications for personnel service shall apply in their entirety to all offices and employments in the city service to be filled after this chapter takes effect and shall not affect present civil service employes except as herein provided. The specifications for personnel service shall not in themselves be construed to define, or prescribe the organization or procedure under which employes shall work, or to limit or restrict the responsible administrative officials in exercising supervision or assigning such other duties as may be necessary in case of emergency.

350-235. Request for New Positions. 1. TO BE SENT TO CITY SERVICE. All departmental requests for new positions or of proposed changes in the standard specifications affecting existing positions shall be sent by the department head to the city service commission before submission to the common council. In such requests the department head shall set forth clearly the duties, qualifications and other matters affecting the classification, title, grade and compensation and the necessity for the creation of the new position or of such changes affecting the existing position.

2. TO BE INVESTIGATED. Upon receipt of such statement the city service commission shall promptly investigate and determine whether the position is in fact new or whether the changes so far as they affect the classification, title, duties and qualifications and compensations of the existing

position are in accordance with the standard specifications for personnel service and the civil service law, rules and regulations. No office or employment shall be considered new unless the duties thereof are found by the city service commission to be substantially different from those of every other existing position in the city service.

3. COMMISSION TO SUBMIT REPORT. The city service commission shall submit a report to the common council of its approval or disapproval and indicate the purposes of the changes as they affect the classification, title, duties and qualifications of the position, and so far as they affect changes in the civil service compensation grade, which has been established only as a guide for the new position or the existing position. When the commission shall find any office or employment to be in fact new or shall find the requested changes affecting any existing position to be in accordance with the standards in the specifications for personnel service and the civil service rules and regulations, the commission shall classify such position under the appropriate service, grade and title provided in the specifications for personnel service. The standard titles shall be used to designate the position in all reports to and records of the city service commission and in all payrolls or accounts of salaries and wages submitted to the commission for check and certification as to legality of employment and to the city comptroller and treasurer for payment.

350-237. Exclusion from Benefits.

1. DEFINITIONS. In this section:

a. "Half-time employee" means an employee whose hours of work are established at 20 hours per week or less.

b. "Less than half-time employee" means an employee whose hours of work are established at less than 20 hours per week.

c. "More than half-time employee" means an employee whose hours of work are established at more than 20 hours, but less than 40 hours per week.

d. "Provisional, emergency and temporary appointments" are as defined in the city civil service rules.

2. BENEFITS EXCLUDED.

a. A permanent employee who is eligible for benefits and receives a provisional, emergency or temporary appointment shall not lose rights to any employment benefits.

b. Except as specifically provided, any individual who is hired on a provisional, emergency or temporary appointment, student aide, volunteer auxiliary police officer or less than a half-time employee shall not be eligible for the following employment benefits:

b-1. Vacation with pay.

b-2. Additional off-days with pay.

b-3. Sick leave with pay.

b-4. Funeral leave with pay.

b-5. Injury pay.

b-6. Holiday pay.

b-7. Holiday differential pay.

b-8. Shift differential pay.

b-9. Jury duty with pay.

b-10. Military training and civil disturbance leave of absence with pay.

b-11. Medical benefits.

b-12. Group life insurance.

b-13. All other benefits not specifically listed in this section.

c. Employees with job titles contained in the city salary ordinance, part 1, section 9: hourly, part-time, intermittent, shall not be eligible for any benefits.

3. BENEFITS PROVIDED.

a. Those employees listed under sub. 2-b shall be eligible for certain employment benefits as provided for in other code provisions or state statutes.

b. City laborers who have not completed 2,080 hours of employment shall be eligible for the following employee benefits upon appointment:

b-1. Salary Increments.

b-2. Overtime in cash or compensatory time-off.

b-3. Workers' compensation.

b-4. Pay during time-off for military induction examinations.

b-5. Call-in pay.

b-6. Medical benefits.

b-7. Vacation pay. Employees may take vacation time earned after working 2,080 hours.

c. City laborers shall become eligible for the following additional employment benefits after completing 2,080 hours of work:

c-1. Sick leave with pay. The 6-month waiting period shall be waived.

c-2. Injury pay.

c-3. Holiday pay.

c-4. Shift differential pay.

c-5. Weekend differential pay.

c-6. Jury duty with pay.

c-7. Military training leave of absence with pay.

c-8. Dental insurance.

c-9. Group life insurance.

c-10. Retirement benefits.

c-11. Sick leave incentive program.

d. More than half-time and half-time employees shall be eligible for the following employment benefits on a pro rata basis and only during the period of actual employment:

d-1. Vacation with pay.

d-2. Holiday pay.

d-3. Sick leave with pay.

d-4. Funeral leave.

d-5. Sick leave incentive program.

d-6. Jury duty with pay.

d-7. Tuition and textbook reimbursement.

d-8 2-hour doctor and dentist appointment.

e. More than half-time employees shall be eligible for group life insurance on a pro rata basis and only during the period of actual employment.

4. APPLICATION AND ADMINISTRATION.

a. An employee on the payroll prior to January, 1966, shall not lose any of the benefits provided to that employee, except that an employee, regardless of his or her date of placement on the city's payroll, who attained status in the city's central clerical pool on or after December 30, 1973, shall not be entitled to any of the employment benefits listed in sub. 2, as long as he or she retained status in the clerical pool. In addition, if any employee with status conferred via the clerical pool receiving the benefits specified in sub. 2 because he or she meets the criteria set forth in sub. 2 ceases to qualify for benefits according to sub. 3, that employee shall under no condition be eligible to receive benefits.

b. The department of employee relations shall administer the provisions of this section.

c. No provision of this section shall be construed to prevent elected and appointed city officers from accruing all benefits, including sick leave, but excluding salary increments, listed in subs. 1 and 2 from which they are not otherwise excluded by state statute, and these officials shall accrue benefits in a like manner as all other city employees who are eligible for those benefits, and the terms of office of these officials shall be deemed as periods of employment with the city for accrual of benefits.

d. The director of employee relations is authorized to accept a statement from elected or appointed city officers concerning sick leave usage and balance as needed to determine sick leave accruals.

e. Elected and appointed city officers, and former elected and appointed city officers who are employees of the city, are covered by this section.

f. Employees hired on or after July 1, 1982, to fill the positions of temporary customer service representative and accounting aide in the office of the city treasurer, shall not receive any employment benefits listed in sub. 3 regardless of their previous employment status in the city service. Employees in the city treasurer's office who had previously worked in these positions prior to July 1, 1982, shall retain their benefits status**.**

350-239. Promotion from Grade to Grade. Promotion from one grade to the next higher grade of positions in the classified civil service shall involve a change of duties and shall be made only when a vacancy has been created by resignation, transfer, death or dismissal, or when a new position shall have been created.

350-241. Disciplinary Grievance Procedure.

1. DEPARTMENT OF EMPLOYEE RELATIONS. The department of employee relations shall be the official agency for the settlement of grievances stemming from unpaid disciplinary suspensions that are not appealable to the board of city service commissioners. The department of employee relations shall establish and administer a procedure to resolve grievances.

2. ELIGIBILITY. An employee who is not subject to the rules of the city service commission under s. 63.27, Wis. Stats., shall not be covered by this section. A regularly-appointed employee, having passed probation, may use the grievance procedure established by the department of employee relations when he or she receives an unpaid suspension of one to 15 days. An eligible employee who receives a second suspension within 6 months of a former one, independent of the length of the second suspension, may file an appeal with the city service commission in accordance with rule XIII, section 2, of the civil service rules if he or she chooses to contest the discipline.

3. PROCEDURE. Employees and supervisors shall make every reasonable effort to resolve any concerns, questions, or misunderstandings that have arisen from the imposition of discipline before filing grievances. The department of employee relations shall develop and administer a grievance procedure that includes a final independent review of the circumstances of the grievance and determine whether the disciplinary action was reasonable under the circumstances. An independent reviewer shall make these determinations and shall have the authority to either affirm, reduce or set aside associated disciplinary actions.

4. REPORTS. The city service commission shall receive an annual report of the grievances filed and resolved under this section..

