

**INSTRUCTION SHEET
ADDITIONS TO
MILWAUKEE CODE OF ORDINANCES
VOLUME 3**

SUMMARY

This supplement incorporates changes to Volume 3 of the Milwaukee Code of Ordinances enacted by the following Common Council file:

151368 An ordinance relating to procurement by the charter school review committee.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
Remove <u>old</u> MEMO (Suppl. #275)				iii-iv v-vi	iii-iv v-vi
320-41-6-e Ch. 320 (hist.)	cr	151368	2/26/2016	367-368 377-378	367-368 377-378
350-165 Ch. 355 (hist.)	corr. corr.			943-944 1095-1182	943-944 1095-1096
Index				1555-1558	1555-1558

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

Abbreviations:

**am=amended
cr=created**

**ra=renumbered and amended
rc=recreated**

**rn=renumbered
rp=repealed**

**MILWAUKEE CODE OF ORDINANCES
VOLUME 3
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MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through February 9, 2016.

Revised 2/9/2016
Suppl. #276

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.

320-43 Boards, Commissions and Committees

- 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.

Boards, Commissions and Committees 320-(HISTORY)

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
320-49-5	rc	090592	11/6/2009	1/1/2010

320--Boards, Commissions and Committees

[Pages 378-500 are blank]

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 employed 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

350-165 Employee Regulations And Benefits

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.

[Pages 945-946 are blank]

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.

355-15. Annual Reports. The department shall compile data assembled by its own employees and the department of administration and provide an annual report to the common council on compliance with the requirements of this chapter on or before October 1 of each year.

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.

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.

**355--(HISTORY) Community Participation In Development
Agreements**

**LEGISLATIVE HISTORY
CHAPTER 355**

Abbreviations:

am = amended

cr = created

ra = renumbered and amended

rc = repealed and recreated

rn = renumbered

rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
Ch. 355	cr	080218	3/25/2009	8/8/2009
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-c	am	110086	10/11/2011	1/1/2012
355-7-2.5	cr	151055	12/15/2015	12/31/2015
355-7-3-0	am	110086	10/11/2011	1/1/2012
355-7-3-c	am	110086	10/11/2011	1/1/2012
355-7-3-e	am	110086	10/11/2011	1/1/2012
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
355-15-1	rn to	110735	12/20/2011	1/12/2012
	355-15-0			
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	110735	12/20/2011	1/12/2012
	355-17-1 (corr.)			
355-17-c	rn to	110735	12/20/2011	1/12/2012
	355-17-2 (corr.)			
355-17-d	rn to	110735	12/20/2011	1/12/2012
	355-17-3 (corr)			

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