

**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:

- 221717 A substitute ordinance relating to employee wages, benefits, and regulations.
- 230357 A substitute ordinance relating to a city sales and use tax.

<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. #346)					
Ch. 304 (table)			7/29/2023	v-vi 41-42	v-vi 41-42
304-100	cr	230357	"	70c-70d	70c-70f
350-37-1-b	am	221717	"	919-920	919-920
Index			"	1555-1558	1555-1558

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Abbreviations:

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cr=created	rc=recreated	rp=repealed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

Revised 7/11/2023
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MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through July 11, 2023.

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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

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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 employee 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

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.

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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 on January 1, 2017, 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 on January 1, 2017. 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 as the regulation was written on January 1, 2017.

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 on January 1, 2017, and has not, during the previous 3 years, been found in violation of any provision of 34 CFR 668 as the regulation was written on January 1, 2017.

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.

304-100. Sales and Use Tax.

1. **AUTHORITY AND PURPOSE.** This section is enacted under the authority of s. 77.701, Wis. Stats. The revenue from the city sales and use tax imposed under this section shall be used for payments to the city retirement system and for public safety services.

2. **IMPOSITION OF TAX.** A city sales and use tax shall be imposed in the manner and to the extent permitted under subch. V of ch. 77, Wis. Stats.

3. **SALES AND USE TAX RATE .** The city sales and use tax imposed by this section shall be at the rate of 2.0%.

4. **EFFECTIVE DATE.** The sales and use tax imposed by this section shall take effect January 1, 2024.

5. **APPLICATION OF SALES AND USE TAX REVENUE.** Revenue from the city sales and use tax, less a percentage retained by the Wisconsin department of revenue for administrative purposes, shall be applied as follows:

a. Annually, no more than 90% of the amount of the revenue generated under this section in 2024 shall be used to offset the actual costs of the city's required payment under s. 62.625, Wis. Stats., toward the unfunded actuarial accrued liability of the city's retirement system, and to offset the increase in participating city agency employer contribution costs from 2022 to the current year, as set forth in s. 77.701(2)(a), Wis. Stats.

b. An amount equal to the revenue derived from 10% of the amount of revenue generated under this section in 2024 shall be used to maintain a level of law enforcement and fire protective and emergency medical service that is equivalent to that provided in the city on April 1, 2023, as set forth in s. 77.701(2)(b), Wis. Stats.

c. In any year in which the amount of city sales and use tax collected under this section exceeds the amount of the taxes collected in 2024 and the amounts necessary to make the payments under pars. (a) and (b), excess revenue shall be used to implement the requirements of s. 62.90(5)(b), Wis. Stats., and the ongoing costs of the increased number of law enforcement officers and the daily staffing levels of the members of the paid fire department, as set forth in s. 77.701(2)(c), Wis. Stats.

6. **REPEAL OF SALES AND USE TAX.** This section shall be repealed at a date to be determined under s. 77.701(1), Wis. Stats.

For legislative history of chapter 304, contact the Municipal Research Library.

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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 furlough dates, the 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 furlough dates, the 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, or an employee's immediate family member's, illness or pregnancy-related disability, bodily injury or exposure to contagious disease. For the purpose of this section only, "immediate family member" has the meaning given in the federal family and medical leave act. 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 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. 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 medical, dental or city workplace clinic appointments, the annual city health appraisal, for blood or plasma donations, or vaccinations without reporting the absence as paid sick leave, up to a maximum of 8 hours 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, Noncivillian Police and Fire Management Employees Working 40-Hour Week. Nonrepresented, noncivillian 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, Noncivillian Fire Management Employees Working 24-Hour Shifts. Nonrepresented, noncivillian 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.

350-37-3 Employee Regulations And Benefits

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 EMPLOYER. 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.

a. 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.

b. 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.

c. 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. When a former city employee is reinstated to city employment in a position subject to s. 63.27, Wis. Stats., any unused accumulated sick and disability leave may be restored in accordance with the policy of the city's civil service commission as if the position was subject to the 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 furlough dates, the 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

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