350-242. Nature of Employee Regulations and Benefits. Except to the extent that the city provides otherwise in a collective bargaining agreement lawfully entered into pursuant to the Wisconsin municipal employment relations act, none of the provisions in ch. 350 of the code are intended to give rise to or create, and none of the provisions in ch. 350 should be construed by any individual employee or any group of employees as giving rise to or creating, any contractual rights or any vested rights or interests of any kind whatsoever, and all such provisions are subject to modification or revocation by the common council at any time.

350-243. Relocation Expense Reimbursement. City departments may pay relocation expenses on a reimbursement basis from their budgets for non-local candidates selected for department head, deputy department head or other city positions for which recruitment outside the local area is required in order to attract a representative pool of well-qualified candidates provided:

1. This decision is based on the quality of that candidate versus the local candidates being considered and whether the individual's acceptance of the position is contingent upon payment of relocation expenses.

2. Such expenses are a cost of filling a position vacancy and may be financed from vacancy savings or other savings in departmental budgets.

3. The allowable reimbursement for relocation expenses shall not exceed 10% of the midpoint of the salary range of the person being hired.

4. The payment is appropriate and necessary and made in accordance with appropriate procedural guidelines developed by the department of employe relations and approved by common council resolution.

5. The department of employe relations, with the concurrence of the chair or vice chair of the finance and personnel committee, authorizes payment of relocation expenses.

6. That requests for payment of relocation expenses are made no later than 90 days after the actual move of the person being hired.

7. That requests for payment of relocation expenses are sent to the director of employe relations who shall forward them to the chair or vice-chair of the finance and personnel committee.

350-244. Relocation Expense Reimbursement for Nursery Manager. The department of public works may make a relocation expense reimbursement to any employee of the department who is promoted to or hired for the position of nursery manager and is required to live at the city nursery as a condition of his or employment. The payment of the relocation expense reimbursement shall be in accordance to the conditions specified under s. 350-243-2 to 7.

350-245. Domestic Partnership Registration.

1. REGISTRATION AUTHORIZED. Any 2 individuals, one or each of whom is a city employe, who meet the requirements of this section may register as a domestic partnership as provided in this section.

2. APPLICATION. Individuals who seek to register as a domestic partnership shall appear in person in the department of employe relations and complete and sign an application form provided by the department, which shall include a declaration of domestic partnership, additional agreements, a declaration of a condition of domestic partnership and an affirmation, as provided in subs. 3 to 6.

3. DECLARATION OF DOMESTIC PARTNERSHIP. Applicants for registration shall sign a declaration of domestic partnership stating that they:

a. Are in a domestic relationship of mutual support, caring and commitment, and intend to remain in that relationship.

b. Are 18 years of age or older and competent to enter into a contract.

c. Are not married.

d. Are not related by kinship to a degree that would bar marriage in this state.

e. Reside together in the city.

f. Have not been in a registered domestic partnership with another individual during the 12 months immediately prior to the application date unless that domestic partnership was terminated by death or marriage.

4. ADDITIONAL AGREEMENTS. In addition, applicants shall agree that they:

a. Understand that their registration as domestic partners is a matter of public record.

b. Agree to notify the department of any change in the status of the domestic partnership and to file a termination notice when appropriate.

5. CONDITIONS OF DOMESTIC PARTNERSHIP. The applicants shall declare that they possess at least 3 of the following conditions of domestic partnership:

a. They have common or joint ownership of a residence.

b. They have a current lease for a residence identifying both applicants as tenants.

c. They jointly own a motor vehicle.

d. They have a joint bank or credit union account.

e. They have a joint credit account.

f. They have identified each other as primary beneficiaries in their wills.

6. AFFIRMATION. Each applicant shall swear or affirm, subject to the penalties for false statements of s. 946.32, Wis. Stats., that the information declared and stated in the application for domestic partnership is true and correct to the best of his or her knowledge.

7. VERIFICATION. The department shall verify the age, identity and city residence of applicants for domestic partnership. The department may require such reasonable documentation as may be necessary to verify the claims made by those seeking to register a domestic partnership. If a previous domestic partnership was terminated by death or marriage, an applicant may be required to submit proof satisfactory to the department of the death or marriage.

8. TERMINATION. A domestic partnership is terminated by any of the following:

a. The death of one of the partners.

b. The marriage of one of the partners.

c. The filing of a termination statement.

Either domestic partner may terminate a domestic partnership by submitting to the department a termination statement on a form provided by the department. The termination form shall either be signed by both domestic partners or shall include a statement by the terminating domestic partner that he or she has mailed or personally delivered a copy of the termination statement to the other domestic partner, or that he or she does not know the location of the other domestic partner.

9. RE-REGISTRATION. An individual whose domestic partnership has been terminated under sub. 8 may not file another declaration of domestic partnership under this section until at least 12 months after the date on which the department received the termination statement.

10. PRIOR REGISTRATIONS. Any individuals registered under s. 111-3-10, in effect prior to October 30, 2009, shall be considered registered under this section and subject to its requirements.

11. INTENT. This section is not intended to make any provisions of state law which relate to partnerships, particularly the uniform partnership act and the uniform limited partnership act, chs. 178 and 179, Wis. Stats., or ch. 770, Wis. Stats., relating to domestic partnership, apply to domestic partnerships registered under this section.

350-247. Fraud, Waste and Abuse Hotline.

1. PURPOSE AND INTENT. a. The purpose of this section is to establish a mechanism for city employees and members of the general public, in good faith, to report alleged fraud, waste or abuse in city operations by city employees or officers of the city, thereby minimizing financial loss and potential adverse effects on the city. The fraud, waste and abuse hotline seeks to ensure integrity, accountability and public trust through timely investigation and resolution activities, followed by the initiation of appropriate steps to design and implement preventative measures in response to allegations received.

b. It is the intent of the city to protect city employees who lodge good-faith complaints through the fraud, waste and abuse hotline from retaliation, or by keeping the reported information confidential on a need-to-know basis to the extent allowed by the law.

2. DEFINITIONS. In this section:

a. "Abuse" means the improper use of city resources in a manner contrary to law, city policy or work rules, or the improper use of one's position for private gain or advantage for himself or herself or any other person.

b. "Fraud" means any intentional act or omission for personal gain designed to deprive the city of its resources or assets to which the individual or person is not entitled.

c. "Waste" means the careless expenditure of city funds or resources above and beyond the level that is reasonably required to meet the needs of the city, or the consumption or use of city resources that is not authorized.

3. CREATION. There is created a city fraud, waste and abuse hotline administered by the internal audit division of the city comptroller's office.

4. SCOPE. a. The hotline shall receive complaints involving the fraud, waste or abuse of city resources, including the following:

a-1. Illegal acts, such as theft, fraud, kickbacks, bribes, price-fixing or conflicts of interest, by city employees, or contractors or their employees.

a-2. Misuse or abuse of city property or resources, including city buildings, vehicles or equipment, or city time by employees.

a-3. Improper use of one's authority.

a-4. Gross misconduct, such as reckless disregard for the safety of others, or attempts to financially defraud the city, falsification of documents or other forms of misrepresentation.

a-5. Inefficiency of city employees.

b. The hotline shall not receive complaints concerning improper activities by or against individuals who are not employed by, volunteering for or contracting with the city.

5. INTERNAL AUDIT; INVESTIGATION

a. The internal auditor within the comptroller's office shall be responsible for the hotline.

b. The internal audit division shall receive, track and investigate or refer for investigation complaints received by the hotline. The investigation may include all steps that the internal auditor deems appropriate, including the review of a complaint, any documentary or other evidence provided with it, the gathering of any other relevant documents from any city department or other source, and interviews of the complainant and other persons with relevant information.

c. The internal auditor may refer the complaint, excluding a complaint of employee misconduct, to a city department for investigation or conduct the investigation when appropriate. The audit division may recommend that a department take a specific action based on the internal auditor's initial investigation. Within 60 days of receiving a complaint for investigation or recommendation by the internal auditor for a specific action, or such other time the internal auditor may specify, the department shall report to the internal auditor in writing the results of the department's investigation and any action that the department has taken, including actions taken in response to a recommendation by the internal auditor.

d. The internal auditor shall refer reports of individual employee misconduct to the appointing authority.

6. ADMINISTRATION. a. All city employees and officers shall report any instances of suspected fraud, waste or abuse or other illegal acts upon becoming aware of such suspected activities or issues within city government.

b. The city shall maintain a telephone hotline number, website and electronic mail (e-mail) address, providing any employee, vendor or member of the public the ability to anonymously and confidentially report any suspected fraud, waste, abuse or illegal behavior.

c. The working audit papers of the internal audit staff concerning fraud, waste or abuse shall be confidential.

d. The internal auditor shall keep all information confidential while an active investigation is being conducted. When an investigation results in a criminal indictment or arrest, it shall be considered active until disposed of by the judicial system. This shall not be constructed to limit those conducting an actual investigation from revealing or discussing information as necessary to facilitate the investigation.

e. Nothing in this section shall be construed to limit, discourage or prevent employees from reporting inappropriate or illegal activities directly to their supervisors, managers, department heads, personnel officers, the department of employee relations, the internal audit division or local law enforcement.

7. EMPLOYEE PROTECTION. a. Employees shall be protected from being disciplined, discharged or subjected to threats, or otherwise discriminated against in retaliation for bringing forth, in good faith, charges of fraud, waste or abuse, or other unlawful conduct in violation of any city policy, directive or code provision by any employee, official, appointee, contractor or vendor of the city when the report of fraud, waste or abuse is the sole cause of the retaliatory action.

b. Good faith shall be established if an employee has a reasonable belief that an employee, official, appointee, contractor or vendor of the city is engaged in fraud, waste, abuse or other unlawful conduct in violation of a city policy, directive or code provision.

c. An employee who knowingly, or with reckless indifference to the truth, makes a false report may be subject to disciplinary or legal action.

d. An employee who believes he or she has suffered retaliation for filing a complaint with the hotline shall file a detailed report within 30 days from the date of the alleged retaliatory action. The report shall be filed with the internal auditor and the director of employee relations. The written report shall include all the relevant facts concerning the alleged retaliatory action, including:

d-1. The name and work address of the complainant.

d-2. The name and title of each city employee against whom the complaint of retaliation is made.

d-3. The specific type and date of retaliation.

d-4. A statement as to the facts that form the basis of the complaint of retaliation.

d-5. A statement of the complainant's explanation of how his or her reported allegation of fraud, waste, abuse or other unlawful conduct or participation in an investigation, proceeding or hearing is related to the investigation.

e. Complaints of retaliation by city employees shall be investigated by the department of employee relations. If an investigation discloses a violation has occurred, the department of employee relations shall work with department heads and managers to implement corrective action and resolve the situation as provided in s. 350-203-3-e.

f. Nothing in this section implies an intention by the city to alter or change any employee's employment status or to create a private legal claim or cause of action concerning any complaint of retaliation.

8. REPORT. The internal auditor shall submit an annual report to the common council which shall include:

a. The number of complaints received.

b. The types of complaints received.

c. The number of referrals to the department of employee relations or other city departments.

d. The number of investigations conducted by the internal audit division.

e. Findings or recommendations on policies and practices resulting from investigations.

For legislative history of chapter 350, contact the Legislative Reference Bureau.

[Pages 965 to 1090 are blank]

CHAPTER 355
COMMUNITY PARTICIPATION IN DEVELOPMENT AGREEMENTS

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355-1. Definitions. In this chapter:

1. DEPARTMENT means department of city development or other city department partnering on a private construction project.

2. DIRECT FINANCIAL ASSISTANCE means the value of below-market land sales, any direct subsidies to developers and city expenditures for private improvements, with a combined value of $1 million or more, as determined by the commissioner of the department, targeted specifically to a project. It includes the value of tax increment financing and below-market-rate loans provided by the city.

3. UNEMPLOYED OR UNDER-EMPLOYED means that the resident has worked less than 1200 hours in the preceding 12 months or has not worked in the preceding 15 days or, regardless of employment status, has household income at or below the federal poverty guidelines as adjusted by the Wisconsin department of public instruction to define eligibility for reduced lunch in public schools.

355-3. Requirements for Projects Receiving Direct Financial Assistance. All persons or entities receiving direct financial assistance for projects approved after August 8, 2009, shall comply with this chapter in the implementation of such projects.

355-5. Application Process.

1. All developers seeking direct financial assistance for a project shall complete an application in the form provided by the department.

2. Once the application has been completed, the department and the city comptroller shall provide to the common council an analysis of the project's financial feasibility, market assumptions, rate of return, and jobs impact, including wage and benefit information. The department shall further provide a separate report discussing the quality of proposed building and site design, the impact of the project on the city's historic building stock, and the project's sustainable features, including use of alternative energy sources and recycled and low-impact materials, creation of public open space, incorporation of transit- and pedestrian-oriented design features and amenities, and eligibility for certification under the Leadership in Energy and Environmental Design Green Building Rating System or other national certification.

3. Any resolution proposing direct financial assistance shall include a term sheet outlining the conditions under which such assistance is to be provided.

4. The department shall negotiate development agreements governing the implementation of projects for which direct financial assistance is approved. Such agreements shall incorporate the conditions contained in the term sheet approved by the common council. No city funds may be released for any project governed by this chapter without the approval of a term sheet and execution of a development agreement. Development agreements shall require compliance with all provisions of ss. 355 7 to 355 13, except that the common council may by resolution impose lesser or different requirements.

5. Any developer seeking direct financial assistance for a project shall prepare a report, to be attached to the application required by sub. 1, on the estimated cost of including solar power and other sustainable features as part of the project. This report shall also include an estimate of the amount of time that would be required to recover the cost of the solar-power features

through energy-cost savings. The environmental collaboration office established under s. 310-3 shall develop and provide administrative procedures and technical assistance for this report, and shall provide information on financing options, including property assessed clean energy (PACE) financing, to the developer.

355-7. Participation of City Residents.

1. REQUIREMENTS. Recipients of direct financial assistance shall:

a. Ensure compliance with aspects of the development agreement regarding the use of unemployed and underemployed residents for construction of the project. For the purpose of this section, "worker hours" includes work performed by persons filling apprenticeship and on-the-job training programs and excludes the number of hours of work performed by all non-Wisconsin residents.

b. Ensure that all of the recipients' contracts with contractors and sub-contractors for the project include a provision in which such contractor or subcontractor certifies that it knows of the provisions of this section, intends to comply with them and authorizes the city to enforce its terms.

c. Require that contractors and subcontractors maintain personnel records listing the name, address, race and gender of all employes utilized for each construction contract, and any records demonstrating that the employes utilized by the contractors and subcontractors in meeting the requirements of this section are residents of the city. These records shall be maintained for 7 years after the contractor or subcontractor has received final payment under its construction contract, and shall be made available to the office of small business development for inspection upon reasonable notice.

2. ADMINISTRATION. The department of city development and office of small business development shall be responsible for the planning, implementation and enforcement of this section.

a. Prior to submitting a proposed term sheet for a project, the commissioner of city development, in consultation with the office of small business development or such other entity as may be designated by the city from time to time, shall determine the appropriate level of participation of unemployed and underemployed residents of the city for the project to reflect the job or trade categories required for the project and the pool of available certified and qualified workers within each job or trade category. The total appropriate level of participation shall be presumed to be 40%, unless the commissioner determines there is sufficient reason to impose a lesser requirement. The recipient of direct financial assistance shall submit a city resident utilization plan and gap analysis detailing how the level of required participation will be achieved. Up to one-third of required worker hours may be achieved by documenting the use of unemployed or underemployed residents on projects undertaken by the developer where such compliance is not required, or by hiring unemployed or underemployed residents on a full-time permanent basis for non-construction job categories connected to the project. Such adjustments must be proposed in an affidavit on a form provided by the department setting forth the facts upon which the request for adjustment is based.

a-1. At least one quarter of the appropriate level of participation required in par. a shall be performed by unemployed or underemployed residents who maintain their permanent residence in zip codes established as high-poverty, as determined by the city clerk on January 1 every three years beginning in 2017, in consultation with the department of administration and based on income guidelines established by the U.S. department of housing and urban development for poverty relief and housing block grant programs. Every worker hour exceeding this requirement shall count for one-and-a-half hours toward the requirement of par. a.

a-2. If a developer cannot meet the participation requirements of par. a, the appropriate level of participation may, at the discretion of the office of small business development, be met by utilizing unemployed or underemployed residents to work on concurrent projects in any Wisconsin county, provided those residents began their employment on projects in the city.

b. Prior to the release of funds, the office of small business development shall confirm that all contractors and subcontractors, prior to commencement of their work, have submitted an affidavit in the form supplied by the office of small business development from employes utilized to meet the requirements of this section, stating that the employe is unemployed or underemployed and is a resident of the city.

c. During the construction of any project covered by this section, the office of small business development shall:

c-1. Monitor compliance with the provisions of this section.

c-2. Confirm that all developers, contractors and subcontractors have submitted construction contract time reports listing workers by name, race, gender, residential address, work classification and hours worked at least once every 3 months during the course of their work and within 10 days following completion of their work.

c-3. Arrange for an independent audit with respect to the residents preference program, to be performed every 3 years, by a certified accounting firm licensed to perform audits in the state of Wisconsin, or by the city comptroller.

c-4. Confirm that developers, contractors and subcontractors are utilizing the first-source employment program, as provided in s. 355-11.

2.5. RECORDKEEPING. The department of city development and office of small business development shall ensure that all data required for reporting under this section are maintained in a centralized labor or contract compliance software system, as provided in s. 370-3-5.

3. REPORTING. The office of small business development, in coordination with the department of city development, the department of public works and the residents preference program review commission, shall prepare, on or before October 1 of each year, a residents preference program report on the efforts of recipients of direct financial assistance in achieving the goals of the program for development agreements. The performance report shall include the following:

a. The number and dollar amount of all development agreements executed.

b. The number and dollar amount of development agreements which incorporated a residency requirement and the percentage of unemployed or underemployed resident worker hours required as well as the number of worker hours worked or performed.

c. If not all development agreements included a residency requirement or if some agreements contained a requirement of less than 40% of worker hours, the reason for this difference.

d. Information relating to worker hours by zip code, race, gender, trade and hourly wage.

e. Full disclosure of the office of small business development's reasons for adjusting the participation percentage goal for individual categories of work.

f. The percentage of total hours worked by city, non-city and non-state residents for contracts which included the residency requirement.

g. Information to assist the common council in its annual reappraisal of the residents preference program pursuant to s. 309-41-4, including the number of individual participants by job type, the number of new city residents hired during the year under the program and the number of program participants who advanced to apprenticeships or on-the-job training programs.

355-9. Apprenticeship and On-The-Job Trainee Requirements.

1. REQUIREMENT. a. Recipients of direct financial assistance shall employ, and shall require their contractors and subcontractors to employ, apprentices and on-the-job trainees in the performance of all construction contracts and subcontracts for the project entered into by the recipient, contractor or subcontractor in accordance with the maximum ratio of apprentices to journeymen established by the Wisconsin department of workforce development, and in accordance with the following requirements:

a-1. One-quarter of the apprentices and on-the-job trainees required under par. a, as measured in worker hours, shall be unemployed or underemployed residents of the city, as defined in s. 355-1-3. For every worker hour exceeding the requirements of this paragraph, one-and-a-half hours shall be credited toward the requirements of s. 355-7-2-a.

a-2. Of the apprentice and on-the-job trainee worker hours required under par. a-1, at least 40 percent shall be attributable to unemployed or underemployed residents residing in zip codes established as high-poverty, as determined by the city clerk on January 1 every three years beginning in 2017, in consultation with the department of administration and based on income guidelines established by the U.S. department of housing and urban development for poverty relief and housing block grant programs.

b. In determining whether the requirements of par. a are appropriate for insertion in specification for a particular project, the department of administration may consider the nature of the work, whether the project is of short duration and whether their work will involve trades which do not have apprentices or on the job trainees.

2. MONITORING AND ENFORCEMENT. The department of administration shall:

a. Monitor the performance of each contractor or subcontractor with respect to the ratio of apprentices to journeymen and on-the-job trainees to non-trainees employed on the construction contract during performance of the construction contract.

b. Confirm that all developers have maintained records concerning their contractors' and subcontractors' apprenticeship and on-the-job training programs, which shall be retained for 7 years after the project has concluded These records shall be made available to the department of administration for inspection upon reasonable notice.

c. Confirm that recipients, contractors and subcontractors submit contract time reports showing compliance with any contract requirements imposed in accordance with this section at least once ever 3 months during the course of their work and within 10 days following completion of their work.

355-11. First-Source Employment Utilization.

1. DEFINITIONS. In this section "first-source employment program" means an employment program operated by the city or its designee which is to be utilized as contractors' first source for recruiting applicants for both new and replacement employment.

2. RECIPIENT OF DIRECT FINANCIAL ASSISTANCE. Recipients of direct financial assistance shall require all of their contractors and subcontractors on the project to utilize the first-source employment program, subject to the following:

a. Prior to announcing or advertising a position for work which shall be performed as a result of a construction contract, construction subcontract or of a new employment position, a contractor or subcontractor shall notify the office of small business development, or its designee, about the position, including a general description and the minimum requirements for qualified applicants.

b. The contractor or subcontractor shall not make any public announcement or advertisement for a period of 10 business days after notification to the office of small business development or its designee, of the availability of the position.

c. The office of small business development or its designee shall maintain a database of job opportunities subject to this section and shall provide information on these job opportunities to all city residents.

d. The advance notice period required by par. b shall be waived if there are no qualified candidates to refer to the contractor or subcontractor. The office of small business development or its designee, shall notify the contractor of this waiver within 5 business days of being informed of the job availability.

e. The office of small business development or its designee shall institute a tracking system and record which applicants were interviewed, which applicants were not interviewed and which applicants were hired for positions subject to this subsection.

3. The office of small business development shall confirm that each construction contract for a project entered into by a recipient of direct financial assistance requires contractors and subcontractors to enter into a first-source agreement with the city or its designee which shall apply for the duration of the contract. A first-source recruitment agreement shall require:

a. Utilization of the city's first-source employment program as the first source for recruitment and referral of applicants for new and replacement employment.

b. Allowing the city's first-source employment program a minimum of 10 business days to refer applicants to contractors. Contractors may apply for a waiver of the 10-day requirement in emergency situations. Waivers may only be granted by the office of small business development or its designee.

c. The contractor or subcontractor to interview and consider qualified applicants referred by the office of small business development or its designee before interviewing others.

4. HIRING DECISIONS. Contractors and subcontractors shall retain the right to make all final hiring decisions.

5. AGREEMENTS. First-source recruitment agreements shall not require contractors or subcontractors to comply with this section if job vacancies or newly-created positions are filled by transfer or promotion from existing staff or from a file of qualified applicants previously referred by the office of small business development or its designee.

6. DISTRIBUTION OF INFORMATION. The department and the office of small business development shall distribute information about the first-source employment program to all developers of commercial, industrial and mixed-use projects in the city, including all developers not receiving direct financial assistance.

7. ENFORCEMENT. The office of small business development shall monitor compliance with this section.

355-13. Other Requirements.

1. CASH FLOW AND COST-SAVINGS PARTICIPATION. When determined feasible by the commissioner,
development agreements shall include provisions under which the city benefits financially from either lower-than-expected project costs or higher-than-expected project cash flow.

2. PAYMENTS IN LIEU OF TAXES. When direct financial assistance is provided to a project in the form of tax incremental financing, the development agreement shall require a payment in lieu of taxes with respect to any parcel or building within the project that is or becomes exempt from real property taxes. This provision shall be incorporated into a covenant running with the land.

3. WAGE REQUIREMENTS. A development agreement shall include provisions requiring, unless precluded by s. 66.0903, Wis. Stats., that an employee who performs work that is funded by financial assistance from the city receive, at a minimum, a living wage as defined in s. 310-13-2-a. The department of administration shall monitor compliance with this subsection.

4. SMALL BUSINESS ENTERPRISES.

a**.** The developer of any project receiving direct financial assistance from the city shall use a small business enterprises as defined in s. 370-1-23 for project expenditures in a total aggregate dollar amount equal to the following.

a-1. Construction: 25%.

a-2. The purchase of goods and services: 25%.

a-3. The purchase of professional services: 18%.

b The requirement to use small business enterprises shall be included in a written agreement between the city and the entity receiving the direct financial assistance.

c**.** A business that is certified with Milwaukee County, the state of Wisconsin or the U.S. federal government as a disadvantaged, emerging or small business enterprise, or some other program that in the discretion of the manager of the office of small business development is comparable to the city's small business enterprise program, shall qualify as a small business enterprise for the purposes of this chapter, and shall be included when determining compliance with the subsection.

355-17. Sanctions. Every development agreement subject to the requirements of this chapter shall contain language indicating that if any document submitted to the city by a developer receiving financial assistance, a contractor or subcontractor under this chapter contains false, misleading, fraudulent information or demonstrates non-compliance with the requirements of this chapter, the department of administration may seek prosecution under s. 355-19 or the imposition of any of the following sanctions:

1. Imposition of a requirement that remedial efforts be undertaken by developers for the remaining portion of a project where initial reports demonstrate non-compliance with the resident preference hours required for the project.

2. Specific performance or specified remedies under any written agreement pertaining to small business enterprise participation or first-source recruitment agreement.

3. Remedies available to the city under a development agreement for such non-compliance.

4. Withholding of payments.

5. Termination, suspension or cancellation of the contract or agreement in whole or in part.

6. After a due process hearing, denial of right to enter into agreements with the city for 2 years.

355-19. Penalty. Any person, firm or corporation knowingly engaging in fraud, misrepresentation or in any attempt, direct or indirect, to evade the provisions of this chapter by providing false, misleading or fraudulent information shall, upon conviction, forfeit not less than $2,000 nor more than $5,000 together with the costs of prosecution.

LEGISLATIVE HISTORY
CHAPTER 355

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 355	cr	080218	3/25/2009	8/8/2009
355-1-1	am	151474	6/14/2016	1/1/2017
355-1-3	am	151474	6/14/2016	1/1/2017
355-5-5	cr	160177	9/20/2016	10/7/2016
355-7-1-c	am	110086	10/11/2011	1/1/2012
355-7-2-0	am	110086	10/11/2011	1/1/2012
355-7-2-a	am	110086	10/11/2011	1/1/2012
355-7-2-a	am	151474	6/14/2016	1/1/2017
355-7-2-a-1	cr	151474	6/14/2016	1/1/2017
355-7-2-a-2	cr	151474	6/14/2016	1/1/2017
355-7-2-b	am	151474	6/14/2016	1/1/2017
355-7-2-c	am	110086	10/11/2011	1/1/2012
355-7-2-c-2	am	151474	6/14/2016	1/1/2017
355-7-2-c-4	cr	151474	6/14/2016	1/1/2017
355-7-2.5	cr	151055	12/15/2015	12/31/2015
355-7-2.5	am	151474	6/14/2016	1/1/2017
355-7-3-0	am	110086	10/11/2011	1/1/2012
355-7-3-0	am	151474	6/14/2016	1/1/2017
355-7-3-a	am	151474	6/14/2016	1/1/2017
355-7-3-b	am	151474	6/14/2016	1/1/2017
355-7-3-c	am	110086	10/11/2011	1/1/2012
355-7-3-c	am	151474	6/14/2016	1/1/2017
355-7-3-d	rc	151474	6/14/2016	1/1/2017
355-7-3-e	am	110086	10/11/2011	1/1/2012
355-9-1-a	am	151474	6/14/2016	1/1/2017
355-9-1-a-1	cr	151474	6/14/2016	1/1/2017
355-9-1-a-2	cr	151474	6/14/2016	1/1/2017
355-9-1-b	ra to 355-9-2-c	151474	6/14/2016	1/1/2017
355-9-1-b	cr	151474	6/14/2016	1/1/2017
355-9-2-b	am	151474	6/14/2016	1/1/2017
355-11-2-a	am	110086	10/11/2011	1/1/2012
355-11-2-b	am	110086	10/11/2011	1/1/2012
355-11-2-c	am	110086	10/11/2011	1/1/2012
355-11-2-d	am	110086	10/11/2011	1/1/2012
355-11-2-e	am	110086	10/11/2011	1/1/2012
355-11-3-0	am	110086	10/11/2011	1/1/2012
355-11-3-b	am	110086	10/11/2011	1/1/2012
355-11-3-c	am	110086	10/11/2011	1/1/2012
355-11-5	am	110086	10/11/2011	1/1/2012
355-11-6	am	110086	10/11/2011	1/1/2012
355-11-7	am	110086	10/11/2011	1/1/2012
355-13-3	rc	091048	12/22/2009	1/9/2010
355-13-3	rp	110735	12/20/2011	1/12/2012
355-13-3	cr	131627	7/22/2014	8/8/2014
355-13-4	rc	111326	5/22/2012	6/12/2012
355-13-4-d	rp	141261	12/16/2014	1/10/2014
355-15	rp	151474	6/14/2016	1/1/2017

355-15-1	rn to 355-15-0	110735	12/20/2011	1/12/2012
355-15-2	rp	110735	12/20/2011	1/12/2012
355-17-2	am	111326	5/22/2012	6/12/2012
355-17-a	rp	110735	12/20/2011	1/12/2012
355-17-b	rn to 355-17-1 (corr.)	110735	12/20/2011	1/12/2012
355-17-c	rn to 355-17-2 (corr.)	110735	12/20/2011	1/12/2012
355-17-d	rn to 355-17-3 (corr)	110735	12/20/2011	1/12/2012
355-17-4	cr	151474	6/14/2016	1/1/2017
355-17-5	cr	151474	6/14/2016	1/1/2017
355-17-6	cr	151474	6/14/2016	1/1/2017

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CHAPTER 365
LOCAL BUSINESS ENTERPRISE CONTRACTING PROGRAM

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365-1. Creation; Purpose. There is created a local business enterprise contracting program in order to offset unemployment in the city of Milwaukee and promote the economic growth of the city.

365-3. Definition. In this chapter:

1. CONTRACTING AGENCY means any city department, agency, board, commission or officer that has contracting authority.

2. LOCAL BUSINESS ENTERPRISE means a business which satisfies all of the following criteria:

a. Operates a business, or owns or leases real property within the geographical boundaries of the city of Milwaukee. Post office box numbers shall not suffice to establish compliance with this paragraph. A residential address may suffice to establish compliance with this paragraph, but only if the business does not operate another business, or own or lease other real property, either within or outside the geographical boundaries of the city of Milwaukee. Leased property shall not suffice to establish compliance with this paragraph unless at least half of the acreage of all of the real property owned, operated or leased by the business is located within the geographical boundaries of the city of Milwaukee.

b. Has has been doing business within the geographical boundaries of the city of Milwaukee for at least one year.

c. Is not delinquent in the payment of any local taxes, charges, or fees, or has entered into an agreement to pay any delinquency and is abiding by the terms of the agreement.

d. Will perform at least 10% of the monetary value of the work required under the contract.

3. PURCHASING DIRECTOR means the city purchasing director granted the authority to purchase in s. 16-05-1-a of the charter.

365-4. Application. This chapter shall not apply to any competitive bid contract for the construction, execution, repair, remodeling or improvement of a public work or building, or for the furnishing of supplies or material of any kind for the construction, execution, repair, remodeling or improvement of a public work or building.

365-5. Administration. The local business enterprise contracting program shall be administered by the purchasing director. The director shall develop appropriate rules, procedures and regulations for assuring compliance with the purpose and intent of this chapter, and supervise, coordinate, monitor and enforce the implementation of the local business enterprise contracting program goals in accordance with those rules, procedures and regulations.

1. DOCUMENTATION. Rules and procedures shall be made available to the public and distributed to contracting agencies. In addition, the city purchasing director shall establish reporting requirements for all contracting agencies to document the dollar amount of contracts that have been awarded to local business enterprises.

2. ANNUAL REPORT. The purchasing director shall review the activities of the local business enterprise program annually and submit an annual report to the mayor and the common council.

365-7. Obligations of Contracting Departments.

1. CONTRACT AWARD.

a. A contracting agency, shall, unless contrary to federal, state or local law or regulation, apply an award standard in all formal competitive bids so that an otherwise responsive and responsible bidder which is a local business enterprise shall be awarded the contract, provided that its bid does not exceed the lowest bid by more than 5%.

b. A contracting agency shall, unless contrary to federal, state or local law or regulation, apply an award standard in the composition of scales used to evaluate proposals submitted in response to formal requests for proposals to procure goods or services. An additional number of points, equal to 5% of the maximum number of points used in the evaluation, shall be applied to increase the total score attained by a local business enterprise.

c. If the bids of 2 or more local business enterprises do not exceed the lowest bid by more than 5%, the contract shall be awarded to the local business enterprise that submitted a bid that exceeded the lowest bid by the smallest amount.

d. If a bid submitted by a non-local business enterprise and a bid submitted by a local business enterprise are identical, the contract shall be awarded to the local business enterprise, even if the bids are only identical due to the 5% award standard provided for in this chapter. If 2 bids submitted by 2 local business enterprises are identical, the winner will be determined in accordance with the process for tie-breakers as established by the city purchasing director.

e. The preference under par. a shall not exceed $25,000 for any one solicitation and award determination. The preference under par. f shall not exceed $30,000 for any one solicitation and award determination.

f. If a local business enterprise is also certified as a small business enterprise under s. 370-25, the award standards set forth in pars. a to d shall be 10%.

2. DUTIES OF CONTRACTING AGENCY. Each contracting agency shall:

a. Obtain affidavits from local business enterprises with their bids or proposals verifying their status.

b. Cooperate with the purchasing director in the implementation of this chapter.

c. Provide monthly reports to the purchasing director not later than 30 calendar days after the end of the previous month specifying with respect to contracts:

c-1. Provide the dollar amount of those contracts awarded to local business enterprises.

c-2. Provide other information as may be requested by the purchasing director.

365-9. Duration. This chapter shall be in effect for a period of 7 years after the effective date of this chapter [August 8, 2009], provided, however, that the common council shall determine the necessity for the continuation of the program as well as the applicable percentage of bid award standards for local business enterprises at 2-year intervals from the effective date of this chapter.

365-11. Sanctions. Every contract awarded under this chapter shall contain language indicating that if any document submitted by a contractor contract contains false, misleading or fraudulent information, the contracting agency or the purchasing director, as the case may be, may direct the imposition of any of the following sanctions on the offending contractor:

a. Withholding of payment.

b. Termination, suspension or cancellation of the contract in whole or in part.

c. Denial to participate in any further contracts awarded by the city.

365-13. Penalty. Any person, firm or corporation knowingly engaging in fraud, misrepresentation or in any attempt, direct or indirect, to evade the provisions of this chapter by providing false, misleading or fraudulent information shall, upon conviction, forfeit not less than $2,000 nor more than $5,000 together with the costs of prosecution.

LEGISLATIVE HISTORY
CHAPTER 365

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 365	cr	080218	3/25/2009	8/8/2009
365-3-1	am	130100	5/13/2014	5/31/2014
365-3-2	rc	090823	12/1/2009	12/18/2009
365-3-2-a	am	151474	6/14/2016	1/1/2017
365-3-2-b	am	151474	6/14/2016	1/1/2017
365-3-3	cr	130100	5/13/2014	5/31/2014
365-4	cr	110754	12/20/2011	1/12/2012
365-4	am	111233	1/18/2012	2/4/2012
365-5	am	130100	5/13/2014	5/31/2014
365-7-1-a	am	130100	5/13/2014	5/31/2014
365-7-1-b	am	130100	5/13/2014	5/31/2014
365-7-1-e	am	151474	6/14/2016	1/1/2017
365-7-1-f	cr	151474	6/14/2016	1/1/2017
365-7-2	am	130100	5/13/2014	5/31/2014
365-7-2-c	am	151474	6/14/2016	1/1/2017
365-11-0	am	130100	5/13/2014	5/31/2014

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CHAPTER 370
SMALL BUSINESS ENTERPRISE PROGRAM

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SUBCHAPTER 1
GENERAL PROVISIONS

370-1. Definitions. In this chapter:

1. AT A DISADVANTAGE WITH RESPECT TO BUSINESS LOCATION means location within a renewal community within the city for a period of not less than one year of the applicant’s principal office and business of which the applicant is the sole owner or one of the owners and a principal operator.

2. AT A DISADVANTAGE WITH RESPECT TO EDUCATION means failure to attain a high school degree or its equivalent for good reason or attendance in schools which have repeatedly achieved ratings below national, state and community averages in educational standards, educational standardized test scores and student grade point averages.

3. AT A DISADVANTAGE WITH RESPECT TO EMPLOYMENT means a pattern of nonachievement in hiring, promotion and other aspects of employment advancement due to factors beyond the individual's reasonable control, a lack of current knowledge and skills necessary for employment, career advancement or consistent earning of average annual income below the median income level of adults of comparable age in this city.

4. AT A SOCIAL DISADVANTAGE means an applicant's experience of substantial difficulty in attaining employment or business success at least in part due to location of the individual's residence and lack of mobility, physical handicap or other causes beyond the individual's reasonable control.

5. AT AN ECONOMIC DIS-ADVANTAGE means an inability to compete in the free enterprise system due to diminished capital, credit or bonding opportunities. Factors which will be considered as an indication that an individual has been economically disadvantaged include, but are not limited to, failure to accumulate adequate business capital or obtain sufficient credit to start or support a going business concern, failure to acquire business-related credit or bonding under terms or circumstances as favorable as those generally experienced by nondisadvantaged individuals, consistent failure to receive awards or bids of governmental contracts despite competitive pricing or other similar factors which have disadvantaged the applicant in the development of a business.

6. CONSTRUCTION means the erection, rehabilitation, alteration, conversion, extension, demolition or repair of improvements to real property, including facilities providing utility service and includes the supervision, inspection and other on-site functions incidental to construction.

7. CONTRACT means a binding agreement by which the city is committed to expend or does expend its funds or other resources for in connection with any of the following purposes:

a. Construction of any public improvements.

b. Purchase of any personal property.

c. Purchase of any services, goods or supplies.

d. Lease of any personal or real property.

e. Concession agreements whereby the city grants a specific permission, privilege or license.

8. CONTRACTING AGENCY means any city department, agency, board, commission or officer that has contracting authority.

9. CONTRACTOR means a separate and distinguishable business entity participating or seeking to participate in the performance of a contract.

d disadvantaged by the common council.

11. INDIVIDUAL AT A DIS-ADVANTAGE means a person who is at an economic disadvantage, who is a citizen or lawful permanent resident of the United States and who is experiencing substantial difficulty in achieving business-related success as a result of at least 3 of the following:

a. At a disadvantage with respect to business location.

b. At a disadvantage with respect to education.

c. At a disadvantage with respect to employment.

d. At a social disadvantage.

12. JOINT VENTURE means an association of 2 or more persons or businesses carrying out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills and knowledge.

13. MANAGER means the manager of the office of small business development.

15. OWNED, OPERATED AND CONTROLLED means a business which is one of the following:

a. A sole proprietorship legitimately owned, operated and controlled by an individual at a disadvantage.

b. A partnership or joint venture legitimately owned, operated and controlled by individuals who are at a disadvantage and who own at least 51% of the beneficial ownership interests in the enterprise and who hold at least 51% of the voting interests of the enterprise.

c. A corporation legitimately owned, operated and controlled by one or more individuals who are at a disadvantage and who own at least 51% of the outstanding shares and who hold at least 51% of the voting interests of the corporation.

17. RENEWAL COMMUNITY means an area within the city for which an application for designation as a renewal community has been submitted to the United States secretary of housing and urban development, or which has been designated as a renewal community by the United States secretary of housing and urban development, under 26 U.S.C., ss. 1400E, et seq., as amended, or similar area designated as disadvantaged by the common council.

18. SMALL BUSINESS ENTERPRISE means a business that has been certified by the office of small business development based on the requirements specified in s. 370-25.

370-3. Administration. There is created an office of small business development in the department of administration which shall be responsible for the administration, coordination and implementation of the city's small business enterprise program. Under the direction of the department of administration, the office of small business development shall be administered by the manager. The manager shall be appointed by the mayor and confirmed by the common council and shall serve concurrently with the term of the mayor. The manager shall:

1. Establish criteria and procedures for reviewing contract performance and compliance with the requirements of the program, subject to approval by the common council.

2. Develop appropriate rules, procedures and regulations for assuring participation of small business enterprises in city contracts, subject to approval by the common council, and supervise, coordinate, monitor and enforce the implementation of small business enterprise participation goals for all city procurements in accordance with those rules, procedures and regulations.

3. Develop procedures for certification of small business enterprises.

4. Provide appropriate management assistance and direction to small business enterprises so as to maximize their participation in contracts let by the city, with such assistance to include:

a. Providing assistance and information in connection with the establishment, expansion and overall development of small business enterprises.

b. Assisting in the introduction of business associations between individuals of small business enterprises and others or between 2 or more small business enterprises.

c. Planning and participating in training seminars for informing potential bidders of the small business enterprise program and of business opportunities available.

d. Serving as a clearinghouse for information about training and educational programs.

e. Developing various types of financial assistance for consideration by the common council to assist small business enterprises to obtain working capital to begin, continue and maintain a satisfactory level of business. These include a revolving loan program, guaranteed loan program, gap lending program and bond reduction and waivers when feasible.

5. Use centralized labor and contract compliance software reporting and evaluation systems for uniform data collection, maintenance, monitoring and reporting by all city departments and contractors with responsibilities under the city's small business enterprise and residents preference programs.

6. Review and monitor all city contracts with small business enterprises for compliance and notify in written form the contractor on the findings of the review and decisions concerning satisfaction of contractual deficiencies.

7. Serve as liaison with economic development organizations and agencies working in support of economic development in the community.

8. Coordinate any city-sponsored economic development programs for small business enterprises.

9. Review small business enterprise participation progress in the city's contract and procurement activities and submit, on or before October 1 of each year, a written report to the mayor and common council.

10. Establish reporting requirements for all contracting departments to document the percentage of contracts which have been awarded to small business enterprises.

11. Devise rules, regulations and procedures governing requests for waivers from the requirements of the small business enterprise program, subject to approval by the common council.

12. Conduct hearings on requests by contracting agencies for waivers from the requirements of the program. Upon a denial of a request for a waiver, the affected agency may apply for a waiver to the appropriate standing committee of the common council. The committee shall have the authority to waive any requirements of this chapter upon showing of good cause.

13. Develop and monitor affirmative action criteria for employment of minorities and women by contractors, subcontractors and suppliers consistent with law.

370-5. Goals of Contracting Departments.

1. GOALS. The following requirements are adopted by the city for increasing the level of small business enterprise participation in city contracts. It shall be the responsibility of each contracting agency to attain such goals in accordance with the criteria specified in this section. Each contracting agency shall, unless contrary to federal, state or local law, utilize small business enterprises for the following percentage of the total dollars, through prime contracts or subcontracts, annually expended on:

a. Construction: 25%.

b. The purchase of goods and services: 25%.

c. The purchase of professional services: 18%.

2. REVIEW OF GOALS. To assure the appropriate percentage goals for small business enterprise participation, the manager shall annually review and adjust the percentage goal, with the approval of the common council.

3. JOINT VENTURES. Participation of small business enterprises in joint ventures with other such businesses and mainstream business entities is encouraged. In the case of a certified joint venture, only that portion of the total dollar value of the contract equal to the percentage of participation of the small business enterprise partner venture in the joint venture shall be counted toward the applicable requirement.

4. DUTIES OF CONTRACTING AGENCIES. Each contracting agency is directed to:

a. Cooperate with the office of small business development in the implementation of the small business enterprise program.

b. Develop lists of small business enterprises experienced in the various types of services, products or property typically contracted for.

c. Provide monthly reports to the manager not later than 30 calendar days after the end of the previous month specifying with respect to contracts and subcontracts for the following:

c-1. For the forthcoming month, the means by which it intends to meet the requirements established by this section and the projected opportunities for small business enterprises.

c-2. The total dollar percentage and dollar amount expended on all city contracts, including with and without small business enterprises.

c-3. The degree to which the goals set forth in this section have been met, any past and current activities undertaken and being undertaken in trying to meet the goals and, if necessary, a detailed explanation of why the goals have not been met.

c-4. Any other information requested by the manager.

d. Appoint a member of the contracting agency or division to serve as a liaison between the contracting agency and the office of small business development.

e. Identify appropriate categories of contracts, on an annual basis, for the inclusion of requirements specifying designated levels of participation of small business enterprises, and, where appropriate, include in each contract a requirement that the contractor achieve the stated percentages.

f. Comply with the monitoring requirement that all prime contractors pay subcontractors within 7 business days of receipt of payment from the city.

5. PERFORMANCE ASSURANCE PROCEDURE. Each contracting agency shall develop and implement procedures, unless inappropriate, to assure that suppliers, employes, agents or other persons providing goods or services to small business enterprises participating in city contracts shall be paid in full in a timely manner. The procedures shall include joint check payments, bonding requirements and other financial safeguards. Nothing contained in this subsection shall require the city to make payments in excess of the contract price.

370-9. Sanctions. Every contract awarded under this chapter shall contain language indicating that if any document submitted to the office of small business development by a contractor, subcontractor, bidder or individual to be certified as a small business enterprise for participating in any city contract contains false, misleading or fraudulent information, the office of small business development may direct the imposition of any of the following sanctions on the offending contractor, subcontractor, bidder or individual:

1. Withholding of payment.

2. Termination, suspension or cancellation of the contract in whole or in part.

3. Denial to participate in any further contracts awarded by the city for a period of one year after the first violation is found and for a period of 3 years after any subsequent violations are found.

370-11. Penalties. Any person, firm or corporation knowingly engaging in fraud, misrepresentation or in any attempt, direct or indirect, to evade the provisions of this chapter by providing false, misleading or fraudulent information shall, upon conviction, forfeit not less than $2,000 nor more than $5,000 together with the costs of prosecution, or upon default of payment, shall be imprisoned in the house of correction or county jail not to exceed 90 days.

SUBCHAPTER 4
SMALL BUSINESS ENTERPRISE PROGRAM

370-23. Creation. There is created a small business enterprise program to assist and protect the interests of individuals at a disadvantage owning, operating and controlling small businesses to promote and encourage full and open competition in the city, and to enhance opportunities for individuals who are at an economic disadvantage to successfully compete in a free market as independent business owners. The program shall apply to all contracts and shall include the taking of steps to increase the participation of small business enterprises, assisting in small business enterprise development programs and the identification and elimination of barriers that deny small business enterprises equal opportunity.

370-25. Certification Requirements for a Small Business Enterprise. A business shall be certified by the office of small business development as a small business enterprise for participation in the program, and shall meet the following requirements:

1. The business shall be a U.S.-based business which is independently owned, operated and controlled and is not dominant in its field of operation, or an affiliate of subsidiary of a business dominant in its field of operation.

2. The business shall meet the size standards of the United States small business administration.

3. The business shall have demonstrated capacity to perform independently or as a subcontractor relative to its field of operation.

4. The business shall not be owned, operated and controlled by individuals or groups of individuals who own, operate and control a large business involved in the same category of work as the business for which small business enterprise status is sought.

5. The business shall be operational for at least one year prior to certification.

6. The owner shall control the day-to-day critical operations of the firm.

7. The owner or owners shall be citizens or permanent, legal residents of the United States.

8**.** The business shall be at least 51% owned, operated and controlled by one or more individuals at a disadvantage.

370-27. Requirements for the Participation of Small Business Enterprises. Annually, there shall be required levels of participation of small business enterprises for the following types of contracts:

1. Construction contracts: 25%.
2. Goods and services contracts: 25%.
3. Professional services contracts: 18%.

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LEGISLATIVE HISTORY
CHAPTER 370

Abbreviations:
am = amended ra = renumbered and amendedrn = renumbered
cr = created rc = repealed and recreated rp = repealed

Section	Action	File	Passed	Effective
Ch. 370	cr	110086	10/11/2011	1/1/2012
370 (title)	am	130303	11/5/2013	11/22/2013
370-1	rc	111226	2/7/2012	2/24/2012
370-1-1	rp	130303	11/5/2013	11/22/2013
370-1-1	am	151474	6/14/2016	7/1/2016
370-1-2	rp	130303	11/5/2013	11/22/2013
370-1-3	ra to 370-1-1	130303	11/5/2013	11/22/2013
370-1-4	rn to 370-1-2	130303	11/5/2013	11/22/2013
370-1-5	rn to 370-1-3	130303	11/5/2013	11/22/2013
370-1-6	rn to 370-1-4	130303	11/5/2013	11/22/2013
370-1-7	rn to 370-1-5	130303	11/5/2013	11/22/2013
370-1-8	rn to 370-1-6	130303	11/5/2013	11/22/2013
370-1-8	am	130100	5/13/2014	5/31/2014
370-1-9	rn to 370-1-7	130303	11/5/2013	11/22/2013
370-1-10	rn to 370-1-8	130303	11/5/2013	11/22/2013
370-1-10	am	141261	12/16/2014	1/10/2015
370-1-10	rp	160591	11/1/2016	11/18/2016
370-1-11	rn to 370-1-9	130303	11/5/2013	11/22/2013
370-1-11	am	141261	12/16/2014	1/10/2015
370-1-12	rn to 370-1-10	130303	11/5/2013	11/22/2013
370-1-13	rp	130303	11/5/2013	11/22/2013
370-1-14	rn to 370-1-11	130303	11/5/2013	11/22/2013
370-1-14	rp	141261	12/16/2014	1/10/2015
370-1-15	rn to 370-1-12	130303	11/5/2013	11/22/2013
370-1-16	rn to 370-1-13	130303	11/5/2013	11/22/2013
370-1-16	rp	141261	12/16/2014	1/10/2015
370-1-17	rn to 370-1-14	130303	11/5/2013	11/22/2013
370-1-17	rn to 370-1-18	151474	6/14/2016	7/1/2016
370-1-17	cr	151474	6/14/2016	7/1/2016
370-1-18	rp	130303	11/5/2013	11/22/2013
370-1-19	rp	130303	11/5/2013	11/22/2013
370-1-20	rp	130303	11/5/2013	11/22/2013
370-1-21	ra to 370-1-15	130303	11/5/2013	11/22/2013
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370-1-23	rn to 370-1-17	130303	11/5/2013	11/22/2013
370-1-24	rp	130303	11/5/2013	11/22/2013
370-3-0	am	130303	11/5/2013	11/22/2013
370-3-0	am	130100	5/13/2014	5/31/2014
370-3-1	am	130303	11/5/2013	11/22/2013
370-3-2	am	130303	11/5/2013	11/22/2013
370-3-3	am	130303	11/5/2013	11/22/2013
370-3-4-0	am	130303	11/5/2013	11/22/2013
370-3-4-a	am	130303	11/5/2013	11/22/2013
370-3-4-b	am	130303	11/5/2013	11/22/2013
370-3-4-c	am	130303	11/5/2013	11/22/2013
370-3-4-e	am	130303	11/5/2013	11/22/2013
370-3-5	am	130303	11/5/2013	11/22/2013

370-3-5	rc	151055	12152015	12/31/2015
370-3-5	am	151474	6/14/2016	1/1/2017
370-3-6	am	130303	11/5/2013	11/22/2013
370-3-8	am	130303	11/5/2013	11/22/2013
370-3-9	am	130303	11/5/2013	11/22/2013
370-3-9	am	151474	6/14/2016	1/1/2017
370-3-10	am	130303	11/5/2013	11/22/2013
370-3-10	am	130100	5/13/2014	5/31/2014
370-3-11	am	130303	11/5/2013	11/22/2013
370-3-12	am	130303	11/5/2013	11/22/2013
370-3-12	am	130100	5/13/2014	5/31/2014
370-5-1-0	am	130303	11/5/2013	11/22/2013
370-5-1-0	am	130100	5/13/2014	5/31/2014
370-5-2	am	130303	11/5/2013	11/22/2013
370-5-3	am	130303	11/5/2013	11/22/2013
370-5-4-0	am	130100	5/13/2014	5/31/2014
370-5-4-a	am	130303	11/5/2013	11/22/2013
370-5-4-b	am	130303	11/5/2013	11/22/2013
370-5-4-c	am	151474	6/14/2016	1/1/2017
370-5-4-c-1	am	130303	11/5/2013	11/22/2013
370-5-4-c-1	am	151474	6/14/2016	1/1/2017
370-5-4-c-2	am	130303	11/5/2013	11/22/2013
370-5-4-d	am	130100	5/13/2014	5/31/2014
370-5-4-e	am	130303	11/5/2013	11/22/2013
370-5-5	am	130303	11/5/2013	11/22/2013
370-5-5	am	130100	5/13/2014	5/31/2014
370-7	am	130303	11/5/2013	11/22/2013
370-7	rp	141574	3/3/2015	3/19/2015
370-9	am	130303	11/5/2013	11/22/2013
370-9	am	130100	5/13/2014	5/31/2014
Subch. 2, ch. 370	rp	130303	11/5/2013	11/22/2013
Subch. 3, ch. 370	rp	130303	11/5/2013	11/22/2013
370-23	am	111226	2/7/2012	2/24/2012
370-25-6	rp	130303	11/5/2013	11/22/2013
370-25-7	rn to 370-25-6	130303	11/5/2013	11/22/2013
370-25-8	rn to 370-25-7	130303	11/5/2013	11/22/2013
370-25-9	cr	111226	2/7/2012	2/24/2012
370-25-9	rn to 370-25-8	130303	11/5/2013	11/22/2013
370-27-1	am	130303	11/5/2013	11/22/2013
370-27-2	am	130303	11/5/2013	11/22/2013

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CHAPTER 375
OFFICE OF AFRICAN AMERICAN AFFAIRS

TABLE

375-1	Definitions
375-3	Administration
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370-7	Cooperation
370-9	Annual Report

375-1. Creation. There is created an office of African American affairs in the office of the common council - city clerk which shall be responsible for the administration, coordination and implementation of the city's policies relating to the special needs of the city's African American residents.

375-3. Administration. Under the direction of the city clerk, the office of African American affairs shall be administered by a manager.

375-5. Duties. The manager of the office of African American affairs shall:

1. Examine and define issues central to the rights and needs of African American residents of the city.

2. Identify and assess the potential disparate impacts of new budgetary and regulatory initiatives on African American residents of the city.

3. Present recommendations to the common council for changes in existing programs and ordinances that disparately impact African Americans residents of the city.

4. Identify barriers faced by African American residents of the city to existing government resources and services and present recommendations for removing those barriers.

5. Develop and implement policies, plans and programs related to the special needs of African American residents of the city.

6. Promote equal opportunities for African American residents of the city with regards to home ownership, business ownership, job creation, job training, health care and education.

7. Promote multiculturalism and full participation by African American residents of the city.

375-7. Cooperation. The manager of the office of African American affairs shall coordinate the activities of the office under this section with any other city departments, boards, commissions and councils that have been tasked with attending to the needs of the city's African American residents.

375-9. Annual Report. The manager of the office of African American affairs shall submit an annual written report of its activities under this section to the common council and the mayor.

LEGISLATIVE HISTORY
CHAPTER 375

Abbreviations:
am = amended ra = renumbered and amendedrn = renumbered
cr = created rc = repealed and recreated rp = repealed

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Ch. 375	cr	160445	9/20/2016	10/7/2016

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INDEX
MILWAUKEE CITY CHARTER AND CODE OF ORDINANCES

This is a combined index for the Milwaukee City Charter and Code of Ordinances. The first number in each section citation refers to the chapter in which the section is found. Ordinance chapters are numbered as follows:

Charter	Chapters 1-36
Code, Volume 1 (Regulatory):	Chapters 50-120
Code, Volume 2 (Building and Zoning):	Chapters 200-295
Code, Volume 3 (Administrative):	Chapters 301-360

Section

-A-

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